
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to subordinate legislation in consequence of the Taxation of Pensions Act 2014 (c. 30) and the Pension Schemes Act 2015 (“the 2015 Act”) and revoke the Transfer Values (Disapplication) Regulations (Northern Ireland) 2010 (“the 2010 Regulations”), which apply to members of the pension scheme established under section 67(1) of the Pensions Act 2008 (c. 30) (“the 2008 Act”). Part 4 of, and Schedule 4 to, the 2015 Act provide greater flexibility to pension scheme members when accessing and transferring pension rights.

Regulation 2 makes consequential amendments, following the introduction of the 2015 Act, to regulation 1(2) of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996 (“the 1996 Regulations”).

Regulation 3(2) makes consequential amendments to regulation 2 of the 1996 Regulations which relates to pre-1986 leavers.

Regulation 4 makes consequential amendments to Part 3 of the 1996 Regulations, which contains provisions concerning statements of entitlement and the calculation of a member’s cash equivalent. Regulation 4(4)(d) amends regulation 6 of the 1996 Regulations to provide that where a member applies for a statement of entitlement in respect of more than one of the categories of benefits, the trustees must provide a separate cash equivalent for each category.

Regulation 5 makes consequential amendments to regulation 13 of the 1996 Regulations, which provides for the Pensions Regulator to grant extensions of time for the payment of the cash equivalent.

Regulation 6 makes consequential amendments to Part 6 of the 1996 Regulations. Regulation 6(2) substitutes regulation 14 of the 1996 Regulations and provides for when the time for a member to make an application to take the cash equivalent will be extended. The amendment also provides that time for the trustee to do what is required is extended in the same circumstances.

Regulation 7 makes consequential amendments to regulation 20 of the 1996 Regulations, which provides for the maximum penalty under Article 10 of the Pensions (Northern Ireland) Order 1995 (“the 1995 Order”).

Regulation 8 makes consequential amendments to Schedule 1 to the 1996 Regulations, which sets out information that must be made available to a member of a pension scheme in certain circumstances. Regulation 8(4) provides that where a trustee is not required by section 51 of the 2015 Act to check that the member has received independent financial advice, the trustees make a recommendation that the member should take financial advice.

Regulation 9 makes consequential amendments to Schedule 1A to the 1996 Regulations, which provides for circumstances where a cash equivalent may be reduced. Regulation 9(3) substitutes paragraph 8 of that Schedule so that it applies to the transfer of safeguarded benefits.

Regulation 10 is a transitional provision preserving the effect of paragraph 3 to Schedule 1 to the 1996 Regulations as it was in operation immediately before 6th April 2015 in respect of a member who has made an application for a statement of entitlement under section 89A(1) of the Pension Schemes (Northern Ireland) Act 1993 (“the 1993 Act”) before 6th April 2015.

Regulation 11 makes consequential amendments to the Personal Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1987.

Regulation 12 makes consequential amendments to the 2010 Regulations.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 13(a) revokes provisions of the 1996 Regulations which are no longer needed following the changes introduced by the 2015 Act.

Regulation 13(b) revokes the 2010 Regulations so as to provide that from 1st April 2017 Chapter 1 of Part 4ZA (transfer rights: general) and Chapter 2 of Part 4A (requirements relating to pension credit benefit) of the 1993 Act do apply to the pension scheme established under section 67(1) of the 2008 Act. Those provisions entitle members of occupational or personal pension schemes to acquire a right to a cash equivalent of benefits which have accrued to or in respect of them.

As these Regulations, in so far as they are made under Part 2 of the 1995 Order, make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain, the requirement for consultation does not apply by virtue of Article 117(2)(e) of the 1995 Order.

The revocation in regulation 13(b) is in consequence of the National Employment Savings Trust (Amendment) Order 2015 ([S.I. 2015/178](#)). An assessment of the impact of that Order on private sector and civil society organisations is available alongside that Order on www.legislation.gov.uk. Copies may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA.