
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 161

The Occupational Pension Schemes (Payments to Employer) Regulations (Northern Ireland) 2006

PART 2

Schemes not in wind up

Schemes that are subject to Part IV of the 2005 Order - valuation of assets and liabilities

5.—(1) In the case of a valuation specified in regulation 4(1)(a), and subject to paragraph (2), the value to be given to the assets of a scheme for the purposes of Article 37(3)(a) (payment of surplus to employer) is the value given to those assets in the relevant accounts, less the amount of the external liabilities.

(2) The value to be given to any rights under an insurance policy not excluded under regulation 4(3) is the value the actuary considers appropriate in the circumstances of the case on the effective date.

(3) The value to be placed on the liabilities of the scheme shall be the actuary's estimate of the value of the liabilities of the scheme on the effective date.

(4) In paragraph (3), "estimate of the value of the liabilities of the scheme" means—

- (a) an estimate by the actuary of the cost of purchasing annuities, of the type described in Article 74(3)(c)(1) (discharge of liabilities by purchase of annuities satisfying prescribed requirements) and on terms consistent with those in the available market, which would be sufficient to satisfy the liabilities taken into account under regulation 4(4), and
- (b) other expenses which, in the opinion of the actuary, would be likely to be incurred in connection with the winding up of the scheme.

(5) Where the actuary considers that it is not practicable to make an estimate in accordance with paragraph (4)(a), he shall make an estimate of the value of the liabilities of the scheme on the effective date, in such manner as he considers appropriate in the circumstances of the case.

(6) Where the actuary's estimate of the liabilities of the scheme is made under paragraph (5), the valuation shall include a brief account of the principles adopted in making the estimate.

(7) In paragraph (1), "the external liabilities" of a scheme are such liabilities of the scheme (other than liabilities within regulation 4(4)) as are shown in the net assets statement in the relevant accounts, and their amount shall be taken to be the amount shown in that statement in respect of them.

(8) The assets of the scheme shall be valued, and the amount of the liabilities determined, by reference to the effective date.