
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 72

**The Occupational and Stakeholder Pension
Schemes (Miscellaneous Amendments)
Regulations (Northern Ireland) 2013**

Amendment of the Contracting-out (Transfer and Transfer Payment) Regulations

4.—(1) The Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996⁽¹⁾ are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) for the definition of ““connected employer transfer” and “connected employer transfer payment””⁽²⁾ substitute—

““connected employer transfer” and “connected employer transfer payment” mean respectively a transfer of guaranteed minimum pensions from a salary related contracted-out scheme to a salary related contracted-out scheme and a transfer payment in respect of section 5(2B) rights⁽³⁾ from a salary related contracted-out scheme to a salary related contracted-out scheme where either—

- (a) the transferring scheme and the receiving scheme relate to persons who are or have been in employment with the same employer, or
- (b) the transferring scheme and receiving scheme relate to persons who are or have been in employment with different employers, and the earner or person concerned is one of a group of persons in respect of whom transfers or transfer payments are being made from the transferring scheme to the receiving scheme and either—
 - (i) the transfer or transfer payment is a consequence of a financial transaction between the employers, or
 - (ii) each of the employers is one of a group of companies consisting of a holding company and one or more subsidiaries within the meaning of section 1159(1) of the Companies Act 2006⁽⁴⁾,

and in this definition “salary related contracted-out scheme” includes a scheme which was formerly a salary related contracted-out scheme..”.

(3) In regulations 4 (connected employer transfers of guaranteed minimum pensions), 7(2)(b) (transfers of liability in respect of section 5(2B) rights: general) and 9 (connected employer transfer payments) omit “to a salary related contracted-out scheme”.

(1) S.R. 1996 No. 618; relevant amending provisions are S.R. 1997 No. 160, S.R. 1999 No. 486, S.I. 2006/744, S.R. 2009 No. 115 and S.R. 2012 No. 124

(2) The definition of ““connected employer transfer” and “connected employer transfer payment”” was amended by Article 29 of S.I. 2006/744 and regulation 5 of S.R. 2009 No. 115

(3) The definition of “section 5(2B) rights” was substituted by paragraph 10(2)(b) of the Schedule to S.R. 1997 No. 160 and amended by regulation 8 of S.R. 1999 No. 486 and Article 13(2)(b) of S.R. 2012 No. 124

(4) 2006 c. 46