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STATUTORY INSTRUMENTS

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**2005 No. 255**

**The Pensions (Northern Ireland) Order 2005**

**PART III**

**THE BOARD OF THE PENSION PROTECTION FUND**

**CHAPTER 3**

**PENSION PROTECTION**

*Assumption of responsibility for a scheme*

**Duty to pay scheme benefits unpaid at assessment date etc.**

**150.**—(1 <sup>F1</sup> <sup>F2</sup>This Article applies where the Board assumes responsibility for a scheme in accordance with this Chapter.

(2) Subject to paragraph (4), the Board must pay any amount by way of pensions or other benefits which a person had become entitled to payment of under the scheme rules before the assessment date but which remained unpaid at the time the transfer notice was received by the trustees or managers of the scheme.

(3) If, immediately before the assessment date, the person is entitled to the amount but has postponed payment of it, paragraph (2) does not apply.

(4) Paragraph (2) does not apply in relation to the amount of—

- (a) any transfer payment, or
- (b) any payment in respect of a refund of contributions.

(5) Regulations may provide that, in prescribed circumstances, where—

- (a <sup>F1</sup> a member of the scheme died before the commencement of the assessment period, and
- (b) during the period beginning with the assessment date and ending with the receipt by the trustees or managers of the transfer notice, a person became entitled under the scheme rules to a benefit of a prescribed description in respect of the member,

that person's entitlement to the benefit, or to any part of it, is, for the purposes of paragraph (2), to be treated as having arisen before the assessment date.

(6 <sup>F1</sup> Regulations may make provision requiring the Board, in such circumstances as may be prescribed, to take such steps (including making payments) as may be prescribed in respect of rights of prescribed descriptions to which members of the scheme were entitled immediately before the commencement of the assessment period.

(7) For the purposes of regulations made under paragraph (6)—

- (a) this Chapter (other than this paragraph), and
- (b) the scheme rules (including any relevant legislative provision within the meaning of Article 2(4)),

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Pensions (Northern Ireland) Order 2005, Section 150 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

are to have effect subject to such modifications as may be prescribed.

(8) In this Article “assessment date” is to be construed in accordance with Schedule 6.

- F1** mod. by SR 2005/55
- F2** mod. by SR 2005/91

**Commencement Information**

- I1** [Art. 150](#) wholly in operation at 1.3.2009; [art. 150](#) not in operation at date of making see [art. 1\(2\)](#); [art. 150\(1\)-\(5\)](#) and (8) in operation for certain purposes at 1.1.2006 and for all other purposes at 6.4.2006 by S.R. 2005/543, [art. 2\(5\)](#), Sch. Pt. 5; [art. 150](#) in operation at 1.3.2009 in so far as it is not already in operation by S.R. 2009/62, [art. 2](#)

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