

1988 No. 127

SOCIAL SECURITY

**The Occupational Pension Schemes (Transfer Values)
(Amendment) Regulations (Northern Ireland) 1988**

<i>Made</i>	<i>1st April 1988</i>
<i>Coming into operation</i>	<i>6th April 1988</i>

The Department of Health and Social Services, in exercise of the powers conferred on it by paragraph 12(2C) of Schedule 1A to the Social Security Pensions (Northern Ireland) Order 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Occupational Pension Schemes (Transfer Values) (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 6th April 1988.

Amendment of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985

2. At the beginning of regulation 2A of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985(b) there shall be inserted "Subject to regulation 2C," and after regulation 2B of those regulations there shall be inserted the following regulation—

"Right to further cash equivalent on termination of employment

2C.—(1) This regulation applies to a case where regulation 2A has operated to reduce the cash equivalent to which a member acquired a right under paragraph 12 of Schedule 1A on termination of his pensionable service and subsequently his employment in employment to which the scheme applies terminates on a date which is at least one year earlier than the date on which he would attain the age which is the normal pension age for that scheme.

(2) In a case to which this regulation applies a right at the relevant date to the cash equivalent of any part of the benefits specified in paragraph 12(1) of Schedule 1A which, but for the operation of regulation 2A, he

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- (a) S.I. 1975/1503 (N.I. 15); the definitions of "prescribe" and "regulations" in Schedule 17 to the Social Security (Northern Ireland) Act 1975 (c. 15) apply, by virtue of Article 2(3) of the Social Security Pensions (Northern Ireland) Order 1975, to the exercise of certain powers conferred under that Order; Schedule 1A was inserted by paragraph 3 of Schedule 1 to the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 N.I. 16); paragraph 12 is amended by paragraph 24(a) and (b) of Schedule 9 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and paragraph 3 of Schedule 2 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)).
- (b) S.R. 1985 No. 358; relevant amending regulations are S.R. 1987 No. 285

would have on termination of his pensionable service in employment to which the scheme applies shall accrue to the member on the date when that employment terminates and shall be valued accordingly.

(3) In relation to any case to which this regulation applies there shall be substituted for the definitions of "the relevant date" in paragraph 12(2) of Schedule 1A and of "the last option date" in paragraph 15(2) of that Schedule the following definitions—

"the relevant date" means the date when the member's employment in employment to which the scheme applies terminates or the date of the relevant application, whichever is the later; and

"the last option date" means the date which falls—

(a) one year before the date on which he attains normal pension age; or

(b) six months after the date when his employment in employment to which the scheme applies terminates,

whichever is the later."

Sealed with the Official Seal of the Department of Health and Social Services on 1st April 1988.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made under paragraph 12(2C) of Schedule 1A to the Social Security Pensions (Northern Ireland) Order 1975 which is brought into operation on 6th April 1988 by virtue of the Social Security (1988 Order) (Commencement No. 1) Order (Northern Ireland) 1988 (S.R. 1988 No. 126 (C. 6)).

Part II of Schedule 1A to the Social Security Pensions (Northern Ireland) Order 1975 provides that, if the pensionable service of a member of an occupational pension scheme terminates at least one year before he attains the scheme's normal pension age, he acquires a right to a cash equivalent of the benefits which have accrued to him, which may be used only in certain specified ways. Regulation 2A of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985 (as inserted by the Occupational Pension Schemes (Transfer Values) (Amendment) Regulations (Northern Ireland) 1987) provides that if, and for so long as, the member continues in employment to which the scheme relates after termination of his pensionable service, that right is restricted to that part of the benefits which have accrued after 5th April 1988. These regulations insert into the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985 a new regulation 2C which provides that, if in such a case the member's employment subsequently terminates at least one year before he attains normal pension age, he then acquires a right to a further cash equivalent in respect of the benefits which accrued to him before 6th April 1988, which is to be valued at the date of such termination or the date when he applies for the cash equivalent, whichever is the later.