
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations consolidate the Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1987 which are now revoked. They also make provisions which are consequential upon Part IV of the Pensions (Northern Ireland) Order 1995 (“the Order”). In addition to minor and drafting amendments the Regulations make the following changes of substance— they provide that all accrued rights in respect of any period from 6th April 1997 will become protected rights on a transfer;

they allow unmarried members to purchase single life annuities in order to give effect to protected rights in respect of any period from 6th April 1997;

they provide that the indexation requirements in Articles 51 and 158 of the Order apply to protected rights in respect of any period from 6th April 1997.

Regulation 1 provides for the citation, commencement and interpretation of the Regulations.

Regulation 2 prescribes the manner of calculation and verification of protected rights.

Regulation 3 sets out the rights which a scheme may designate as protected rights, in addition to those so designated by the Pension Schemes (Northern Ireland) Act 1993.

Regulation 4 sets out the conditions which are to apply to pensions and annuities which give effect to protected rights.

Regulation 5 prescribes the circumstances in which and periods for which a pension or annuity is to be paid to a widow or widower after a scheme member’s death.

Regulation 6 prescribes the conditions which are to apply to payments under an interim arrangement.

Regulation 7 prescribes the requirements which interim arrangements must satisfy.

Regulation 8 prescribes the circumstances in which a lump sum benefit may be provided.

Regulation 9 sets out the circumstances in which protected rights may be suspended or forfeited.

Regulation 10 prescribes the manner in which and the period within which an insurance company may be chosen by an annuitant.

Regulation 11 prescribes the conditions that an insurance company must satisfy if it is to provide an annuity which is to give effect to protected rights.

Regulations 12 and 13 set out the provision that is to be made if a scheme member dies before effect is given to his protected rights.

Regulation 14 requires that a scheme’s provision for giving effect to the protected rights of a member who has died must be such that the person entitled to any payment giving effect to those rights must be able to enforce that entitlement.

Regulation 15 requires that the scheme should not, in offering pensions which are to give effect to protected rights, discriminate on grounds of sex or, except as permitted by the regulation, marital status.

Regulation 16 provides that, when effect has been given to protected rights under a personal pension scheme, certain information must be given to the Department of Health and Social Services.

Regulation 17 defines the meaning of “tax-exemption” and “tax-approval”.

Regulation 18 makes consequential revocations.

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

Some of the enabling provisions under which these Regulations are made were amended, or inserted, by Articles 133(4) and 139 to 141 of, and paragraphs 27(b), 28 and 55 of Schedule 3 to, the Order. The Pensions (1995 Order) (Commencement No. 2) Order (Northern Ireland) 1996 ([S.R. 1996 No. 91 \(C. 4\)](#)) provides for the coming into operation of—

Articles 139 to 141, for the purpose only of authorising the making of regulations on 14th March 1996, and, for all other purposes, on 6th April 1996;

paragraphs 27(b), 28 and 55 of Schedule 3, for the purpose only of authorising the making of regulations, on 6th April 1996; and

Article 133(4), for the purpose only of authorising the making of regulations, on 6th April 1996, and, in so far as it is not already in operation, on 6th April 1997.