

2006 No. 223

PENSIONS

**The Occupational Pension Schemes (Contracting-out)
(Amendment) Regulations (Northern Ireland) 2006**

Made - - - - - *17th May 2006*

Coming into operation - *14th June 2006*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 17(1) and 177(2) to (4) of the Pension Schemes (Northern Ireland) Act 1993(a) and now vested in it(b).

Citation and commencement

1. These Regulations may be cited as the Occupational Pension Schemes (Contracting-out) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 14th June 2006.

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations 1996

2. In regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(c) (payment of a guaranteed minimum pension as a lump sum)—

(a) in paragraph (1)(b)(i)(aa) for “of that Part” there shall be substituted “of Part 1 of Schedule 29 to that Act”, and

(b) after paragraph (2) there shall be added the following paragraphs—

“(3) Subject to paragraph (4), for the purposes of section 17(1) of the Act further circumstances are where the payment of a lump sum—

- (a) is authorised under section 164 of the 2004 Act(d);
- (b) is permitted by the lump sum rule in section 166 of that Act, and
- (c) qualifies as a serious ill-health lump sum for the purposes of paragraph 4 of Part 1 of Schedule 29 to that Act.

(4) Where—

- (a) under the scheme, an earner qualifies for a lump sum payment on the ground of serious ill-health, and
- (b) the scheme also provides for the payment of a guaranteed minimum pension to the widow, widower or surviving civil partner of the earner (“a survivor’s pension”),

(a) 1993 c. 49; section 17(1) was substituted by Article 261(1) of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.R. 1996 No.493; regulation 60 was substituted by Article 28(10) of S.I. 2006/744

(d) The definition of “2004 Act” was inserted by Article 28(2)(c) of S.I. 2006/744

the scheme shall continue to include provision for a survivor's pension notwithstanding the payment of a lump sum to the earner.”.

Sealed with the Official Seal of the Department for Social Development on 17th May 2006.

John O'Neill

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996 (“the principal Regulations”).

Regulation 1 provides for citation and commencement.

Regulation 2 amends regulation 60 of the principal Regulations to provide for the payment of a lump sum instead of a guaranteed minimum pension where the payment qualifies as a serious ill-health lump sum payment under the Finance Act 2004 (c. 12).

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