
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 165

**The Pension Schemes Act 2015
(Transitional Provisions and Appropriate Independent Advice)
Regulations (Northern Ireland) 2015**

Determination of whether exception applies and check that advice received

9.—(1) Subject to paragraph (5), the trustees or managers must, if the circumstances set out in paragraph (2) apply—

- (a) determine whether the exception in regulation 5(1) applies, and
- (b) provide the member or survivor with—
 - (i) if the exception does not apply, the information specified in regulation 6 and paragraph (3), or
 - (ii) if the exception does apply, written confirmation that the trustees or managers do not need to check that appropriate independent advice has been received before they are able to carry out the relevant transaction.

(2) The circumstances referred to in paragraph (1) are where the trustees or managers—

- (a) are required to provide the member with a statement of entitlement, or
- (b) where there is no requirement to provide a statement of entitlement, have agreed in principle to carry out the relevant transaction the member or survivor has requested (subject to any relevant statutory requirements and the requirements of the scheme rules being met), or have made an offer of a relevant transaction.

(3) When providing the information specified in regulation 6, the trustees or managers must inform the member or survivor of the date by which confirmation that appropriate independent advice has been received must be provided, which is the last day of the 3 month period beginning with the date on which the information is provided to the member.

(4) The trustees or managers must provide the information required under paragraph (1)(b)—

- (a) on the day that the trustees or managers provide the statement of entitlement to the member, or
- (b) on the day that the trustees or managers provide written confirmation to the member or survivor of the trustees' or managers' agreement described in paragraph (2)(b), or, if later, on the day on which the trustees or managers provide the member or survivor with a valuation of the member's or survivor's, as the case may be, safeguarded benefits for the purposes of the relevant transaction requested.

(5) Paragraph (1) does not apply where the trustees or managers have already received confirmation in the required form that appropriate independent advice has been received.