
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 107

**The Occupational Pension Schemes
(Schemes that were Contracted-out)
Regulations (Northern Ireland) 2016**

PART 3

**ADDITIONAL REQUIREMENTS IN RELATION TO RIGHTS ATTRIBUTABLE
TO CONTRACTED-OUT EMPLOYMENT ON AND AFTER 6TH APRIL 1997**

Forfeiture of accrued rights

10. Article 90(1)(1) of the 1995 Order (no forfeiture of entitlement under an occupational pension scheme) does not prevent forfeiture of section 5(2B) rights under a relevant scheme if—

- (a) the person entitled to payments giving effect to those rights (“the pensioner”) is, in the opinion of the trustees of the scheme, unable to act by reason of mental disorder, and
- (b) there is provision in the scheme that requires that, in those circumstances, sums equivalent to those payments—
 - (i) must be paid or applied for the maintenance of the pensioner, except in so far as they are not, in the opinion of the trustees, required for that purpose;
 - (ii) may, in so far as they are not, in the opinion of the trustees, required for the maintenance of the pensioner, be paid or applied for the maintenance of any dependants of the pensioner, and
 - (iii) must, in so far as they are not, in the opinion of the trustees, required for the maintenance of the pensioner or any dependant of the pensioner, be held by the trustees for the pensioner until the pensioner is again able to act, or if the pensioner dies before that happens, for the pensioner’s estate.

Commencement Information

II [Reg. 10](#) in operation at 6.4.2016, see [reg. 1\(a\)](#)

(1) Article 90(1) was amended by paragraph 47(2) of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016, Section 10.