

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2017 No. 111**

**The Contracting-out (Transfer and Transfer Payment)  
(Amendment) Regulations (Northern Ireland) 2017**

**Amendment of the Contracting-out (Transfer and Transfer Payment) Regulations**

2.—(1) The Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996<sup>(1)</sup> are amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “appropriately secured” insert—

““assessment period” has the meaning given in Article 116 of the Pensions (Northern Ireland) Order 2005<sup>(2)</sup>”;

(b) after the definition of “the principal appointed day” insert—

““regulated apportionment arrangement” has the meaning given in regulation 2(1) of the Occupational Pension Schemes (Employer Debt) Regulations (Northern Ireland) 2005<sup>(3)</sup>”.

(3) In regulation 2 (general)—

(a) in paragraph (3) for “3 or 4” substitute “3, 4 or 6A”;

(b) after paragraph (3) insert—

“(3A) A transfer payment from an occupational pension scheme in respect of the payment of guaranteed minimum pensions to, or in respect of, a person who has become entitled to them may be made in accordance with regulation 6A and no such transfer payment may be made otherwise.”;

(c) in paragraph (4)—

(i) for “3 to 6” substitute “3 to 6A”;

(ii) after “in respect of” insert “the payment of guaranteed minimum pensions or a payment in respect of”.

(4) In Part 2 (transfers of, and transfer payments in respect of, guaranteed minimum pensions) after regulation 6 (transfer payments in respect of guaranteed minimum pensions to overseas schemes) insert—

**“Transfers in respect of guaranteed minimum pensions in the case of a regulated apportionment arrangement or where an assessment period has commenced**

**6A.—**(1) This regulation applies in relation to an occupational pension scheme where—

(a) there is an assessment period in relation to the scheme, or

---

(1) S.R. 1996 No. 618; relevant amending provisions are S.R. 2007 Nos. 185 and 457, S.R. 2012 No. 120, S.R. 2013 No. 72 and S.R. 2016 No. 158

(2) S.I. 2005/255 (N.I. 1)

(3) S.R. 2005 No. 168; the definition of “regulated apportionment arrangement” was inserted by regulation 4(2)(j) of S.R. 2008 No. 132

(b) a regulated apportionment arrangement has been entered into in relation to the scheme.

(2) A transfer of liability for, or a transfer payment in respect of, the payment of guaranteed minimum pensions to, or in respect of, a person who has become entitled to them may be made from an occupational pension scheme to which this regulation applies (“the transferring scheme”) to an occupational pension scheme which is not an overseas scheme<sup>(4)</sup> or overseas arrangement<sup>(5)</sup> (“the receiving scheme”) if the person to whom the pension is payable—

- (a) consents to the transfer in writing;
- (b) acknowledges in writing to the transferring scheme the receipt of a statement showing the benefits to be awarded in respect of the transfer, and
- (c) acknowledges in writing to the transferring scheme the person’s acceptance that—
  - (i) the benefits to be provided by the receiving scheme may be in a different form and of a different amount to those which would have been provided by the transferring scheme, and
  - (ii) there is no statutory requirement on the receiving scheme to provide for survivor’s benefits in relation to the transfer.”.

(5) In regulation 7 (general)—

(a) in paragraph (2)(b)<sup>(6)</sup> after “regulation 9” insert “or a transfer in accordance with regulation 11A”;

(b) after paragraph (2) insert—

“(2A) A transfer payment from an occupational pension scheme that was a salary related contracted-out scheme in respect of the payment of pensions under that occupational pension scheme deriving from section 5(2B) rights<sup>(7)</sup> to, or in respect of, a person who has become entitled to them may be made in accordance with regulation 11A and no such transfer payment may be made otherwise.”;

(c) in paragraph (3)—

(i) for “8 to 11” substitute “8 to 11A”;

(ii) after “paragraph (1)” insert “or a payment in respect of pensions deriving from section 5(2B) rights such as is referred to in paragraph (2A)”.

(6) In Part 3 (transfers of liability in respect of section 5(2B) rights) after regulation 11 (transfer payments to overseas schemes or arrangements in respect of section 5(2B) rights) insert—

**“Transfers in respect of section 5(2B) rights in the case of a regulated apportionment arrangement or where an assessment period has commenced**

**11A.**—(1) This regulation applies in relation to an occupational pension scheme that was a salary related contracted-out scheme where—

- (a) there is an assessment period in relation to the scheme, or
- (b) a regulated apportionment arrangement has been entered into in relation to the scheme.

(2) A transfer of liability for, or a transfer payment in respect of, the payment of pensions deriving from section 5(2B) rights to, or in respect of, a person who has become entitled to

---

(4) The definition of “overseas scheme” was substituted by regulation 6 of [S.R. 2007 No. 185](#) and amended by regulation 8(b) of [S.R. 2007 No. 457](#) and Article 5(2)(b) of [S.R. 2016 No. 158](#)

(5) The definition of “overseas arrangement” was amended by regulation 7(2)(b) of [S.R. 2012 No. 120](#)

(6) Paragraph (2)(b) was amended by regulation 4(3) of [S.R. 2013 No. 72](#)

(7) The definition of “section 5(2B) rights” was substituted by Article 5(2)(e) of [S.R. 2016 No. 158](#)

them may be made from an occupational pension scheme to which this regulation applies (“the transferring scheme”) to an occupational pension scheme which is not an overseas scheme or overseas arrangement (“the receiving scheme”) if the person to whom the pension is payable—

- (a) consents to the transfer in writing;
- (b) acknowledges in writing to the transferring scheme the receipt of a statement showing the benefits to be awarded in respect of the transfer, and
- (c) acknowledges in writing to the transferring scheme the person’s acceptance that—
  - (i) the benefits to be provided by the receiving scheme may be in a different form and of a different amount to those which would have been provided by the transferring scheme, and
  - (ii) there is no statutory requirement on the receiving scheme to provide for survivor’s benefits in relation to the transfer.”.