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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations amend the Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996 (“the 1996 Regulations”) and the Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (“the 2016 Regulations”) to allow contracted-out pension rights to be transferred without members’ consent to schemes which have never been contracted-out of the additional state pension.

Regulation 2 amends the 1996 Regulations to enable transfers and transfer payments between connected employers to be made to and from schemes that have never been contracted-out, and to specify the circumstances in which such transfers can be made without a member’s consent. It also amends the modified definition of “guaranteed minimum pension” in the Pension Schemes (Northern Ireland) Act 1993 as it applies following a transfer under the 1996 Regulations.

Regulation 3 amends the definition of “section 5(2B) rights” in the 2016 Regulations to include rights accrued under a salary related scheme that has never been contracted-out, following a transfer in accordance with amended regulation 9 of the 1996 Regulations.