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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 619**

**The Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996**

**Part VI**

**Modification of the Act**

**Extension of time within which member may exercise option to take a guaranteed cash equivalent**

**14.**—(1) Where a member's guaranteed cash equivalent has been reduced or increased under regulation 9, section 90(1)(aa) does not apply, or ceases to apply, but if the member—

- (a) has made a relevant application within 3 months beginning on the guarantee date; or
- (b) makes a relevant application within 3 months beginning on the date on which the member is informed that the guaranteed cash equivalent is to be increased or reduced,

the member acquires a right to the guaranteed cash equivalent as so increased or reduced.

(2) In any case in which a member, within 3 months beginning on the guarantee date, disputes the amount of the guaranteed cash equivalent, or, within 3 months beginning on the date on which that member is informed that the guaranteed cash equivalent is to be increased or reduced in accordance with regulation 9, disputes the basis or amount of the increase or reduction, section 90(1)(aa) does not apply, or ceases to apply, but if the member—

- (a) has made a relevant application within 3 months beginning on the guarantee date; or
- (b) makes a relevant application within 3 months beginning on the date on which the amount of the guaranteed cash equivalent is finally determined the member acquires a right to the guaranteed cash equivalent at the amount so determined.

**Cases where normal pension age is earlier than 60**

**15.** In their application to a member of a scheme whose normal pension age is earlier than 60, section 89(1)(a)(i)(1) (scope of Chapter IV) shall have effect as if the words “at least one year” were omitted and sections 91(8)(a) (ways of taking right to cash equivalent), 94(7)(a) (variation and loss of rights under section 90) and 95(2)(a) and (b) (trustees' duties after exercise of option) shall have effect as if the references therein to normal pension age were references to the age of 60.

**Accrued rights, or liabilities in respect of accrued rights, transferred without consent**

**16.**—(1) This regulation applies where—

- (a) a member has acquired a right under section 90 to a cash equivalent but has not exercised the option conferred by section 91; and

(b) the member's accrued rights have been transferred to another scheme without that member's consent.

(2) Where this regulation applies, Chapter IV of Part IV of the Act shall have effect as if the member's right to a cash equivalent of the benefits in respect of which a transfer or transfer payment has been made existed in relation to the receiving scheme instead of the transferring scheme.

### **Schemes with an overseas element**

**17.**—(1) This regulation applies to schemes with any overseas element, as described in section 161(5) (requirements as to preservation of benefit under occupational pension schemes).

(2) Where this regulation applies, Chapter IV of Part IV of the Act applies to schemes with any overseas element only to the extent that the requirements specified in or under sections 67 to 78(2) (the preservation requirements) apply to the scheme.

### **Termination of pensionable service in certain circumstances to be disregarded**

**18.**—(1) Subject to paragraph (3), where a member's pensionable service terminates in the circumstances set out in paragraph (2), Chapter IV of Part IV of the Act shall have effect as if that pensionable service had not terminated.

(2) The circumstances referred to in paragraph (1) are that—

- (a) the pensionable service which has terminated is a period of such service which is one, other than the last one, of a series of such periods in employment to which the scheme relates; and
- (b) there is between successive periods of pensionable service—
  - (i) no interval;
  - (ii) an interval not exceeding one month;
  - (iii) an interval of any length if it is between 2 periods of pensionable service the second of which results from the exercise of a right to return to work under Article 111 of the Employment Rights (Northern Ireland) Order 1996; or
  - (iv) an interval of any length if it is between 2 periods of pensionable service the second of which results from a return to work by the member following a period of absence arising in consequence of a trade dispute within the meaning of Article 2(2) of the Jobseekers (Northern Ireland) Order 1995(3).

(3) This regulation shall not have effect where the trustees of a scheme, during any interval such as is set out in paragraph (2)(b)(ii) to (iv), do what is needed to carry out what a member requires in exercising an option under section 91.

### **Hybrid schemes**

**19.**—(1) In this regulation “hybrid scheme” means a scheme which is a salary related scheme but under which some of the benefits which may be provided are money purchase benefits.

(2) In relation to a hybrid scheme—

- (a) section 89A(1) shall have effect as if after “benefits” there were inserted “other than money purchase benefits”;

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(2) Sections 73 to 76 are repealed by paragraph 14 of Schedule 1 to the Pensions (Northern Ireland) Order 1995 and section 78 is amended by paragraph 15 of Schedule 1 to that Order

(3) [S.I. 1995/2705 \(N.I. 15\)](#)

- (b) section 90(1)(a) shall have effect as if the words “other than a salary related scheme” were omitted and as if for “any benefits” there were substituted “any money purchase benefits”; and
- (c) section 92(1)(a) (further provisions concerning exercise of option under section 91) shall have effect as if it read “in relation to both the whole of his guaranteed cash equivalent and the whole of any other cash equivalent such as is mentioned in section 90(1)(a);”.