
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 621

The Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996

Discharge of Liabilities by Insurance, Etc.

Arrangements for discharge of liabilities under Article 74

6.—(1) For the purposes of Article 74(2), the arrangements with which the trustees or managers of a scheme must comply in providing for the discharge of a liability under that Article are as follows.

(2) Where the trustees or managers of a scheme propose to discharge a liability of the scheme to or in respect of a member—

- (a) they must give him or, if he has died, each beneficiary who is entitled to benefits in respect of him, notice in writing of that fact;
- (b) if they propose to discharge the liability wholly or partly—
 - (i) in the way mentioned in Article 74(3)(a) or (b); or
 - (ii) in the way mentioned in paragraph (5) of regulation 8, in a case where subparagraph (a) of that paragraph applies,then, subject to paragraph (4), they must obtain the written consent of the member or, as the case may be, the beneficiary to discharging the liability in that way; and
- (c) in the case of discharge in the way mentioned in regulation 8(5), any other requirements which apply to the making of a payment so mentioned must have been met.

(3) A notice under paragraph (2)(a) must comply with the requirements of regulation 7.

(4) In a case where regulation 12 of the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991(1) (transfer of member's accrued rights without consent) applies, no consent need be obtained to a discharge of liability in the way mentioned in Article 74(3)(a).

(5) Where—

- (a) the trustees or managers have complied with paragraphs (2) and (3); and
- (b) an election has been made under regulation 7(3)(a),

they may discharge the liability in pursuance of the election without complying with those paragraphs again.

(1) S.R. 1991 No. 37; regulation 12 was amended by regulation 35 of S.R. 1992 No. 304, regulation 2 of S.R. 1993 No. 324, paragraph 26(16) of Schedule 2 to S.R. 1994 No. 300, regulation 3(4) of S.R. 1995 No. 441 and regulation 2(7) of S.R. 1996 No. 620