

SCHEDULES

SCHEDULE 3

Section 38.

Minor and Consequential Amendments

The Pension Schemes (Northern Ireland) Act 1993 (c. 49)

1. The Pension Schemes Act is amended as follows.
2. In section 96B(2) (meaning of “scheme rules”: occupational pension schemes)
 - (a) in paragraph (a), after sub-paragraph (xii) insert—

“(xiia) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021;”;
 - (b) in paragraph (b), after sub-paragraph (ix) insert—

“(ixa) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021.”.
3. In section 97AI(7) (rights under section 97AB: further provision)—
 - (a) in paragraph (a), after sub-paragraph (xi) insert—

“(xia) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021;”;
 - (b) in paragraph (b), after sub-paragraph (ix) insert—

“(ixa) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021.”.

The Pensions (Northern Ireland) Order 1995 (NI 22)

4. In Article 67A(9) of the 1995 Order (subsisting rights provisions: meaning of “scheme rules”)—
 - (a) in sub-paragraph (a), at the end add—

“(xii) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021;”;
 - (b) in sub-paragraph (b), at the end add—

“(ix) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021.”.

The Pensions (Northern Ireland) Order 2005 (NI 1)

5. The 2005 Order is amended as follows.
6. In Article 2(4) (interpretation: scheme rules)—
 - (a) in sub-paragraph (a), at the end add—

“(xii) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021;”;
 - (b) in sub-paragraph (b), at the end add—

“(ix) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021.”.
7. In Article 9 (improvement notices), in paragraph (7) (meaning of “pensions legislation”)—
 - (a) in the opening words, after “by virtue of” insert “any of the following”;
 - (b) at the end add “, or
 - (i) Part 1 of the Pension Schemes Act (Northern Ireland) 2021.”.
8. In Article 65 (duty to report breaches of the law) in paragraph (1), at the end add—

“(f) a scheme strategist or scheme funder of a Master Trust scheme within the meaning of Part 1 of the Pension Schemes Act (Northern Ireland) 2021 (see section 39 of that Act).”.
9. In Article 67 (provision of information), in paragraph (1A), after “2008” insert “or Part 1 of the Pension Schemes Act (Northern Ireland) 2021”.
10. In Article 68 (inspection of premises), in paragraph (2) before sub-paragraph (e) insert—

“(dc) the Pension Schemes Act (Northern Ireland) 2021;”.
11. In Article 72A (fixed penalty notices), in paragraph (6) after “2008” insert “or section 17 of the Pension Schemes Act (Northern Ireland) 2021”.
12. In Article 72B (escalating penalty notices), in paragraph (8) after “2008” insert “or section 18 of the Pension Schemes Act (Northern Ireland) 2021”.
13. In Article 75 (offences of providing false or misleading information), in paragraph (1)(c)—
 - (a) omit the “or” at the end of head (iv); and

- (b) in head (v), at the end add “, or
(vi) the Pension Schemes Act (Northern Ireland) 2021.”.

14. In Article 75A (financial penalty for providing false or misleading information to Regulator), in paragraph (2)(c)—

- (a) omit the “or” at the end of head (iv); and
- (b) in head (v), at the end add “, or
(vi) the Pension Schemes Act (Northern Ireland) 2021.”.

15.—(1) Article 85 (codes of practice) is amended as follows.

(2) In paragraph (2) (matters on which the Pensions Regulator must issue codes of practice), before sub-paragraph (k) insert—

- “(jc) the process for making an application for authorisation of a Master Trust scheme under Part 1 of the Pension Schemes Act (Northern Ireland) 2021;
- (jd) the matters that the Regulator expects to take into account in deciding whether it is satisfied that a Master Trust scheme meets the authorisation criteria under that Part (see section 5 of the Pension Schemes Act (Northern Ireland) 2021);”.

(3) In paragraph (6), in the definition of “the pensions legislation” at the end add “, or

- (h) the Pension Schemes Act (Northern Ireland) 2021.”.

16. In Article 88(2) (“regulatory functions” of the Regulator subject to procedure), before sub-paragraph (q) insert—

- “(pe) the power to give a direction under section 26(7) of the Pension Schemes Act (Northern Ireland) 2021 (direction to submit implementation strategy), and”.

17. In Article 92(5) (special procedure: applicable cases), before sub-paragraph (u) insert—

- “(tg) the power to withdraw authorisation of a Master Trust scheme under section 19 of the Pension Schemes Act (Northern Ireland) 2021;
- (th) the power to make a pause order under section 31 of that Act;
- (ti) the power to make an order under paragraph 2(2) of Schedule 1 to that Act extending the period for which a pause order has effect;
- (tj) the power to make an order under paragraph 3 of that Schedule validating action taken in contravention of a pause order;
- (tk) the power to make an order under paragraph 4(3) of that Schedule directing the notification of members or employers;”.

18. In Schedule 1 (the Pensions Regulator), in Part 1 (delegation), in paragraph 2(2), after head (o) add—

“(p) the power to issue a fixed penalty notice under section 17 of the Pension Schemes Act (Northern Ireland) 2021;

(q) the power to issue an escalating penalty notice under section 18 of that Act.”.

19. In Schedule 2 (functions exercisable by the Determinations Panel), before Part 5 insert—

“PART 4B

Functions Under The Pension Schemes Act (Northern Ireland) 2021

44I. The power to withdraw authorisation of a Master Trust scheme under section 19.

44J. The power to give a direction under section 28(4) (direction to pursue continuity option).

44K. The power to make a pause order under section 31.

44L. The power to make an order under paragraph 2(2) of Schedule 1 extending the period for which a pause order has effect.

44M. The power to make an order under paragraph 3 of that Schedule validating action taken in contravention of a pause order.

44N. The power to make an order under paragraph 4(3) of that Schedule directing the notification of members or employers.

44O. Terms used in this Part have the same meaning as in Part 1 of the Pension Schemes Act (Northern Ireland) 2021.”.

The Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13)

20. In section 31 of the Pensions (No. 2) Act (effect of freezing order or assessment period: qualifying schemes)—

(a) in subsection (3), in the definition of “freezing event”, at the end add—

“, or

(d) the making of a pause order under section 31 of the Pension Schemes Act (Northern Ireland) 2021;”;

(b) in subsection (3), in the definition of “relevant provision”, at the end add—

“(d) in relation to a pause order, provision contained in the order or the provision made with respect to the order by section 31 of the Pension Schemes Act (Northern Ireland) 2021.”;

- (c) in the section heading, for “or assessment period” substitute “, assessment period or pause order”.

The Pension Schemes Act (Northern Ireland) 2021

21.—(1) Section 17 (fixed penalty notice for failure to comply with request for information) is amended as follows.

- (2) In the heading, at the end insert “etc”.
- (3) In subsection (1)—
- (a) for “with a” substitute “with—
- (a) a”;
- (b) after “Part” insert “, or
- (b) a notice issued under Article 67A of that Order (interviews), so far as relevant to the exercise of any of the Regulator’s functions under or by virtue of this Part.”.

22.—(1) Section 18 (escalating penalty notice for failure to comply with request for information) is amended as follows.

- (2) In the heading, at the end insert “etc”.
- (3) In subsection (1)—
- (a) for “with a” substitute “with—
- (a) a”;
- (b) after “notice”)” insert “, or
- (b) a notice issued under Article 67A of that Order (interviews), so far as relevant to the exercise of any of the Regulator’s functions under or by virtue of this Part (an “Article 67A notice”).”.
- (4) In subsection (2)(a), after “67 notice” insert “or the Article 67A notice”.
- (5) In subsection (3), after “67 notice” insert “or an Article 67A notice”.
- (6) In subsection (6)—
- (a) in paragraph (b), after “notice” insert “or the Article 67A notice”;
- (b) in paragraph (e), after “notice” insert “or the Article 67A notice”.