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## STATUTORY INSTRUMENTS

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# 2005 No. 255

## The Pensions (Northern Ireland) Order 2005

### PART II

#### THE PENSIONS REGULATOR

*New powers in respect of occupational and personal pension schemes*

#### **Power of the Regulator to recover unpaid contributions**

**13.**—(1) Where any employer contribution payable towards an occupational or personal pension scheme is not paid on or before its due date, the Regulator may, on behalf of the trustees or managers of the scheme, exercise such powers as the trustees or managers have to recover that contribution.

(2) For the purposes of paragraph (1), any employer contribution payable towards a personal pension scheme which is not paid on or before its due date is, if not a debt due from the employer to the trustees or managers apart from this paragraph, to be treated as if it were such a debt.

(3) In this Article—

“due date”

- (a) in relation to employer contributions payable towards an occupational pension scheme in accordance with a schedule of contributions under Article 206, has the same meaning as in Article 207,
- (b) in relation to employer contributions payable in accordance with a payment schedule under Article 85 of the 1995 Order (schedules of payments to money purchase schemes), has the meaning given in paragraph (2)(c) of that Article, <sup>F1</sup>...
- (c) in relation to employer contributions payable towards a personal pension scheme, has the same meaning as in section 107A of the Pension Schemes Act (monitoring of employer payments to personal pension schemes); <sup>F2</sup>and
- (d) in relation to employer contributions payable under a public service pension scheme, the date on which the contributions are due under the scheme;]

“employer contribution”

- (a) in relation to an occupational pension scheme [<sup>F3</sup>other than a public service pension scheme], means any contribution payable by or on behalf of the employer towards the scheme in accordance with a schedule of contributions under Article 206 or a payment schedule under Article 85 of the 1995 Order (schedules of payments to money purchase schemes) whether—
  - (i) on the employer's own account (but in respect of one or more employees), or
  - (ii) on behalf of an employee out of deductions from the employee's earnings, <sup>F4</sup>...
- (b) in relation to a personal pension scheme, means any contribution payable towards the scheme under direct payment arrangements, [<sup>F5</sup>and

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**Changes to legislation:** *The Pensions (Northern Ireland) Order 2005, Section 13 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (c) in relation to a public service pension scheme, means any contributions payable under the scheme by the employer.]

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|-----------|---|
| <b>F1</b> | Word in art. 13(3) repealed (1.4.2015) by <a href="#">Public Service Pensions Act (Northern Ireland) 2014 (c. 2)</a> , s. 37(2), <b>Sch. 4 para. 5(2)(a)</b> ; S.R. 2015/3, art. 4(1)(b) (with art. 4(2))     |
| <b>F2</b> | Words in art. 13(3) inserted (1.4.2015) by <a href="#">Public Service Pensions Act (Northern Ireland) 2014 (c. 2)</a> , s. 37(2), <b>Sch. 4 para. 5(2)(b)</b> ; S.R. 2015/3, art. 4(1)(b) (with art. 4(2))    |
| <b>F3</b> | Words in art. 13(3) inserted (1.4.2015) by <a href="#">Public Service Pensions Act (Northern Ireland) 2014 (c. 2)</a> , s. 37(2), <b>Sch. 4 para. 5(3)(a)(i)</b> ; S.R. 2015/3, art. 4(1)(b) (with art. 4(2)) |
| <b>F4</b> | Word in art. 13(3) repealed (1.4.2015) by <a href="#">Public Service Pensions Act (Northern Ireland) 2014 (c. 2)</a> , s. 37(2), <b>Sch. 4 para. 5(3)(a)(ii)</b> ; S.R. 2015/3, art. 4(1)(b) (with art. 4(2)) |
| <b>F5</b> | Words in art. 13(3) inserted (1.4.2015) by <a href="#">Public Service Pensions Act (Northern Ireland) 2014 (c. 2)</a> , s. 37(2), <b>Sch. 4 para. 5(3)(b)</b> ; S.R. 2015/3, art. 4(1)(b) (with art. 4(2))    |

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- art. 13(3) words substituted by [2016 c. 1 \(N.I.\) Sch. 2 para. 23\(a\)](#)
- art. 13(3) words substituted by [2016 c. 1 \(N.I.\) Sch. 2 para. 23\(b\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 6 para. 21(2)(c)-(cc) substituted for (b)(c) by [2008 c. 13 \(N.I.\) Sch. 6 para. 11](#)
- art. 2(4)(b)(viii)-(x) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 21\(3\)\(b\)](#)
- art. 19(1A) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 24\(3\)](#)
- art. 19(10A) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 24\(5\)](#)
- art. 34(1)-(1B) substituted for art. 34(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 25](#)
- art. 34(7)(da) inserted by [2021 c. 1 Sch. 8 para. 3\(2\)](#)
- art. 39(1)-(1B) substituted for art. 39(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 26\(2\)](#)
- art. 48(1)-(1B) substituted for art. 48(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 27](#)
- art. 75(1)(a)(iib) inserted by [2021 c. 1 Sch. 8 para. 8\(2\)](#)
- art. 110(1)-(1B) substituted for art. 110(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 29](#)
- art. 191(5) added by [2008 c. 13 \(N.I.\) Sch. 9 para. 6](#)
- art. 267(4)(f) and word inserted by [2021 c. 1 Sch. 6 para. 20\(b\)](#)