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STATUTORY INSTRUMENTS

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**2005 No. 255**

**The Pensions (Northern Ireland) Order 2005**

PART VI

OCCUPATIONAL AND PERSONAL PENSION  
SCHEMES: MISCELLANEOUS PROVISIONS

*Obligations of trustees of occupational pension schemes*

**[<sup>F1</sup>Requirement for <sup>F2</sup>an effective system of governance]**

**226A.**—[<sup>F3</sup>(1) The trustees or managers of an occupational pension scheme must establish and operate an effective system of governance including internal controls.

(1A) The system of governance must be proportionate to the size, nature, scale and complexity of the activities of the occupational pension scheme.]

(2) Nothing in this Article affects any other obligation of the trustees or managers of an occupational pension scheme to establish or operate [<sup>F4</sup>an effective system of governance including internal controls], whether imposed by or by virtue of any statutory provision, the scheme rules or otherwise.

(3) This Article does not apply in relation to—

[ a public service pension scheme;]

<sup>F5</sup>(za)

(a) [<sup>F6</sup>any other scheme] which is—

(i) established by, or under, a statutory provision, and

(ii) guaranteed by a public authority,

(b) a pay#as#you#go scheme,

(c) a scheme which is established under section 48 of the Northern Ireland Act 1998 (pensions of members), or which was established under Part II of the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965 or Article 3 of the Assembly Pensions (Northern Ireland) Order 1976.

[

<sup>F7</sup>(d) an authorised Master Trust scheme within the meaning of Part 1 of the Pension Schemes Act 2017(6) (master trusts) or any corresponding Northern Ireland legislation.]

[ an authorised collective money purchase scheme within the meaning of Part 2 of the

<sup>F8</sup>(e) Pension Schemes Act 2021.]

<sup>F9</sup>(4) .....

(5) In this Article—

“internal controls” means—

**Changes to legislation:** *The Pensions (Northern Ireland) Order 2005, Section 226A is up to date with all changes known to be in force on or before 08 May 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*

- (a) arrangements and procedures to be followed in the administration and management of the scheme,
- (b) systems and arrangements for monitoring the administration and management of the scheme, and
- (c) arrangements and procedures to be followed for the safe custody and security of the assets of the scheme;

“local authority” has the meaning given by Article 2(2) of the Superannuation (Northern Ireland) Order 1972;

“pay#as#you#go scheme” means an occupational pension scheme under which there is no requirement for assets to be set aside in advance for the purpose of providing benefits under the scheme (disregarding any requirements relating to additional voluntary contributions);

“public authority” means—

- (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975),
- (b) a government department (including any body or authority exercising statutory functions on behalf of the Crown), or
- (c) a local authority.]

<b>F1</b>	SR 2005/567
<b>F2</b>	Words in art. 226A heading substituted (13.1.2019) by The Occupational Pension Schemes (Governance) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/214), regs. 1(1), <b>2(2)</b>
<b>F3</b>	Art. 226A(1)(1A) substituted for art. 226A(1) (13.1.2019) by The Occupational Pension Schemes (Governance) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/214), regs. 1(1), <b>2(3)</b>
<b>F4</b>	Words in art. 226A(2) substituted (13.1.2019) by The Occupational Pension Schemes (Governance) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/214), regs. 1(1), <b>2(4)</b>
<b>F5</b>	Art. 226A(3)(za) inserted (1.4.2015) by Public Service Pensions Act (Northern Ireland) 2014 (c. 2), s. 37(2), <b>Sch. 4 para. 20(a)</b> ; S.R. 2015/3, art. 4(1)(b) (with art. 4(2))
<b>F6</b>	Words in art. 226A(3)(a) substituted (1.4.2015) by Public Service Pensions Act (Northern Ireland) 2014 (c. 2), s. 37(2), <b>Sch. 4 para. 20(b)</b> ; S.R. 2015/3, art. 4(1)(b) (with art. 4(2))
<b>F7</b>	Art. 226A(3)(d) added (13.1.2019) by The Occupational Pension Schemes (Governance) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/214), regs. 1(1), <b>2(5)</b>
<b>F8</b>	Art. 226A(3)(e) inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), <b>Sch. 6 para. 18</b> ; S.R. 2022/197, art. 3(a)
<b>F9</b>	Art. 226A(4) omitted (31.12.2020) by virtue of The Occupational and Personal Pension Schemes (Amendment etc.) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/193), regs. 1, <b>5(5)</b> ; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

The Pensions (Northern Ireland) Order 2005, Section 226A is up to date with all changes known to be in force on or before 08 May 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.

[View outstanding changes](#)

**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)