
STATUTORY INSTRUMENTS

2005 No. 255

The Pensions (Northern Ireland) Order 2005

PART II

THE PENSIONS REGULATOR

Gathering information

Inspection of premises

68.—(1) An inspector may, for the purposes of investigating whether, in the case of any occupational pension scheme, the occupational scheme provisions are being, or have been, complied with, at any reasonable time enter premises liable to inspection.

(2) In paragraph (1), the “occupational scheme provisions” means provisions contained in or made by virtue of—

(a) any of the following provisions of this Order—

Part I (introductory);

this Part;

Part IV (scheme funding);

Articles 218 to 220 (member-nominated trustees and directors);

Articles 224 to 226 (requirement for knowledge and understanding);

Article 229 (UK-based scheme to be trust with effective rules);

Article 230 ([^{F1}non-UK] scheme to be trust with UK resident trustee);

Article 232 (activities of occupational pension schemes);

Article 233 (no indemnification for fines or civil penalties);

Articles 236 and 238 (consultation by employers);

^{F2}
...

Part IX (miscellaneous and supplementary);

(b) either of the following provisions of the 1999 Order—

Article 30 (time for discharge of pension credit liability);

Article 42 (information);

(c) any of the provisions of Part II of the 1995 Order (occupational pension schemes), other than—

(i) Articles 51 to 54 (indexation), and

(ii) Articles 62 to 65 (equal treatment);

(d) any of the following provisions of the Pension Schemes Act—

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[^{F3}Chapter 1 of Part 4ZA] (transfer values);

[^{F4}Chapter 2 of Part 4ZA] (early leavers: cash transfer sums and contribution refunds);

Chapter 2 of Part IVA (pension credit transfer values);

section 109 (information);

section 170 (levy);

[^{F5}(da) section 16 of the Public Service Pensions Act (Northern Ireland) 2014;]

[^{F6}(db) Part 2 of the Pension Schemes Act 2021;]

[^{F7}(dc) the Pension Schemes Act (Northern Ireland) 2021;]

(e) [^{F8}the Pension Schemes Act 2017 and] any provisions in force in Great Britain corresponding to any provisions within sub-paragraphs (a) to [^{F9}(db)] .

[^{F10}(2A) An inspector may, for the purposes of investigating whether the Regulator has grounds in the case of an occupational pension scheme for issuing—

(a) a contribution notice under Article 34 (contribution notices where avoidance of employer debt),

(b) a financial support direction under Article 39 (financial support directions),

(c) a contribution notice under Article 43 (contribution notices where non-compliance with financial support direction),

(d) a restoration order under Article 48 (restoration orders where transactions at an undervalue),

(e) a contribution notice under Article 51 (contribution notice where failure to comply with restoration order), or

(f) a notice, direction or order under any corresponding provision in force in Great Britain, at any reasonable time enter premises liable to inspection.]

(3) An inspector may, for the purposes of investigating whether, in the case of a stakeholder scheme—

(a) Articles 3 and 4(4) of the 1999 Order (stakeholder pension schemes: registration etc.), or

(b) any corresponding provisions in force in Great Britain,

are being, or have been, complied with, at any reasonable time enter premises liable to inspection.

(4) An inspector may, for the purposes of investigating whether, in the case of any trust-based personal stakeholder scheme, the trust-based scheme provisions are being, or have been, complied with, at any reasonable time enter premises liable to inspection.

(5) In paragraph (4)—

“trust-based personal stakeholder scheme” means a personal pension scheme which—

(a) is a stakeholder scheme, and

(b) is established under a trust;

the “trust-based scheme provisions” means any provisions contained in or made by virtue of—

(a) any provision which applies in relation to trust-based personal stakeholder schemes by virtue of paragraph 1 of Schedule 1 to the 1999 Order, as the provision applies by virtue of that paragraph, or

(b) any corresponding provision in force in Great Britain.

[^{F11}(5A) An inspector may, for the purposes of investigating whether the relevant provisions are being, or have been, complied with in the case of a scheme, at any reasonable time enter premises liable to inspection.

(5B) In paragraph (5A), “the relevant provisions” means provisions contained in or made by virtue of—

- (a) such provisions of the pensions legislation as may be prescribed;
- (b) any provisions in force in Great Britain, corresponding to the provisions so prescribed.]

(6) Premises are liable to inspection for the purposes of this Article if the inspector has reasonable grounds to believe that—

- (a) members of the scheme are employed there,
- (b) documents relevant to the administration of the scheme are being kept there, ^{F12}...
- (c) the administration of the scheme, or work connected with that administration, is being carried out there.
- [^{F13}(d) documents relevant to the administration of the business of the employer in relation to the scheme are being kept there,
- (e) the administration of the business of the employer in relation to the scheme, or work connected with that administration, is being carried out there, or
- (f) in the case of an occupational pension scheme other than a money purchase scheme, a prescribed scheme or a scheme of a prescribed description, documents relevant to a change in the ownership of the employer or of a significant asset of the employer are being kept there.]

[^{F14}(6A) In the application of this Article in relation to a provision mentioned in paragraph (1), (2A), (3), (4) or (5A), references in this Article to “employer” are to be read as having the meaning that it has for the purposes of the provision in question.

(6B) In this Article a reference to an employer in relation to an occupational pension scheme includes a reference to a person who has been the employer in relation to the scheme.]

(7) In [^{F15}this Article— “the pensions legislation” means any statutory provision contained in or made by virtue of—

- (a) the Pension Schemes Act,
- (b) Part 2 or Article 30 or 42 of the 1999 Order,
- (c) this Order,
- (d) Schedule 18 to the Pensions Act (Northern Ireland) 2015, or
- (e) section 51 or 52 of the Pension Schemes Act 2015;]

“stakeholder scheme” means an occupational pension scheme or a personal pension scheme which is or has been registered under—

- (a) Article 4 of the 1999 Order (register of stakeholder schemes), or
- (b) any corresponding provision in force in Great Britain.

F1 Words in art. 68(2)(a) substituted (31.12.2020) by [The Occupational and Personal Pension Schemes \(Amendment etc.\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/193\)](#), regs. 1, **5(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F2 Words in art. 68(2)(a) 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, **5(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F3** Words in art. 68(2)(d) substituted (6.4.2015) by Pension Schemes Act 2015 (c. 8), s. 89(3)(b), **Sch. 4 para. 84(a)** (with s. 87)
- F4** Words in art. 68(2)(d) substituted (6.4.2015) by Pension Schemes Act 2015 (c. 8), s. 89(3)(b), **Sch. 4 para. 84(b)** (with s. 87)
- F5** Art. 68(2)(da) inserted (1.4.2015) by Public Service Pensions Act (Northern Ireland) 2014 (c. 2), s. 37(2), **Sch. 4 para. 10(a)**; S.R. 2015/3, art. 4(1)(b) (with art. 4(2))
- F6** Art. 68(2)(db) inserted (1.8.2022) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 10(2)(a)**; S.R. 2022/197, art. 3(b)
- F7** Art. 68(2)(dc) inserted (16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 3 para. 10**; S.R. 2022/110, art. 2(a)(b)
- F8** Words in art. 68(2)(e) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 10(2)(b)(i)**; S.R. 2021/271, art. 2(3)(f)
- F9** Word in art. 68(2)(e) substituted (1.8.2022) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 10(2)(b)(ii)**; S.R. 2022/197, art. 3(b)
- F10** Art. 68(2A) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 10(3)**; S.R. 2021/271, art. 2(3)(f)
- F11** Art. 68(5A)(5B) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 10(4)**; S.R. 2021/271, art. 2(3)(f)
- F12** Word in art. 68(6)(b) omitted (1.10.2021) by virtue of Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 10(5)(a)**; S.R. 2021/271, art. 2(3)(f)
- F13** Art. 68(6)(d)-(f) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 10(5)(b)**; S.R. 2021/271, art. 2(3)(f)
- F14** Art. 68(6A)(6B) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 10(6)**; S.R. 2021/271, art. 2(3)(f)
- F15** Words in art. 68(7) substituted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 10(7)**; S.R. 2021/271, art. 2(3)(f)

Modifications etc. (not altering text)

- C1** Art. 68(6)(d)-(f) modified (1.10.2021) by The Pensions Regulator (Information Gathering Powers and Modification) Regulations (Northern Ireland) 2021 (S.R. 2021/243), regs. 1, 4

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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\(b\)](#)