

PENSIONS (NORTHERN IRELAND) ORDER 2005

S.I. 2005 255

EXPLANATORY MEMORANDUM

OVERVIEW

PART II – The Pensions Regulator

15. This Part sets out the statutory objectives and functions that provide an overarching framework for the Regulator's activities.
16. The Regulator will operate a targeted and proportionate system, applying greater regulatory scrutiny where members' benefits are most at risk. This approach will be supported by increased powers to gather, retain and share information. The information gathered will be used to help identify those schemes where members' benefits are more likely to be at risk.
17. The Order introduces a range of functions for the Regulator including:
 - provision of information, education and advice to trustees and managers, employers etc.;
 - issuing of improvement notices or third party notices to remedy breaches;
 - powers in relation to winding up of occupational pension schemes;
 - maintenance of a register of schemes and a register of prohibited trustees;
 - powers to gather information, including powers to enter premises etc.;
 - to freeze a scheme whilst investigations take place to protect members' benefits or scheme assets;
 - issuing contribution notices, financial support directions and making orders regarding transactions at an undervalue;
 - increased powers covering the suspension and removal of trustees.
18. The Regulator will also be able to issue codes of practice. This will provide those involved in pensions with practical guidance in relation to their duties and responsibilities under pensions legislation, thus assisting schemes in improving compliance and encouraging best practice. In certain areas the Regulator will be obliged to provide codes of practice, for example, on disclosure of information to scheme members.
19. This Part also sets out certain provisions in relation to the Pensions Regulator Tribunal, which will hear references from the Regulator's determinations.
20. Part II also places duties on trustees or managers, and other scheme professionals to provide information and to report certain events and breaches of the law to the Regulator.