
STATUTORY INSTRUMENTS

2005 No. 255

The Pensions (Northern Ireland) Order 2005

PART II

THE PENSIONS REGULATOR

Collecting information relevant to the Board

Information relevant to the Board

63. The Regulator may collect any information which appears to it to be relevant to the exercise of the functions of the Board.

Duty to notify the Regulator of certain events

64.—(1) Except where the Regulator otherwise directs, the appropriate person must give notice of any notifiable event to the Regulator.

(2) In paragraph (1) “notifiable event” means—

- (a) a prescribed event in respect of an eligible scheme, or
- (b) a prescribed event in respect of the employer in relation to an eligible scheme.

(3) For the purposes of paragraph (1)—

- (a) in the case of an event within paragraph (2)(a), each of the following is “the appropriate person”
 - (i) the trustees or managers of the scheme,
 - (ii) a person of a prescribed description, and
- (b) in relation to an event within paragraph (2)(b), each of the following is “the appropriate person”
 - (i) the employer in relation to the scheme,
 - (ii) a person of a prescribed description.

(4) A notice under paragraph (1)—

- (a) must be in writing, and
- (b) subject to paragraph (5), must be given as soon as reasonably practicable after the person giving it becomes aware of the notifiable event.

(5) Regulations may require a notice under paragraph (1) to be given before the beginning of the prescribed period ending with the notifiable event in question.

(6) Subject to Article 283 (protected items), no duty to which a person is subject is to be regarded as contravened merely because of any information or opinion contained in a notice under this Article.

Changes to legislation: *The Pensions (Northern Ireland) Order 2005, Cross Heading: Collecting information relevant to the Board is up to date with all changes known to be in force on or before 17 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*

(7) Where the trustees or managers of a scheme fail to comply with an obligation imposed on them by paragraph (1), [^{F1}Article 83A (financial penalties)] applies in relation to any trustee or manager who has failed to take all reasonable steps to secure compliance with that paragraph.

(8) [^{F2}Article 83A] also applies to any other person who, without reasonable excuse, fails to comply with an obligation imposed on him by paragraph (1).

(9) In this Article—

“eligible scheme” has the meaning given by Article 110,

“event” includes a failure to act.

F1 Words in art. 64(7) substituted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 7(1)(a)**; S.R. 2021/271, art. 2(3)(e) (with arts. 4, 8)

F2 Words in art. 64(8) substituted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 7(1)(b)**; S.R. 2021/271, art. 2(3)(e) (with arts. 4, 8)

[^{F3}Duty to give notices and statements to the Regulator in respect of certain events

64A.—(1) Except where the Regulator otherwise directs, the appropriate person must—

- (a) give notice to the Regulator of any notifiable event;
- (b) give notice to the Regulator of any material change in, or in the expected effects of, a notifiable event;
- (c) give notice to the Regulator if a notifiable event is not going to, or does not, take place.

(2) In paragraph (1) “notifiable event” means a prescribed event in respect of the employer in relation to an eligible scheme.

(3) For the purposes of paragraph (1) each of the following is “the appropriate person”—

- (a) the employer in relation to the scheme,
- (b) a person connected with the employer,
- (c) an associate of the employer, and
- (d) a person of a prescribed description.

(4) Regulations may make provision about the meaning of a “material change” for the purposes of this Article.

(5) A notice under paragraph (1) must be given to the Regulator—

- (a) in the case of a notice under paragraph (1)(a), as soon as reasonably practicable after the person giving it becomes aware of the notifiable event, subject to paragraph (6),
- (b) in the case of a notice under paragraph (1)(b), as soon as reasonably practicable after the person giving it becomes aware of the material change, subject to paragraph (6), or
- (c) in the case of a notice under paragraph (1)(c), as soon as reasonably practicable after the person giving it becomes aware that the notifiable event is not going to take place or (as the case may be) did not take place.

(6) Regulations may require a notice under paragraph (1)(a) or (b) to be given before the beginning of the prescribed period ending with—

- (a) the notifiable event in question, or
- (b) the material change in question.

(7) A notice under paragraph (1)(a) or (b) must be accompanied by a statement (an “accompanying statement”).

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- (8) An accompanying statement must contain prescribed information.
- (9) The information that may be prescribed under paragraph (8) includes, in particular—
- (a) a description of the event,
 - (b) a description of any adverse effects of the event on the eligible scheme,
 - (c) a description of any steps taken to mitigate those adverse effects, and
 - (d) a description of any communication with the trustees or managers of the eligible scheme about the event.
- (10) Where a person gives the Regulator a notice under paragraph (1), the person must give a copy of the notice and any accompanying statement to the trustees or managers of the eligible scheme at the same time.
- (11) A notice or accompanying statement under this Article must be in writing.
- (12) No duty to which a person is subject is to be regarded as contravened merely because of any information or opinion contained in a notice or accompanying statement under this Article.
- This is subject to Article 283 (protected items).
- (13) Article 83A (financial penalties) applies to a person who, without reasonable excuse, fails to comply with an obligation imposed on the person by this Article.
- (14) For the purposes of this Article—
- (a) Article 4 of the Insolvency Order (associated persons) applies as it applies for the purposes of that Order, and
 - (b) Article 7 of the Insolvency Order (connected persons) applies as it applies for the purposes of any provision of Parts 2 to 7 of that Order.
- (15) In this Article—
- “eligible scheme” has the meaning given by Article 110;
 - “event” includes a failure to act.]

F3 [Art. 64A](#) inserted (1.9.2021 for specified purposes) by [Pension Schemes Act 2021 \(c. 1\)](#), s. 131(2)(b), [Sch. 8 para. 8\(1\)](#); S.R. 2021/240, art. 2(1)(d)

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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\(b\)](#)