

1992 No. 304

SOCIAL SECURITY

**The Occupational and Personal Pension Schemes
(Miscellaneous Amendments) Regulations
(Northern Ireland) 1992**

Made

6th July 1992

Coming into operation in accordance with regulation 1(1)

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 2(5), 41(1), 53C(4)(a)(ii), 58A(1) and (3), 58E(1), (3) and (4), 69J(3) and 70ZA(1), (2) and (4) of the Social Security Pensions (Northern Ireland) Order 1975(a), Article 4 of, and paragraph 9(3)(b) and (4) of Schedule 1 to the Social Security (Northern Ireland) Order 1986(b) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1992 and shall come into operation for the purposes of—

- (a) this regulation and regulations 2, 3 and 25 to 33 on 20th July 1992, and
- (b) regulations 4 to 24, and 34 to 36 on 28th September 1992.

(2) In these regulations—

“the Occupational Pension Schemes Disclosure Regulations” means the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1986(c);

“the Personal Pension Schemes Disclosure Regulations” means the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(d);

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- (a) S.I. 1975/1503 (N.I. 15); Article 53C was inserted by paragraph 2 of Schedule 1 to the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and paragraph (4)(a) of that Article was substituted by paragraph 9 of Schedule 4 to the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)); Articles 58A and 58E were inserted by Schedule 2 to the Social Security (Northern Ireland) Order 1985; Article 58A has effect, as modified in relation to personal pension schemes, by virtue of Schedule 2 to the Personal and Occupational Pension Schemes (Modification of Enactments) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 294); Article 69J was inserted by Article 15 of the Social Security (Northern Ireland) Order 1990 and Article 70ZA was inserted by paragraph 11 of Schedule 4 to the said Order; *see also* Article 2(3) of the Order and paragraph 10 of Schedule 3 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)
 - (b) S.I. 1986/1888 (N.I. 18)
 - (c) S.R. 1986 No. 225; relevant amending regulations are S.R. 1986 No. 319, S.R. 1987 No. 283, S.R. 1988 No. 109 and S.R. 1989 No. 372
 - (d) S.R. 1987 No. 288; relevant amending regulations are S.R. 1988 No. 107

“the Protected Rights Regulations” means the Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1987(a);

“the Levy Regulations” means the Occupational and Personal Pension Schemes (Levy) Regulations (Northern Ireland) 1990(b);

“the Register Regulations” means the Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 1990(c);

“the Preservation of Benefit Regulations” means the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991(d);

Amendment of regulation 31 of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985

2. In regulation 31 of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985(e) (commutation of pension) in paragraphs 1(c) and (2) for “£104” in each place where it occurs, there shall be substituted “£260”.

Amendment of regulation 3 of the Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1985

3. In regulation 3 of the Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1985(f) (conditions on which policies of insurance and annuity contracts may be commuted) in paragraph (1)(a) for “£104” there shall be substituted “£260”.

Amendment of regulation 1 of the Occupational Pension Schemes Disclosure Regulations

4. In regulation 1(2) of the Occupational Pension Schemes Disclosure Regulations (interpretation)—

(a) after the definition of “employer” there shall be inserted the following definition—

“ “excluded person” means a person whose present address is not known to the trustees and in respect of whom correspondence sent by the trustees to his last known address has been returned, but who is not—

(a) employed in employment to which the scheme relates; or

(b) entitled to receive a pension or other periodic payment under the scheme;”;

(a) S.R. 1987 No. 295

(b) S.R. 1990 No. 423

(c) S.R. 1990 No. 422

(d) S.R. 1991 No. 37

(e) S.R. 1985 No. 259; relevant amending regulations are S.R. 1987 No. 292

(f) S.R. 1985 No. 356; relevant amending regulations are S.R. 1987 No. 292

(b) for the definition of “scheme year” there shall be substituted the following definition—

“ “scheme year”, in relation to a scheme, means—

(a) a year specified for the purposes of the scheme in any document comprising the scheme or, if none, a period of 12 months commencing on and including 1st April or on such other date as the trustees select; or

(b) such other period (if any) exceeding 6 months but not exceeding 18 months as is selected by the trustees—

(i) in respect of the scheme year in which the scheme commences or terminates, or

(ii) in connection with a variation of the date on which the scheme year is to commence;”;

(c) the definition of “self-investment” shall be omitted.

Amendment of regulation 2 of the Occupational Pension Schemes Disclosure Regulations

5. In regulation 2 of the Occupational Pension Schemes Disclosure Regulations (meaning of “member” and “prospective member” in relation to a scheme), for paragraphs (2) and (3) there shall be substituted the following paragraphs—

“(2) There are to be regarded as members of an occupational pension scheme any persons who—

(a) are in pensionable service under the scheme;

(b) have rights under the scheme by virtue of such pensionable service; or

(c) have rights under the scheme by virtue of having been allowed transfer credits under the scheme.

(3) There are to be regarded as prospective members of an occupational pension scheme—

(a) any persons who are able, at their own option, to become members of the scheme, and

(b) any persons who, under the terms of their contracts of service and the scheme rules, will become so able if they continue in the same employment for a sufficiently long period.”.

Amendment of regulation 3 of the Occupational Pension Schemes Disclosure Regulations

6. In regulation 3 of the Occupational Pension Schemes Disclosure Regulations (schemes to which, persons in relation to whom and trade unions in relation to which regulations 4 to 9 do not apply)—

(a) in sub-paragraph (1)(c) from “it has” to “it relates and” shall be omitted;

(b) after paragraph (1) there shall be inserted the following paragraph—

“(1A) None of the requirements of regulations 4 to 9 shall apply to a scheme unless it—

- (a) has been approved for the purposes of section 590 or section 591 (other than subsection (2)(g)) of the Income and Corporation Taxes Act 1988(a) (conditions for approval of retirement benefit schemes and discretionary approval); or
- (b) has been the subject of an application for such approval which has not been determined; or
- (c) is a public service pension scheme.“

Amendment of regulation 4 of the Occupational Pension Schemes Disclosure Regulations

7. In regulation 4 of the Occupational Pension Schemes Disclosure Regulations (constitution of scheme), the following paragraphs shall be added after paragraph (5)—

“(6) Nothing in this regulation shall require the disclosure of any provision in relation to a member, or prospective member, that is not relevant to his rights under the scheme.

(7) Where any statutory provision has been set out in a document which is required to be disclosed by paragraph (1), or has been incorporated in such a document by reference, that provision shall be disclosed either—

- (a) by giving a reference to it and to the statutory provision in which it is contained; or
- (b) by setting out its text.”.

Amendment of regulation 5 of the Occupational Pension Schemes Disclosure Regulations

8. In regulation 5 of the Occupational Pension Schemes Disclosure Regulations (basic information about the scheme)—

- (a) for paragraph (2) there shall be substituted the following paragraph—
 - “(2) The information specified in Schedule 1 shall be given as of course to every member of the scheme within 13 weeks of his becoming a member and the information specified in paragraphs 18 to 20 of Schedule 1 shall be given as of course to every member of the scheme on 28th September 1992 by 31st December 1992.”;
- (b) in paragraph (3)—
 - (i) for “within 3 years” there shall be substituted “within one year”;
 - (ii) for “after he or, as the case may be, that trade union requests it” there shall be substituted “and in any event within one month of the date of receipt by the trustees of the request”;
- (c) in paragraph (5) after “All members of and beneficiaries under the scheme” there shall be inserted “except an excluded person”;

(d) for paragraph (6) there shall be substituted the following paragraph—

“(6) The trustees shall—

- (a) where it is practicable for them to do so, draw to the attention of all members of the scheme any change in relation to the scheme which will result in a material alteration in the information referred to in paragraphs 1 to 16B and 18 to 20 of Schedule 1 before that change takes effect; and
- (b) where it has not been practicable for them to draw to the attention of any member of the scheme any change in accordance with paragraph (a) and a change has taken effect which has resulted in a material alteration in the information referred to in those paragraphs of Schedule 1, draw it to the attention of that member not later than one month after that change has taken effect.”.

Amendment of regulation 6 of the Occupational Pension Schemes Disclosure Regulations

9. In regulation 6 of the Occupational Pension Schemes Disclosure Regulations (information to be made available to individuals)—

- (a) in paragraph (1) after “paragraphs (2) to (11)” there shall be inserted “and paragraphs (13) to (16)”;
- (b) in paragraph (2) for “paragraphs 1 to 3” there shall be substituted “paragraphs 1 to 3 and 5” and for “as soon as practicable” there shall be substituted “within one month”;
- (c) in paragraph (3) for “paragraph 1” there shall be substituted “paragraphs 1 and 5” and for “as soon as practicable” there shall be substituted “within one month”;
- (d) in paragraphs (4), (4B), (5)(a) and (b), (6)(a) and (b), (7) and (9) after “as soon as practicable” there shall be inserted “and, in any event, within 2 months”;
- (e) in paragraph (10) after “as soon as practicable” to the end there shall be substituted “and, in any event, within one month, inform all members of and beneficiaries under the scheme except an excluded person that they have done so and state the name and address of a person to whom any further enquiries about the scheme should be sent.”;
- (f) in paragraph (11)—
 - (i) after “as soon as practicable” there shall be inserted “and, in any event, within 3 months”;
 - (ii) in sub-paragraph (a) after “to every beneficiary and to every member who is entitled to payment of benefits” and after “to all other members” there shall in both cases be inserted “except an excluded person”;
- (g) after paragraph (12) there shall be added the following paragraphs—
 - “(13) The information mentioned in paragraph 13 of Schedule 2(a) shall be furnished to any member to whom the paragraph refers

(a) Paragraphs 13 to 17 of Schedule 2 added by regulation 14(g) of these regulations

not less than one month before the date on which the proposed transfer is due to take place.

(14) The information mentioned in paragraphs 14 and 15 of Schedule 2 shall be furnished on request (not being a request made less than 12 months after the last occasion on which such information was furnished to the same person) to any member or prospective member as soon as practicable and, in any event, within one month after he requests it.

(15) The information mentioned in paragraph 16 of Schedule 2 shall be furnished as soon as practicable and, in any event, within one month of the date on which the practitioner or official receiver commences to act in accordance with Article 63C(1)(b) of the Pensions Order(a) (requirement for independent trustee where employer becomes insolvent, etc.).

(16) The information mentioned in paragraph 17 of Schedule 2 shall be furnished to any member to whom that paragraph refers within one month of the information coming to the notice of the trustees.”.

Amendment of regulation 7 of the Occupational Pension Schemes Disclosure Regulations

10. In regulation 7 of the Occupational Pension Schemes Disclosure Regulations (audited accounts)—

(a) in paragraph (1)—

(i) for “paragraph (2)” there shall be substituted “paragraphs (2) and (6)”;

(ii) for “the trustees of any scheme shall obtain as soon as reasonably practicable” there shall be substituted “the trustees of any scheme, including any scheme which is being wound up, or has been wound up in the relevant scheme year, shall obtain as soon as reasonably practicable and, in any event, not more than one year”;

(b) in paragraph (3)(e) for the words from “a director” to the end there shall be substituted “a person who is ineligible to audit the accounts of that company by virtue of Article 397 of the Companies (Northern Ireland) Order 1986(b).”;

(c) for paragraph (6) there shall be substituted the following paragraph—

“(6) This regulation shall not apply where a scheme is established outside the United Kingdom and no audited accounts in respect of it fall to be prepared in the United Kingdom.”.

Amendment of regulation 8 of the Occupational Pension Schemes Disclosure Regulations

11. In regulation 8 of the Occupational Pension Schemes Disclosure Regulations (actuarial valuation and statement)—

(a) Article 63C was inserted by paragraph 1 of Schedule 4 to the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511) (N.I. 15)

(b) S.I. 1986/1032 (N.I. 6)

- (a) in paragraph (5) after “as soon as reasonably practicable” there shall be inserted “and, in any event, not more than 2 years”;
- (b) in paragraph (8), after sub-paragraph (b), there shall be inserted the following sub-paragraph—

“(b) in relation to members whose pensionable service was continuing on the effective date and who had not accrued any rights under the scheme on that date because the length of their service was too short, the accrued rights and liabilities referred to in paragraph 1 of the statement shall mean respectively the accrued rights to, and the liabilities to provide, benefits for each member himself and his survivors which would have been payable from normal pension age or from his death if his pensionable service had terminated on the effective date, and the qualifying service requirement under paragraph 6(b) of Schedule 3 to the Pensions Order did not apply, and shall be valued accordingly;”;

- (c) for paragraph (9) there shall be substituted the following paragraph—

“(9) Where the trustees have sought and obtained an actuarial valuation (whether in accordance with paragraphs (1) to (8) or otherwise), within three months of it being obtained by them they shall make available copies of it to the persons and trade unions, and in the circumstances, specified in paragraphs (10) to (12).”.

Amendment of regulation 9 of the Occupational Pension Schemes Disclosure Regulations

12. In regulation 9 of the Occupational Pension Schemes Disclosure Regulations (availability of audited accounts, actuarial statements and other information)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), “subject to sub-paragraph (aa),” shall be omitted;
 - (ii) sub-paragraph (aa) shall be omitted;
- (b) in paragraph (3)—
 - (i) after “persons” there shall be inserted “, except an excluded person”;
 - (ii) at the end there shall be added “within one month in the case of members in pensionable service and trade unions, but otherwise within 3 months, of it becoming available”;
- (c) in paragraph (4) for “a reasonable time after the request is made” there shall be substituted “one month of the date of receipt of the request by the trustees”;
- (d) in paragraph (5) for the words from “as soon as practicable” to the end there shall be substituted “within one month of the date of receipt of the request by the trustees.”.

Amendment of Schedule 1 to the Occupational Pension Schemes Disclosure Regulations

13. In Schedule 1 to the Occupational Pension Schemes Disclosure Regulations (basic information about the scheme)—

(a) for paragraph 2 there shall be substituted the following paragraph—

“2. Whether persons who are eligible to be members of the scheme are admitted to it—

(a) only on their own application; or

(b) automatically unless the person in question makes an election not to be admitted.”;

(b) at the end of paragraph 15 there shall be added “and details of the information specified in paragraph 7 of Schedule 5 as to how that power has been exercised over the last 10 years or since the scheme commenced if within the last 10 years”;

(c) after paragraph 16 there shall be inserted the following paragraphs—

“16A. Whether, and the circumstances in which, the trustees will accept cash equivalents and provide transfer credits within the meaning of Part II of Schedule 1A to the Pensions Order(a) (transfer values) and whether such acceptance is subject to the discretion of the trustees.

16B. Whether the trustees have directed under regulation 4(1) of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985(b) (increases and reductions of cash equivalents) that any cash equivalent shall not be increased to take into account any such additional benefits as might accrue to the member in question resulting from the exercise of any discretion vested in the trustees or the employer.”;

(d) after paragraph 17 there shall be added the following paragraphs—

“18. Whether information about the scheme (including information as to an address at which the trustees of the scheme in question may be contacted) has been given to the registrar of occupational and personal pension schemes appointed by regulation 2 of the Register of Occupational and Personal Pension Schemes Regulations 1990(c) (the registrar of occupational and personal pension schemes) in accordance with those regulations.

19. A statement that the Pensions Ombudsman appointed under section 59B(2) of the Social Security Pensions Act 1975(d) (the Pensions Ombudsman) may investigate and determine any complaint or dispute of fact or law in relation to an occupational pension scheme made or referred in accordance with the Pensions Order and the address at which he may be contacted.

(a) Schedule 1A was inserted by paragraph 3 of Schedule 1 to the Social Security (Northern Ireland) Order 1985

(b) S.R. 1985 No. 358; relevant amending regulations are S.R. 1988 No. 109

(c) S.I. 1990/2278

(d) 1975 c. 60; section 59B was inserted by Schedule 3 to the Social Security Act 1990 (c. 27)

20. A statement that the Occupational Pensions Advisory Service Limited^(a) is available to assist members and beneficiaries of the scheme in connection with difficulties which they have failed to resolve with the trustees or administrators of the scheme and the address at which it may be contacted.”.

Amendment of Schedule 2 to the Occupational Pension Schemes Disclosure Regulations

14. In Schedule 2 to the Occupational Pension Schemes Disclosure Regulations (information to be made available to individuals)—

- (a) in paragraphs 4(1)(a) and 4(2) for “on” in the first place where it occurs in each of those paragraphs there shall be substituted “within one month of”;
- (b) in paragraph 4(1)(c) for “the date on which the information is furnished to him” there shall be substituted “a specified date being the date on which the information is furnished to him or a date within one month thereof”;
- (c) in paragraph 4B, for sub-paragraph (1) there shall be substituted the following sub-paragraph—

“(1) The amount of contributions (before the making of any deductions) credited to the member under the scheme during the immediately preceding scheme year and, where the scheme was for the whole or any part of the period a contracted-out scheme, the amount of those contributions which is attributable to—

- (i) the minimum payments to the scheme made in respect of the member by his employer during the immediately preceding scheme year; and
 - (ii) the payments (if any) made to the scheme by the Department in accordance with Article 9(1) of the Social Security (Northern Ireland) Order 1986^(b) (schemes becoming contracted-out between 1986 and 1993) in respect of the member during the immediately preceding scheme year.”;
- (d) in paragraph 4C, for sub-paragraph (1) there shall be substituted the following sub-paragraph—

“(1) The value of—

- (i) the member’s protected rights under the scheme as at a specified date; and
 - (ii) the member’s accrued rights (other than his protected rights) under the scheme at the same or another specified date.”;
- (e) after paragraph 12 there shall be added the following paragraphs—

“13. Where it is proposed that a member’s accrued rights are to be transferred to another occupational pension scheme in accordance with regulation 12 of the Occupational Pension Schemes

(a) A company limited by guarantee under the Companies Act 1985 (c. 6): registered number 2459671.
(b) S.I. 1986/1888 (N.I. 18)

(Preservation of Benefit) Regulations (Northern Ireland) 1991(a) (transfer of member's accrued rights without consent), information about the proposed transfer, including full information on the value of all the rights to be transferred including accrued rights, rights of survivors and rights in respect of death in service benefits.

14. The name and address of any trustee of the scheme who is—

- (a) an independent person who has been appointed as an independent trustee of the scheme under Article 63C(2)(b) of the Pensions Order;
- (b) a person who was appointed as an independent trustee of the scheme under that Article but who has ceased to be an independent trustee.

15. Where more than one independent trustee of the scheme has been appointed under Article 63(2)(b) of the Pensions Order, details of any arrangements made between those independent trustees concerning the exercise of powers by them under Article 63D(5)(b) of that Order (independent trustees: further provisions).

16. Where no independent trustee has been appointed under Article 63C(2)(b) of the Pensions Order, the name and address of each trustee who is an independent person as referred to in that Article.

17. Where payments have been, or should in accordance with scheme rules, have been deducted by an employer from a member's remuneration to meet the member's liability to contribute to the scheme, any failure by the employer to forward the sums deducted, or due to be deducted, to the trustees within 3 months of the date on which they were, or were due to be deducted.”.

Amendment of Schedule 3 to the Occupational Pension Schemes Disclosure Regulations

15. In Schedule 3 to the Occupational Pension Schemes Disclosure Regulations (contents of accounts) for paragraph 6 there shall be substituted the following paragraph—

“6. Particulars of employer-related investments within the meaning of Article 63A of the Pensions Order(c) (restrictions on investment of scheme's resources in employer-related assets) including those in excess of the restriction prescribed in the Occupational Pension Schemes (Investment of Scheme's Resources) Regulations (Northern Ireland) 1992(d) and details of action taken during the scheme year to which the accounts relate to reduce that access.”.

(a) S.R. 1991 No. 37

(b) Article 63D was inserted by paragraph 1 of Schedule 4 to the Social Security (Northern Ireland) Order 1990

(c) Article 63A was inserted by paragraph 3 of Schedule 4 to the Social Security (Northern Ireland) Order 1990

(d) S.R. 1992 No. 47

Amendment of Schedule 4 to the Occupational Pension Schemes Disclosure Regulations

16. In Schedule 4 to the Occupational Pension Schemes Disclosure Regulations (form of actuary's statement)—

- (a) in paragraph 1 of the form there set out, after "at that date" there shall be inserted " , including liabilities arising in respect of the service of pensioners and deferred pensioners prior to the effective date and on the basis that the service of active members terminates on that date,";
- (b) in paragraph 2, at the end of the space provided for the description of contributions there shall be inserted "Subject to review at future actuarial valuations";
- (c) in paragraph 3, at the end of the space provided for the summary of methods and assumptions used there shall be inserted "Further details of the methods and assumptions used are set out in my actuarial valuation addressed to the trustees dated . . .".

Amendment of Schedule 5 to the Occupational Pension Schemes Disclosure Regulations

17. In Schedule 5 to the Occupational Pension Schemes Disclosure Regulations (information to accompany audited accounts and actuarial statement) at the end of paragraph 1 there shall be added "and information as to whether a copy of a statement on pension trust principles issued by the Occupational Pensions Board is available for inspection by those persons and if so the address at which they may inspect it(a).".

Amendment of regulation 1 of the Personal Pension Schemes Disclosure Regulations

18. In regulation 1(2) of the Personal Pension Schemes Disclosure Regulations (interpretation)—

- (a) after the definition of "beneficiary" there shall be inserted the following definition—
 - “ “excluded person” means a person whose present address is not known to the trustees and in respect of whom—
 - (i) correspondence sent by the trustees to his last known address has been returned, and
 - (ii) no contribution has been made to the scheme during the 2 calendar years preceding the date on which the information in question would otherwise fall to be disclosed;”;
- (b) for the definition of "scheme year" there shall be substituted the following definition—
 - “ “scheme year” in relation to a scheme means—

(a) Copies may be obtained from 191-195 Southampton Way, London SE5 7EF until 31st October 1992 and from the Occupational Pensions Board, P.O. Box 2EE, Newcastle-upon-Tyne NE99 2EE thereafter

- (a) a year specified for the purposes of the scheme in any document comprising the scheme or, if none, a period of 12 months commencing on and including 1st April or on such other date as the trustees select; or
- (b) such other period (if any) exceeding 6 months but not exceeding 18 months as is selected by the trustees—
 - (i) in respect of the scheme year in which the scheme commences or terminates, or
 - (ii) in connection with a variation of the date on which the scheme year is to commence;”.

Amendment of regulation 4 of the Personal Pension Schemes Disclosure Regulations

19. In regulation 4 of the Personal Pension Schemes Disclosure Regulations (basic information about the scheme) in paragraphs (5) and (6) for “Any member who is entitled” there shall be substituted “Any member except an excluded person who is otherwise entitled”.

Amendment of regulation 5 of the Personal Pension Schemes Disclosure Regulations

20. In regulation 5 of the Personal Pension Schemes Disclosure Regulations (information to be made available to individuals)—

- (a) in paragraph (2) after “each member of the scheme” there shall be inserted “except an excluded person”;
- (b) in paragraph (3)—
 - (i) in sub-paragraph (b) after “he has given the trustees not” there shall be inserted “more than 12 nor”;
 - (ii) for “not less than 4 months before that expected date” there shall be substituted “within one month of the date on which the trustees receive that notice”;
- (c) in paragraphs (8) and (9) after “each member” in each place where it appears there shall be inserted “except an excluded person”.

Amendment of regulation 6 of the Personal Pension Schemes Disclosure Regulations

21. In regulation 6 of the Personal Pension Schemes Disclosure Regulations (availability of other information)—

- (a) in paragraph (1) for “paragraphs (3) and (4)” there shall be substituted “paragraphs (3) to (5)”;
- (b) in paragraph (2) for “scheme members” there shall be substituted “each scheme member except an excluded person”;
- (c) at the beginning of paragraphs (3) and (4) there shall in each place be inserted “Subject to paragraph (5),”;
- (d) after paragraph (4) there shall be added the following paragraph—

“(5) The information mentioned in paragraph 4 of Schedule 3 shall be made available to scheme members in the circumstances mentioned in Part 10 (reports) of the Financial Services (Regulated Schemes) Regulations 1991 issued by the Securities and Investments Board(a).”.

Amendment of Schedule 1 to the Personal Pension Schemes Disclosure Regulations—

22. In Schedule 1 to the Personal Pension Schemes Disclosure Regulations (basic information about the scheme)—

(a) in paragraph 9—

(i) after “Illustrative estimates of the cash equivalents” there shall be inserted “, clearly labelled as such and stating the period for which they will be honoured by the scheme,”;

(ii) after “stating the assumptions made” there shall be inserted “and whether the same basis of calculation has been used for all members of the scheme,”;

(b) after paragraph 13 there shall be added the following paragraphs—

“14. A statement that the Pensions Ombudsman appointed under section 59B(2) of the Social Security Pensions Act 1975 may investigate and determine any complaint or dispute of fact or law in relation to an occupational pension scheme made or referred in accordance with the Social Security Pensions (Northern Ireland) Order 1975 and the address at which he may be contacted.

15. A statement that the Occupational Pensions Advisory Service Limited is available to assist members and beneficiaries of the scheme in connection with difficulties which they have failed to resolve with the trustees or administrators of the scheme and the address at which it may be contacted.”.

Amendment of Schedule 2 to the Personal Pension Schemes Disclosure Regulations

23. In Schedule 2 to the Personal Pension Schemes Disclosure Regulations (information to be made available to individuals) in paragraph 1 after “The amount of contributions” there shall be inserted “, including a nil amount,”.

Amendment of Schedule 3 to the Personal Pension Schemes Disclosure Regulations

24. In Schedule 3 to the Personal Pension Schemes Disclosure Regulations (other information) after paragraph 3 there shall be added the following paragraph—

“4. Where investments are held by a unit trust scheme within the meaning of regulation 2(1)(b) of the Personal Pension Schemes

(Appropriate Schemes) Regulations (Northern Ireland) 1988(a) (forms of schemes which may be appropriate schemes) the information required to be specified in the annual and half-yearly reports by Schedule 3 to the Financial Services (Regulated Schemes) Regulations 1991 issued by the Securities and Investments Board and—

- (a) a list of any investments which are held on a date specified in the information, being a date falling not earlier than 14 days before the day on which the information is furnished;
- (b) a list of investments which have been acquired during the period of 6 months which falls immediately before that date; and
- (c) a list of investments that have been disposed of within that period.”.

Amendment of regulation 6 of the Protected Rights Regulations

25. In regulation 6 of the Protected Rights Regulations (giving effect to protected rights in money purchase contracted-out scheme by providing lump sum) in paragraph (1) for “£104” there shall be substituted “£260”.

Amendment of regulation 10 of the Protected Rights Regulations

26. In regulation 10 of the Protected Rights Regulations (death of scheme member before effect given to his protected rights) in sub-paragraph (14)(a) for “£104” there shall be substituted “£260”.

Amendment of regulation 1 of the Levy Regulations

27. In regulation 1(2) of the Levy Regulations (interpretation)—

- (a) for the definition of “active member” there shall be substituted the following definition—

“ “active member” means—

- (a) in the case of a registrable scheme which is an occupational pension scheme other than one which is treated as a personal pension scheme—
 - (i) a member of the scheme who is in employment in the United Kingdom by or in respect of whom contributions are payable (whether or not those contributions are being paid) other than a deferred pensioner, a pensioner or a member who is only entitled under the scheme to benefits payable on death while in that employment;
 - (ii) a member of the scheme who is in employment in the United Kingdom which qualifies him for benefits under the scheme, other than a deferred pensioner, a pensioner or a member who is only entitled under the scheme to benefits payable on death while in that employment;
- (b) in the case of a registrable scheme which is, or is treated as, a personal pension scheme, any member of the scheme other than—

(a) S.R. 1988 No. 34; to which there are amendments not relevant to these regulations

- (i) a member who has received a lump sum or is currently in receipt of annuity payments representing all of the benefits to which he is entitled under the scheme; or
 - (ii) a member in respect of whom entitlement under the scheme is only for benefits payable on his death;”;
- (b) after the definition of “address of the scheme” there shall be inserted the following definition—
- “ “deferred pensioner” means any member of an occupational pension scheme whose pensionable service terminates before normal pension age and, on the date on which it so terminates, has accrued rights to benefit under the scheme;”;
- (c) after the definition of “employment in the United Kingdom” there shall be inserted the following definition—
- “ “member” means—
- (a) in relation to an occupational pension scheme, any person who—
 - (i) is in pensionable service under the scheme;
 - (ii) has rights under the scheme by virtue of such pensionable service; or
 - (iii) has rights under the scheme by virtue of having been allowed transfer credits under the scheme;
 - (b) in relation to a personal pension scheme, or a scheme treated as such, a member of the scheme;”;
- (d) in the definition of “number of active members”—
- (i) in paragraph (a) for “established” there shall be substituted “a registrable scheme” and for “the levy in question is payable” there shall be substituted “the trustees of the scheme are responsible for providing information to the registrar in accordance with regulation 2(1) of the Register Regulations (information required in respect of a registrable scheme);”
 - (ii) in paragraph (b) for “was established” there shall be substituted “became a registrable scheme”;
- (e) in the definition of “registrable scheme”—
- (i) in paragraph (c)(i), “active” shall be omitted;
 - (ii) at the end there shall be added “and for the purposes of these regulations an occupational pension scheme which is a retirement benefits scheme approved under section 591(2)(h) of the Income and Corporation Taxes Act 1988(a) (discretionary approval) shall be treated as a personal pension scheme”;
- (f) for the definition of “scheme year”, there shall be substituted the following definition—
- “ “scheme year”, in relation to a registrable scheme means—

- (a) a year specified for the purposes of the scheme in any document comprising the scheme or, if none, the registration year or a period of 12 months commencing on such date as the trustees select; or
- (b) such other period (if any) exceeding 6 months but not exceeding 18 months as is selected by the trustees—
 - (i) in respect of the scheme year in which the scheme commences or terminates; or
 - (ii) in connection with a variation of the date on which the scheme year is to commence;”.

Amendment of regulation 2 of the Levy Regulations

28. In regulation 2 of the Levy Regulations (the levy on registrable schemes)—

- (a) in paragraph (1) after “every registrable scheme” there shall be inserted “with at least 2 active members”;
- (b) in paragraph (2) at the end there shall be added “and the amount payable shall be 3 times the amount calculated at the beginning of the first registration year in that period”;
- (c) for paragraph (4), there shall be substituted the following paragraph—

“(4) Where, during a period in respect of which the levy is payable in accordance with these regulations, a scheme—

 - (a) becomes a registrable scheme;
 - (b) ceases to be a registrable scheme;
 - (c) becomes a paid-up or frozen scheme; or
 - (d) is wound up;

the levy shall nevertheless be payable in full for that period.”.

Amendment of regulation 3 of the Levy Regulations

29. In regulation 3 of the Levy Regulations (amount of the levy) after “following amounts” there shall be inserted “in respect of each registration year”.

Amendment of regulation 4 of the Levy Regulations

30. In regulation 4(2) of the Levy Regulations (payment of the levy) at the end there shall be added “, at the beginning of that period and no additional levy or refund shall be due in respect of any change taking place within that period”.

Amendment of regulation 6 of the Levy Regulations

31. In regulation 6 of the Levy Regulations (time of payment: transitional provisions)—

- (a) in paragraph (1) for “is established” in each place where it occurs there shall be substituted “becomes a registrable scheme”;
- (b) in paragraph (2) for the words from “the first application” to the end there shall be substituted—

“as follows—

- (a) the first scheme which is registered is to be assigned the letter “A”;
- (b) the second scheme which is registered is to be assigned the letter “B”;
- (c) the third scheme which is registered is to be assigned the letter “C”;
- (d) the fourth scheme which is registered is to be assigned the letter “A”;

and so on.”.

Amendment of regulation 1(2) of the Register Regulations

32. In regulation 1(2) of the Register Regulations (interpretation)—

(a) for the definition of “active member” there shall be substituted the following definition—

“ “active member” means—

(a) in the case of a registrable scheme which is an occupational pension scheme other than one which is treated as a personal pension scheme—

- (i) a member of the scheme who is in employment in the United Kingdom by or in respect of whom contributions are payable (whether or not those contributions are being paid) other than a deferred pensioner, a pensioner or a member who is only entitled under the scheme to benefits payable on death while in that employment;
- (ii) a member of the scheme who is in employment in the United Kingdom which qualifies him for benefits under the scheme, other than a deferred pensioner, a pensioner or a member who is only entitled under the scheme to benefits payable on death while in that employment;

(b) in the case of a registrable scheme which is, or is treated as, a personal pension scheme, any member of the scheme other than—

- (i) a member who has received a lump sum or is currently in receipt of annuity payments representing all of the benefits to which he is entitled under the scheme; or
- (ii) a member in respect of whom entitlement under the scheme is only for benefits payable on his death;”;

(b) after the definition of “closed scheme” there shall be inserted the following definition—

“ “deferred pensioner” means any member of an occupational pension scheme whose pensionable service terminates before normal pension age and, on the date on which it so terminates, has accrued rights to benefit under the scheme;”;

(c) the following definitions shall be inserted after the definition of “insured scheme”—

“ “member” means—

- (a) in relation to an occupational pension scheme, any person who—
 - (i) is in pensionable service under the scheme;
 - (ii) has rights under the scheme by virtue of such pensionable service; or
 - (iii) has rights under the scheme by virtue of having been allowed transfer credits under the scheme;
- (b) in relation to a personal pension scheme or a scheme treated as such, a member of the scheme;

“number of active members” means—

- (a) in the case of a scheme which has been a registrable scheme for not less than one scheme year, the number of active members at the end of the scheme year immediately preceding the start of a period in respect of which the trustees of the scheme are responsible for providing information to the registrar in accordance with regulation 2(1);
 - (b) in any other case, the number of active members at the date at which the scheme became a registrable scheme;”;
- (d) in the definition of “registrable scheme”—
- (i) in paragraph (c)(i), “active” shall be omitted;
 - (ii) at the end there shall be added “and for the purposes of these regulations, an occupational pension scheme which is a retirement benefits scheme approved under section 591(2)(h) of the Income and Corporation Taxes Act 1988 shall be treated as a personal pension scheme”;
- (e) after the definition of “scheme administrator” there shall be added the following definition—

“ “scheme year” in relation to a registrable scheme, means—

- (a) a year specified for the purposes of the scheme in any document comprising the scheme or, if none, a period of 12 months commencing on and including 1st April or on such other date as the trustees select; or
- (b) such other period (if any) exceeding 6 months but not exceeding 18 months as is selected by the trustees—
 - (i) in respect of the scheme year in which the scheme commences or terminates, or
 - (ii) in connection with a variation of the date on which the scheme year is to commence;”.

Amendment of regulation 2 of the Register Regulations

33. In regulation 2 of the Register Regulations (information required in respect of a registrable scheme)—

- (a) in paragraph (2)—

- (i) at the beginning there shall be inserted "Subject to paragraph (4),";
 - (ii) in sub-paragraph (b) for "commenced" there shall be substituted "becomes a registrable scheme";
- (b) after paragraph (3) there shall be added the following paragraph—
- “(4) Where a scheme becomes registrable after the date on which it became established, the information required for the registration of that scheme shall be provided to the registrar before the expiration of 3 months from the date on which the scheme became registrable.”.

Amendment of regulation 3 of the Preservation of Benefit Regulations

34. In regulation 3 of the Preservation of Benefit Regulations (meaning of "member" and "prospective member") for paragraphs (2) and (3) there shall be substituted the following paragraphs—

- “(2) There are to be regarded as members of an occupational pension scheme any persons who—
- (a) are in pensionable service under the scheme;
 - (b) have rights under the scheme by virtue of such pensionable service; or
 - (c) have rights under the scheme by virtue of having been allowed transfer credits under the scheme.
- (3) There are to be regarded as prospective members of an occupational pension scheme—
- (a) any persons who are able, at their own option, to become members of the scheme, and
 - (b) any persons who under the terms of their contracts of service and the scheme rules will become so able, if they continue in the same employment for a sufficiently long period.”.

Amendment of regulation 12 of the Preservation of Benefit Regulations

35. In regulation 12 of the Preservation of Benefit Regulations (transfer of member's accrued rights without consent) for paragraph (2) there shall be substituted the following paragraph—

- “(2) The condition set out in this paragraph is that the rights of a member are being transferred from the transferring scheme to the receiving scheme and either—
- (a) the transferring scheme and the receiving scheme apply to employment with the same employer; or
 - (b) the transferring scheme and the receiving scheme apply to employment with different employers, the member concerned is one of a group in respect of whom transfers are being made from the transferring scheme to the receiving scheme, and either—
 - (i) the transfer is a consequence of a financial transaction between the employers; or

- (ii) the employers are companies or partnerships bearing a relationship to each other such as is described in any of sub-paragraphs (a) to (f) of regulation 39(2) of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985(a) (meaning of "connected employer").".

Revocation

36. Regulation 8(7)(a) and (b) of the Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1988(b) is hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 6th July 1992.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend certain regulations concerning occupational and personal pension schemes.

The amendments made to the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985, the Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1985 and the Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1987 increase the lower limit of the amount of guaranteed minimum pension or protected rights which may be commuted to a lump sum from £104 to £260 (regulations 2, 3, 25 and 26).

The amendments made to the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1986 include provision—

- (a) for the revision of the definitions of “scheme year”, “member” and “prospective member” and for the introduction of a definition of “excluded person” (regulations 4 and 5);
- (b) for the imposition of new time limits in respect of various of the disclosure requirements and for the disclosure requirements not to apply in respect of certain excluded persons (regulations 8, 9 and 12);
- (c) for the extension of the basic information about a scheme to be made available to individuals (regulation 13); and
- (d) for changes to certain of the existing requirements to supply information (regulations 14 and 15).

The amendments made to the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987 include provision—

- (a) for the revision of the definition of “scheme year” and for the introduction of a definition of “excluded person” (regulation 18);
- (b) for the disclosure requirements not to apply in respect of certain excluded persons (regulation 19);
- (c) for changes in certain of the time limits and circumstances in which information is to be supplied to individuals (regulations 20 and 21); and
- (d) for the extension of the information to be made available to individuals (regulations 22 to 24).

The amendments made to the Occupational and Personal Pension Schemes (Levy) Regulations (Northern Ireland) 1990 include provision—

- (a) for the revision of the definitions of “active member”, “number of active members”, “scheme year” and “registrable scheme” and for the introduction of definitions of “deferred pensioner” and “member” (regulation 27); and

- (b) for the levy to be payable in full notwithstanding that a scheme becomes or ceases to be a registrable scheme in the course of the period in respect of which the levy is payable (regulation 30);

The amendments made to the Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 1990 include provision for the revision of the definitions of “active member”, “registrable scheme” and for the introduction of definitions of “deferred pensioner”, “member”, “number of active members” and “scheme year” (regulation 32);

The amendments to the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991 include provision—

- (a) for the revision of the definitions of “member” and “prospective member” (regulation 34); and
(b) for changes in the requirements subject to which a member’s rights may be transferred (regulation 35).

Regulation 36 contains a revocation.

1992 No. 305

Temporary Speed Limit (Motorway M1) (No. 3) Order (Northern Ireland) 1992

This Order, being of a temporary character, is not printed at length in this volume.

1992 No. 306

Medicines (Medicated Animal Feeding Stuff) (No. 2) Regulations 1992

These Regulations have been made by the Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with agriculture in Scotland and in Wales and the Department of Agriculture for Northern Ireland, acting jointly, in exercise of the powers conferred by sections 40 and 129(1), (4) and (5) of the Medicines Act 1968.

In pursuance of paragraph 11 of Schedule 4 to that Act these Regulations have been registered as a Northern Ireland statutory rule under the Statutory Rules (Northern Ireland) Order 1979. They are printed in full in the volume of United Kingdom Statutory Instruments for 1992 and have been numbered 1520 in that series.