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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 256**

**The Social Security and Pensions (Financial Services and Markets Act 2000) (Consequential Amendments) Regulations (Northern Ireland) 2003**

**Amendment of the Personal Pension Schemes (Compensation) Regulations**

4.—(1) The Personal Pension Schemes (Compensation) Regulations (Northern Ireland) 1988<sup>(1)</sup> shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1 (interpretation) for paragraph (2)<sup>(2)</sup> there shall be substituted the following paragraphs –

“(2) In these Regulations –

“the Act” means the Pension Schemes (Northern Ireland) Act 1993<sup>(3)</sup>;

“the 2000 Act” means the Financial Services and Markets Act 2000;

“the Appropriate Schemes Regulations” means the Personal Pension Schemes (Appropriate Schemes) Regulations (Northern Ireland) 1997;

“authorised deposit-taker” means –

- (a) a person who has permission under Part IV of the 2000 Act to accept deposits, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act (EEA passport rights) which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits;

“authorised insurer” means –

- (a) a person who has permission under Part IV of the 2000 Act to effect or carry out contracts of insurance, or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance in the United Kingdom;

“the Financial Services Compensation Scheme” has the same meaning as in section 213(2) of the 2000 Act;

“liable scheme” has the meaning assigned by regulation 2;

“scheme” means a personal pension scheme.

(3) In paragraph (2) the definitions of “authorised deposit-taker” and “authorised insurer” shall be read with –

- (a) section 22 of the 2000 Act (regulated activities);

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<sup>(1)</sup> S.R. 1988 No. 449, amended by S.R. 1994 No. 300

<sup>(2)</sup> Paragraph (2) was amended by paragraph 20(2) of Schedule 2 to S.R. 1994 No. 300

<sup>(3)</sup> 1993 c. 49

- (b) any relevant order under that section, and
  - (c) Schedule 2 to that Act.”.
- (3) In regulation 2 (application of regulations) –
- (a) for paragraph (a) there shall be substituted the following paragraph –
    - “(a) mentioned in regulation 2(2)(a) of the Appropriate Schemes Regulations (insurance policies and annuity contracts), being a scheme established by an authorised insurer who is subject to the provisions of, or participates in, the Financial Services Compensation Scheme;”;
  - (b) paragraph (b) shall be omitted;
  - (c) for paragraphs (c) and (d) there shall be substituted the following paragraphs –
    - “(c) mentioned in regulation 2(2)(b) of the Appropriate Schemes Regulations (unit trust schemes), being a scheme of which the trustee and operator are both subject to the provisions of the Financial Services Compensation Scheme, and
    - (d) mentioned in regulation 2(2)(c) of the Appropriate Schemes Regulations (interest-bearing accounts etc. with banks and building societies), being a scheme which is established by an authorised deposit-taker who is subject to the provisions of, or participates in, the Financial Services Compensation Scheme.”.
- (4) In regulation 3 (requirements to be complied with by liable schemes in the event of insolvency) –
- (a) for paragraph (1)(4) there shall be substituted the following paragraph –
    - “(1) For the purposes of section 26(1)(b) of the Act(5) (securing of liability for protected rights) the prescribed circumstances are that if the scheme is a liable scheme which takes the form mentioned in any of sub-paragraphs (a), (b) and (c) of regulation 2(2) of the Appropriate Schemes Regulations, and if the provisions of the Financial Services Compensation Scheme applied, those provisions would become operative.”;
  - (b) for paragraph (3) there shall be substituted the following paragraph –
    - “(3) The extent to which the liability specified in paragraph (2) must be met from some other source is, if the scheme takes the form mentioned in any of sub-paragraphs (a), (b) and (c) of regulation 2(2) of the Appropriate Schemes Regulations, the extent to which it would be met under the Financial Services Compensation Scheme if the rules of that Scheme applied.”.

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(4) Paragraph (1) was amended by paragraph 20(3) of Schedule 2 to [S.R. 1994 No. 300](#)

(5) Section 26(1) was amended by paragraph 14(a) of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and paragraph 45 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I.1999/671)