
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision relating to the carrying out by the Pensions Regulator (“the Regulator”) of its functions in relation to cross-border activity within the European Union by occupational pension schemes and their trustees or managers, or by European pensions institutions and together with Part VII of the Pensions (Northern Ireland) Order 2005 (“the Order”) implement Article 20 of European Union Directive [2003/41/EC](#) on the activities and supervision of institutions for occupational retirement provision (OJNo. L 235, 23.9.03, p.10) (“the Directive”).

Regulation 3 makes provision as to the meaning of “European employer” and “host member State” when those terms are used in Part VII of the Order.

Regulations 4 to 6 make provision about the information to be supplied to the Regulator when the trustees or managers of an occupational pension scheme make an application to the Regulator for a general authorisation to accept contributions from European employers.

Regulation 7 makes provision about the conditions which must be met by an applicant for general authorisation before the Regulator may grant the application.

Regulation 8 makes provision about the criteria to be applied by the Regulator in reaching any decision as to the revocation of a general authorisation.

Regulations 9 to 11 make provision about the information to be supplied to the Regulator when the trustees or managers of an occupational pension scheme make an application to the Regulator for approval in relation to a particular European employer.

Regulation 12 makes provision about the conditions which must be met by an applicant for approval before the Regulator may grant an approval.

Regulation 13 makes provision about the revocation of approvals and the criteria to be applied by the Regulator in reaching any decision as to the revocation of an approval.

Regulation 14 provides for the modification of certain provisions of pensions legislation in their application to European members of occupational pension schemes which carry out cross-border activity.

Regulation 15 makes provision about the circumstances in which the Regulator may issue a ring-fencing notice, and about what such a notice may require of the trustees or managers of an occupational pension scheme.

Regulation 16 makes provision about the requirements of the law relating to occupational pension schemes to be notified by the Regulator to the competent authorities of other member States and complied with by European pensions institutions which accept contributions from UK employers.

Regulation 17 makes provision about the manner of applying to the Regulator for authorisation or approval.

Regulation 18 makes a consequential amendment to the Occupational Pension Schemes (Trust and Retirement Benefits Exemption) Regulations (Northern Ireland) 2005.

Articles 263(6), 264, 265(1), (2) and (4), 267(2), 268(1) and 269(8) of the Order, some of the enabling provisions under which these Regulations are made, were brought into operation, for the purpose only of authorising the making of regulations, on 6th December 2005 and for all other purposes on 30th December 2005, by virtue of the Pensions (2005 Order) (Commencement No. 7) Order (Northern Ireland) 2005 ([S.R. 2005 No. 543 \(C. 37\)](#)).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

As these Regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain, the requirement to consult under Article 289(1) of the Order does not apply by virtue of paragraph (2)(e) of that Article.

An assessment of the cost to business of these Regulations is detailed in a Regulatory Impact Assessment and the transposition of Article 20 of the Directive is detailed in the Transposition Note. Copies of both the Assessment and the Note have been laid in the Business Office and the Library of the Northern Ireland Assembly and are available from the Department for Social Development, Social Security Policy and Legislation Division, Level 1, James House, 2-4 Cromac Avenue, Gasworks Business Park, Ormeau Road, Belfast BT7 2JA.