

2005 No. 93

PENSIONS

**The Register of Occupational and Personal Pension Schemes
Regulations (Northern Ireland) 2005**

Made - - - - - 11th March 2005

Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred on it by Articles 55(2)(h), (3) and (5), 56(1) to (3), 280(1) and 287(2) and (3) of the Pensions (Northern Ireland) Order 2005(a) 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 Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 2005 and shall come into operation as follows –

- (a) regulation 2, and this regulation insofar as it applies to it, on 1st April 2005;
- (b) for all other purposes, on 6th April 2005.

(2) In these Regulations –

“the 2005 Order” means the Pensions (Northern Ireland) Order 2005;

“Crown guarantee” in relation to a scheme, means a scheme in respect of which a relevant public authority has –

- (a) given a guarantee in relation to any part of the scheme, any benefits payable under the scheme rules or any member of the scheme, or
- (b) made any other arrangements for the purposes of securing that the assets of the scheme are sufficient to meet any part of its liabilities;

“deferred member” has the meaning given by Article 121(1) of the 1995 Order;

“pensioner member” has the meaning given by Article 121(1) of the 1995 Order(b);

“public service pension scheme” has the meaning given by section 1 of the Pension Schemes Act;

“registrable scheme” shall be construed in accordance with regulation 2;

“relevant public authority” in relation to a Crown guarantee means –

- (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975(c)),

(a) S.I. 2005/255 (N.I. 1)

(b) The definition of “pensioner member” was amended by paragraph 5(3) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

(c) 1975 c. 26

- (b) a government department (including any body or authority exercising statutory functions on behalf of the Crown);

“trust scheme” means an occupational or personal pension scheme which is established under a trust.

Registrable schemes

2.—(1) A scheme which is of a description prescribed for the purposes of Article 55(5) of the 2005 Order (register of occupational and personal pension schemes – prescribed description of “registrable schemes”) is a scheme –

- (a) which –
 - (i) has more than one member, and
 - (ii) provides benefits which are not solely payable on the death of a member, and
- (b) which –
 - (i) prior to 6th April 2006, has received the approval of the Board of Inland Revenue 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 for the purposes of Chapter IV of Part XIV of that Act (personal pension schemes),
 - (ii) is a public service pension scheme, or
 - (iii) on or after 6th April 2006, is or has been registered in accordance with section 153 of the Finance Act 2004(b) (registration of pension schemes) (or is treated as registered by virtue of Schedule 36 to that Act).

(2) Paragraph (1)(a)(ii) and (b)(i) and (ii) shall cease to have effect on 6th April 2006.

Registrable information

3.—(1) The information prescribed for the purposes of Article 55(2)(h) of the 2005 Order (registrable information – other prescribed information) is –

- (a) the category of the scheme by reference to –
 - (i) whether the scheme is an occupational or a personal pension scheme,
 - (ii) whether the scheme is a public service pension scheme,
 - (iii) whether the scheme or any part of the scheme is protected by a Crown guarantee,
 - (iv) where the scheme is or is to be registered as a stakeholder pension scheme under Article 4 of the 1999 Order(c) (registration of stakeholder pension schemes), whether the scheme is a trust scheme or is established in accordance with regulation 2 of the Stakeholder Pension Schemes Regulations (Northern Ireland) 2000(d) (manner of establishment);
- (b) in the case of a personal pension scheme, the number of members of the scheme on the later of –
 - (i) the last day of the scheme year which ended most recently, and
 - (ii) the day on which the scheme became a registrable scheme;
- (c) in the case of an occupational pension scheme, the numbers of active members, deferred members and pensioner members of the scheme on the later of –
 - (i) the last day of the scheme year which ended most recently, and

(a) 1988 c. 1. Section 590 is amended by section 35 of, and paragraph 18 of Part I of Schedule 3 to, the Finance Act 1988 (c. 39); sections 75 and 187 of, and paragraphs 3 and 18(2) and (3) of Schedule 6, and Part 4 of Schedule 17 to, the Finance Act 1989 (c. 26); sections 34(2) to (4), 36(2) and (3) and 123 of, and Part 5 of Schedule 19 to, the Finance Act 1991 (c. 31); and section 79 of, and paragraphs 2(1) to (4) and (7) and (8) and 18(1) and (3) of Schedule 10 to, the Finance Act 1999 (c. 16). Section 591 is amended by section 146 of, and paragraph 6 of Part I of Schedule 13 to, the Finance Act 1988; sections 107(2) to (4) and 258 of, and Part 5 of Schedule 26 to, the Finance Act 1994 (c. 9); sections 59(2) and 60(1) of the Finance Act 1995 (c. 4); and section 79 of, and paragraphs 3(a) and (b) and 18(1) and (3) of Schedule 10 to, the Finance Act 1999

(b) 2004 c. 12

(c) Article 4 is amended by Article 262(5) of the Pensions (Northern Ireland) Order 2005

(d) S.R. 2000 No. 262; regulation 2(2) was substituted by regulation 2 of S.R. 2001 No. 13

- (ii) the day on which the scheme became a registrable scheme;
 - (d) in relation to the benefits provided under the scheme –
 - (i) whether any of those benefits are secured by a contract of insurance or annuity contract issued by an insurance company which provides administration services to the scheme, and
 - (ii) if so –
 - (aa) the name and address of the insurance company providing such a contract, and
 - (bb) the policy number of that contract or the insurance company reference number in relation to that contract;
 - (e) the nature of the business of any relevant employer, and
 - (f) in the case of a trust scheme which is in the process of being wound up, the date on which the winding up commenced.
- (2) The reference in paragraph (1)(f) to the date on which the winding up of a trust scheme commenced is to be construed in accordance with Part II of the 1995 Order^(a).
- (3) Where the scheme is a multi-employer scheme, for the purposes of sub-paragraph (1)(e), Article 55(4) of the 2005 Order shall be modified so as to have effect as if for “the employer” in the definition of “relevant employer” there were substituted “an employer”.
- (4) In paragraph (3), “multi-employer scheme” means a trust scheme in relation to which there is more than one employer.
- (5) For the purposes of Article 55(2)(g)(i) of the 2005 Order and of this regulation, “scheme year” means –
- (a) a year specified for the purposes of the scheme in any document comprising the scheme or, if no year is specified, a period of 12 months commencing on 1st April or on such other date as the trustees select, or
 - (b) such other period (if any) exceeding six months but not exceeding 18 months as is selected by the trustees –
 - (i) in connection with the commencement or termination of the scheme, or
 - (ii) in connection with a variation of the date on which the year or period referred to in sub-paragraph (a) is to commence.

Pension Tracing Service

4.—(1) The Department shall provide an information service to be known as the Pension Tracing Service.

(2) An application may be made to the Department for information from the Pension Tracing Service relating to one or more registrable schemes.

(3) The application referred to in paragraph (2) may only be made by –

- (a) any person who is, or may be, or may become entitled to benefit under the scheme in question, or
- (b) any person acting on behalf of such a person,

and “applicant” shall be construed accordingly.

(4) Following receipt of an application made under paragraph (2) containing sufficient information to enable the Department to identify –

- (a) the scheme or schemes in question, or
- (b) one or more schemes which in the opinion of the Department may be the scheme or schemes in question,

the Department shall provide sufficient information relating to that scheme or those schemes to the applicant to enable the applicant to contact the scheme or schemes.

(a) See Article 121(4) to (8) as inserted by section 45(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(5) The Department shall have the function of publishing (from time to time and in such manner as is in its opinion appropriate) details of the manner in which an application under paragraph (2) is to be made.

(6) Where the Department has authorised another person (“the authorised person”) to carry on the Pension Tracing Service on its behalf, the provisions of this regulation and regulation 5 shall apply to the authorised person as they apply to the Department.

Provision of information

5.—(1) For the purposes of carrying on the Pension Tracing Service, the Department –

(a) shall be provided with such –

- (i) information recorded in the register,
- (ii) extracts from the register, or
- (iii) copies of the register or of extracts from it,

as are in its opinion necessary for the purpose of carrying on that service, and

(b) may inspect –

- (i) the register,
- (ii) extracts from the register, or
- (iii) copies of the register or of extracts from it,

when in its opinion such inspection is necessary for the purpose of carrying on that service.

(2) For the purposes of providing information as specified in regulation 4(4), the Department may disclose information to the applicant which it has obtained in accordance with paragraph (1), but only so far as is necessary to provide the applicant with sufficient information to contact any relevant scheme.

(3) When information is disclosed in accordance with paragraph (2), Article 77(2) of the 2005 Order (restricted information – prohibition on disclosure) shall apply as if there were inserted after sub-paragraph (b) “and regulations made under Article 56”.

Revocations

6. The following regulations are hereby revoked –

- (a) the Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 1997(a);
- (b) the Register of Occupational and Personal Pension Schemes (Amendment) Regulations (Northern Ireland) 1997(b);
- (c) regulation 10 of the Personal and Occupational Pension Schemes (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1997(c);
- (d) the Occupational and Personal Pension Schemes (Levy and Register) (Amendments) Regulations (Northern Ireland) 1998(d);
- (e) regulation 3 of the Occupational and Personal Pension Schemes (Penalties) Regulations (Northern Ireland) 2000(e);
- (f) regulation 6 of the Pension Sharing (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2000(f);
- (g) regulation 11 of the Occupational Pension Schemes (Republic of Ireland Schemes Exemption) Regulations (Northern Ireland) 2000(g).

(a) S.R. 1997 No. 102
(b) S.R. 1997 No. 271
(c) S.R. 1997 No. 544
(d) S.R. 1998 No. 85
(e) S.R. 2000 No. 107
(f) S.R. 2000 No. 335
(g) S.R. 2000 No. 382

Sealed with the Official Seal of the Department for Social Development on 11th March 2005.

(L.S.)

John O'Neill

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision about the register of occupational and personal pension schemes.

Regulation 1 provides for citation, commencement and interpretation of the Regulations.

Regulation 2 prescribes those pension schemes which are registrable.

Regulation 3 prescribes information which is “registrable information”.

Regulation 4 provides that the Department shall provide an information service to be known as the Pension Tracing Service, which will help people to get back in touch with pension schemes of which they may be a member but with which they have lost contact. Regulation 4 also provides for regulations 4 and 5 to apply to any person authorised to carry on the Pension Tracing Service on behalf of the Department.

Regulation 5 entitles the Department to be provided with information from the register, or to inspect the register, if it considers it necessary to carry on the Pension Tracing Service. It also enables the Department to disclose certain information from the register in certain circumstances to persons seeking to trace pensions.

Regulation 6 makes revocations.

The Pensions (2005 Order) (Commencement No. 1 and Consequential and Transitional Provisions) Order (Northern Ireland) 2005 (S.R. 2005 No. 48 (C. 5)) provides for the coming into operation of the following provisions of the Pensions (Northern Ireland) Order 2005 (“the Order”), some of the enabling provisions under which these Regulations are made, as follows –

Article 55(5), for the purpose of authorising the making of regulations on 25th February 2005 and for all other purposes on 1st April 2005;

Article 55(2)(h) and (3) and 56(1) to (3) for the purpose of authorising the making of regulations on 25th February 2005 and for all other purposes on 6th April 2005;

Article 280(1), for the purpose of authorising the making of regulations on 25th February 2005 and for other purposes on 8th March 2005 and on 6th April 2005.

As these Regulations are made before the end of the period of six months beginning with the coming into operation of the provisions of the Order by virtue of which they are made, the requirement to consult under Article 289(1) of the Order does not apply by virtue of paragraph (2)(c) of that Article.

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