

2006 No. 444

PENSIONS

The Pensions (2005 Order) (Disclosure of Restricted Information) (Amendment of Specified Persons) Order (Northern Ireland) 2006

Made - - - - *9th November 2006*

Coming into operation - *7th December 2006*

The Department for Social Development makes the following Order in exercise of the powers conferred by Articles 81(2)(a) and 182(2)(a) of the Pensions (Northern Ireland) Order 2005^(a).

In accordance with Articles 81(2) and 182(2) of the Pensions (Northern Ireland) Order 2005, the Department has consulted with the Pensions Regulator and the Board of the Pension Protection Fund respectively.

Citation and commencement

1. This Order may be cited as the Pensions (2005 Order) (Disclosure of Restricted Information) (Amendment of Specified Persons) Order (Northern Ireland) 2006 and shall come into operation on 7th December 2006.

Amendment of the Pensions (Northern Ireland) Order 2005

2.—(1) The Pensions (Northern Ireland) Order 2005 shall be amended in accordance with paragraphs (2) and (3).

(2) In Schedule 3 (restricted information held by the Regulator: certain permitted disclosures to facilitate exercise of functions)—

- (a) in the entry relating to “The Commissioners of Inland Revenue or their officers”, in the “Functions” column for the words “or” at the end of paragraph (d) to the end of that entry substitute—
 - “(e) the Income Tax (Earnings and Pensions) Act 2003 (c. 1),
 - (f) the Income Tax (Trading and Other Income) Act 2005 (c. 5) (so far as relating to functions previously exercised under the Income and Corporation Taxes Act 1988 (c. 1)), or
 - (g) Part 4 of the Finance Act 2004 (c. 12).”;
- (b) omit the entry relating to the “Gaming Board for Great Britain”, and
- (c) at the end of the Schedule add—

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

“Any body carrying on activities concerned with any of the matters set out in section 16(2) of the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27) or Article 16(2) of the Companies (Audit, Investigations and Community Enterprise) (Northern Ireland) Order 2005 (S.I. 2005/1967 (N.I. 17)) (a “relevant body”), any subsidiary (within the meaning given by section 736 of the Companies Act 1985 (c. 6) or Article 4 of the Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I. 6))(a) of a relevant body and any body established under the constitution of a relevant body or such a subsidiary.

Its functions relating to carrying on activities concerned with any of the following matters—

- (a) issuing standards to be applied in actuarial work,
- (b) issuing standards in respect of matters to be contained in reports or other communications required to be produced or made by actuaries or in accordance with standards within paragraph (a),
- (c) investigating departures from standards within paragraph (a) or (b),
- (d) taking steps to secure compliance with standards within paragraph (a) or (b),
- (e) carrying out investigations into public interest cases arising in connection with the performance of actuarial functions by members of the Institute of Actuaries or the Faculty of Actuaries (“the Institute or Faculty”) or persons who, although not members of the Institute or Faculty, are subject to the rules of one of these bodies in performing actuarial functions (“members”),
- (f) holding disciplinary hearings relating to members following the conclusion of investigations within paragraph (e),
- (g) deciding whether (and, if so, what) disciplinary action should be taken against members to whom hearings within paragraph (f) related,
- (h) supervising the exercise by the Institute or Faculty of—
 - (i) investigatory or disciplinary functions exercised by the Institute or Faculty in relation to the performance by their members of actuarial functions,
 - (ii) the setting by the Institute or Faculty of standards in relation to the performance by their members of actuarial functions, and
 - (iii) the determining by the Institute or Faculty of requirements in relation to the education and training of their members,
- (i) overseeing or directing any of the matters mentioned in paragraphs (a) to

(a) Article 4 was substituted by Article 62 of the Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I. 10)) and modified by Part 1 of Schedule 2 to the Limited Liability Partnerships Regulations (Northern Ireland) 2004 (S.R. 2004 No. 307)

(h),

and functions relating to the funding of activities concerned with any of the matters mentioned in paragraphs (a) to (i).

Any functions in connection with any levy payable to it under section 17 of the Companies (Audit, Investigations and Community Enterprise) Act 2004.

Functions under—

- (a) Part III,
- (b) Part 3A(a), and
- (c) Part IV

of that Schedule.

Functions under—

- (a) the Gaming Act 1968 (c. 65),
- (b) the Lotteries and Amusements Act 1976 (c. 32), and
- (c) the Gambling Act 2005 (c. 19).”.

A member of the panel appointed under paragraph 4 of Schedule 17 to the Financial Services and Markets Act 2000 (c. 8) by the body corporate established by paragraph 2 of that Schedule.

The Gambling Commission.

(3) In Schedule 7 (restricted information held by the Board: certain permitted disclosures to facilitate exercise of functions)—

(a) in the entry relating to “The Commissioners of Inland Revenue or their officers”, in the “Functions” column—

(i) at the end of paragraph (d) omit “or”, and

(ii) after paragraph (e) add—

“or

(f) the Income Tax (Trading and Other Income) Act 2005 (c. 5) (so far as relating to functions previously exercised under the Income and Corporation Taxes Act 1988 (c. 1)).”;

(b) omit the entry relating to the “Gaming Board for Great Britain”, and

(c) at the end of the Schedule add—

“A member of the panel appointed under paragraph 4 of Schedule 17 to the Financial Services and Markets Act 2000 (c. 8) by the body corporate established by paragraph 2 of that Schedule.

Functions under—

- (a) Part III,
- (b) Part 3A, and
- (c) Part IV

of that Schedule.

Functions under—

- (a) the Gaming Act 1968 (c. 65),
- (b) the Lotteries and Amusements Act 1976 (c. 32), and
- (c) the Gambling Act 2005 (c. 19).”.

The Gambling Commission.

(a) Part 3A was inserted by section 59 of, and Schedule 2 to, the Consumer Credit Act 2006 (c. 14)

Sealed with the Official Seal of the Department for Social Development on 9th November 2006

John O'Neill

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedules 3 and 7 to the Pensions (Northern Ireland) Order 2005 (the “2005 Order”) to enable the Pensions Regulator and the Board of the Pension Protection Fund respectively to disclose restricted information to certain persons to facilitate the exercise of certain regulatory functions by those persons. It also adds to the functions of “the Commissioners of Inland Revenue or their officers” (now called “the Commissioners for Her Majesty’s Revenue and Customs”) in those Schedules to bring them into line with corresponding functions contained in Schedules 3 and 8 of the Pensions Act 2004 (c. 35).

The persons added to Schedule 3 to the 2005 Order by this Order are any bodies carrying on activities concerned with any of the matters set out in section 16(2) of the Companies (Audit, Investigations and Community Enterprise) Act 2004 or in Article 16(2) of the Companies (Audit, Investigations and Community Enterprise) (Northern Ireland) Order 2005, any subsidiaries of such bodies and any bodies established under the constitution of any such bodies or subsidiaries.

The functions specified for this purpose are those relating to such bodies’ investigatory, disciplinary, supervisory, oversight, direction, standard-setting and enforcement activities in connection with actuarial bodies, their members and actuarial work, the funding of such activities, and functions in connection with any levy payable under section 17 of Companies (Audit, Investigations and Community Enterprise) Act 2004.

Additionally this Order adds the members of the panel of Financial Ombudsmen, the functions specified for this purpose being those relating to Parts 3, 3A and 4 of Schedule 17 to the Financial Services Act 2000 and the Gambling Commission, for the functions specified in the Gambling Act 2005 to both Schedules 3 and 7 to the 2005 Order, and omits a superseded reference to the Gaming Board for Great Britain.

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