

STATUTORY RULES OF NORTHERN IRELAND

2024 No. 89 (C. 3)

PENSIONS

**The Pension Schemes Act 2021 (Commencement No. 7
and Transitional Provisions) Order (Northern Ireland) 2024**

Made - - - - 5th April 2024

The Department for Communities makes the following Order in exercise of the powers conferred by section 131(2), (4) and (6) of the Pension Schemes Act 2021⁽¹⁾.

Citation

1. This Order may be cited as the Pension Schemes Act 2021 (Commencement No. 7 and Transitional Provisions) Order (Northern Ireland) 2024.

Commencement Information

I1 Art. 1 in operation at made date

Appointed day

2. The day appointed for the coming into operation of the following provisions of the Pension Schemes Act 2021, in so far as they are not already in operation⁽²⁾, is 6th April 2024—

- (a) section 129(a) (further provision relating to pension schemes: Northern Ireland), and
- (b) Part 1 of Schedule 11 (funding of defined benefit schemes).

Commencement Information

I2 Art. 2 in operation at made date

Transitional provisions

3. Article 201 of the Pensions (Northern Ireland) Order 2005⁽³⁾ (the statutory funding objective), in so far as it relates to a particular pension scheme, is to continue to have effect without the

(1) 2021 c. 1

(2) See section 131(3)(c) of the Pension Schemes Act 2021

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

amendment made by paragraph 3 of Schedule 11 to the Pension Schemes Act 2021, until such time as that scheme is required to have, in accordance with regulations made under Article 200A of that Order, a funding and investment strategy⁽⁴⁾.

4. Article 203 of the Pensions (Northern Ireland) Order 2005 (actuarial valuations and reports), in so far as it relates to a particular pension scheme, is to continue to have effect without the amendment made by paragraph 4 of Schedule 11 to the Pension Schemes Act 2021, until such time as that scheme obtains an actuarial valuation with an effective date⁽⁵⁾ on or after 22nd September 2024.

Commencement Information

- I3** Art. 3 in operation at made date
I4 Art. 4 in operation at made date

Sealed with the Official Seal of the Department for Communities on 5th April 2024

(L.S.)

David Tarr
A senior officer of the Department for
Communities

(4) See Article 200A of the Pensions (Northern Ireland) Order 2005, as inserted by paragraph 2 of Schedule 11 to the Pension Schemes Act 2021, for the meaning of “funding and investment strategy”

(5) See Article 203 of the Pensions (Northern Ireland) Order 2005 for the meanings of “actuarial valuation” and “effective date”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation section 129(a) of, and Part 1 of Schedule 11 to, the Pension Schemes Act 2021 (“the 2021 Act”), in so far as they are not already in operation, on 6th April 2024. It also contains transitional provisions.

Part 1 of Schedule 11 to the 2021 Act (funding of defined benefit schemes)—

inserts Articles 200A (funding and investment strategy) and 200B (statement of strategy) into the Pensions (Northern Ireland) Order 2005 (“the 2005 Order”). Article 200A requires defined benefit pension scheme trustees or managers to have a funding and investment strategy for ensuring that pensions and other scheme benefits can be provided over the long term. The strategy must specify the funding level and the investments that trustees or managers intend the scheme to have at a relevant date or dates. Article 200B requires trustees or managers to prepare a statement of strategy that sets out their funding and investment strategy. Trustees or managers must include their assessment of how successfully the strategy is being implemented and the key risks faced by the scheme along with any mitigations. The statement of strategy must be signed by the chair of the trustee board and where a scheme does not have a chair, they must appoint one;

amends Articles 201 (the statutory funding objective), 203 (actuarial valuations and reports), 205 (recovery plan), 208 (matters requiring agreement of employer) and 210 (powers of the Pensions Regulator) of the 2005 Order. The amendment to Article 201 inserts paragraph (2A) which requires the scheme’s technical provisions to be calculated in a way that is consistent with the scheme’s funding and investment strategy, as set out in the scheme’s statement of strategy. The amendment to Article 203 inserts paragraph (7A) requiring trustees or managers to send a copy of the actuarial valuation to the Pensions Regulator, together with such other information as may be prescribed. The amendment to Article 205 inserts paragraph (3A) which provides regulation making powers to prescribe the matters that should be considered or the principles to be followed in determining whether a recovery plan is appropriate having regard to the nature and circumstances of the scheme. The amendment to Article 208 adds the funding and investment strategy to the matters requiring the agreement of the employer. The amendments to Article 210 extend the Pension Regulator’s powers to oversee the new funding and investment strategy;

makes minor and consequential amendments to Articles 55 (registrable information), 75 (offences of providing false or misleading information) and 288 (Assembly etc. control of orders and regulations) of the 2005 Order.

Article 3 of this Order is a transitional provision in relation to the commencement of paragraph 3 of Schedule 11 to the 2021 Act. It provides that Article 201 of the 2005 Order remains in effect in relation to a particular pension scheme, without the inserted paragraph (2A), until that scheme is required to have a funding and investment strategy.

Article 4 of this Order is a transitional provision in relation to the commencement of paragraph 4 of Schedule 11 to the 2021 Act. It provides that Article 203 of the 2005 Order remains in effect in relation to a particular pension scheme, without the inserted paragraph (7A), until that scheme obtains an actuarial valuation with an effective date on or after 22nd September 2024.

Changes to legislation: There are currently no known outstanding effects for the The Pension Schemes Act 2021 (Commencement No. 7 and Transitional Provisions) Order (Northern Ireland) 2024. (See end of Document for details)

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Pension Schemes Act 2021 have been brought into operation by earlier commencement orders as from the dates shown.

<i>Provision</i>		<i>Date of Commencement</i>	<i>S.R. No.</i>
Part 2	(partially)	1st August 2022	2022 No. 197 (C. 22)
Section 99	(partially)	29th April 2022	2022 No. 173 (C. 19)
Section 117	(partially)	1st October 2021	2021 No. 240 (C. 8)
	(partially)	1st October 2021	2021 No. 271 (C. 11)
	(partially)	28th July 2022	2022 No. 197 (C. 22)
	(partially)	1st August 2022	2022 No. 197 (C. 22)
Section 120	(partially)	31st October 2022	2022 No. 291 (C. 27)
Section 129	(partially)	1st October 2021	2021 No. 240 (C. 8)
	(partially)	29th September 2021	2021 No. 271 (C. 11)
	(partially)	1st October 2021	2021 No. 271 (C. 11)
	(partially)	30th November 2021	2021 No. 300 (C. 12)
	(partially)	1st August 2022	2022 No. 197 (C. 22)
Schedule 6	(partially)	29th April 2022	2022 No. 173 (C. 19)
Schedule 8	(partially)	1st October 2021	2021 No. 240 (C. 8)
	(partially)	1st October 2021	2021 No. 271 (C. 11)
	(partially)	28th July 2022	2022 No. 197 (C. 22)
	(partially)	1st August 2022	2022 No. 197 (C. 22)
Schedule 9	(partially)	31st October 2022	2022 No. 291 (C. 27)
Schedule 11	(partially)	1st October 2021	2021 No. 240 (C. 8)
	(partially)	29th September 2021	2021 No. 271 (C. 11)
	(partially)	1st October 2021	2021 No. 271 (C. 11)
	(partially)	30th November 2021	2021 No. 300 (C. 12)
	(partially)	1st August 2022	2022 No. 197 (C. 22)

Changes to legislation:

There are currently no known outstanding effects for the The Pension Schemes Act 2021 (Commencement No. 7 and Transitional Provisions) Order (Northern Ireland) 2024.