
STATUTORY INSTRUMENTS

2019 No. 193

The Occupational and Personal Pension Schemes (Amendment etc.) (Northern Ireland) (EU Exit) Regulations 2019

PART 2

Amendment of Acts and Orders in Council

Amendment of the Pension Schemes (Northern Ireland) Act 1993

2.—(1) The Pension Schemes (Northern Ireland) Act 1993(1) is amended as follows.

(2) In section 1 (categories of pension schemes)(2), in subsection (1), in the definition of “occupational pension scheme”(3) omit paragraph (b) and the “and” before it, but not the “or” following it.

(3) In section 15 (discharge of liability where guaranteed minimum pensions secured by insurance policies or annuity contracts)(4), in subsection (4)(a)(i) omit “or any other EEA state”.

(4) In section 145 (procedure on an investigation)(5), in subsection (6)—

(a) in paragraph (k), omit “, EEA central counterparty” and “, EEA CSD”;

(b) in paragraph (m)(6), omit “other than the United Kingdom”.

(5) In section 154A (other disclosures by the Department)(7), in the table in subsection (1), in the entry beginning “A recognised investment exchange”—

(a) in column 1 omit “, EEA central counterparty” and “, EEA CSD”;

(b) in column 2, for the words from “or central securities depository” to the end of the entry substitute “, central securities depository or central counterparty”.

(6) In section 161 (application of certain provisions to cases with foreign element)(8), in subsection (6), for “territory of the member States” substitute “United Kingdom”.

(7) In section 175A (insurer and long-term insurance business)(9), in subsection (1) omit paragraph (b) and the “or” before it.

(1) 1993 c. 49.

(2) Section 1 was amended by Article 216(2) and (3) of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)) and regulation 2(2) of S.R. 2007 No. 457.

(3) The definition of “occupational pension scheme” was substituted by Article 216(3) of the Pensions (Northern Ireland) Order 2005 and amended by regulation 2(2) of S.R. 2007 No. 457.

(4) Section 15(4)(a) was amended by Article 129(2) of S.I. 2001/3649 and regulation 2(3) of S.R. 2007 No. 457.

(5) Section 145(6) was amended by paragraph 20(b) of Schedule 10 to the Pensions (Northern Ireland) Order 2005, regulation 22(2) of S.I. 2013/504 and paragraph 8(2) of the Schedule to S.I. 2017/1064; there are other amendments but none is relevant.

(6) Paragraph (m) was added by paragraph 20(b) of Schedule 10 to the Pensions (Northern Ireland) Order 2005.

(7) Section 154A was inserted by paragraph 9 of Schedule 4 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and amended by paragraph 21 of Schedule 10 to the Pensions (Northern Ireland) Order 2005 and paragraph 8(3) of the Schedule to S.I. 2017/1064; there are other amendments but none is relevant.

(8) Section 161(6)(a) was amended by section 41(5)(a) of the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.)).

(9) Section 175A was inserted by Article 137(1) of S.I. 2001/3649.

(8) In section 176(1) (general interpretation)(10), omit the definitions of “EEA agreement” and “EEA state”(11).

Amendment of the Pensions (Northern Ireland) Order 1995

3.—(1) The Pensions (Northern Ireland) Order 1995(12) is amended as follows.

(2) In Article 49 (other responsibilities of trustees, employers, etc.), in paragraph (8A)(13)—

- (a) omit sub-paragraph (b);
- (b) in sub-paragraph (c), omit the words after “Bank of England”.

Amendment of the Welfare Reform and Pensions (Northern Ireland) Order 1999

4.—(1) The Welfare Reform and Pensions (Northern Ireland) Order 1999(14) is amended as follows.

(2) In Schedule 5 (pension credits: mode of discharge), in paragraph 6(2)(a) (qualifying arrangements), omit “or any other EEA state”.

Amendment of the Pensions (Northern Ireland) Order 2005

5.—(1) The Pensions (Northern Ireland) Order 2005(15) is amended as follows.

(2) In Article 68 (inspection of premises), in paragraph (2)(a), in the list of provisions—

- (a) in the parenthetical description of Article 230, for “non-European” substitute “non-UK”;
- (b) omit “Part VII (cross-border activities within European Union);”.

(3) In Article 82 (other permitted disclosures), for paragraph (2)(h) substitute—

“(h) in pursuance of retained EU law.”.

(4) In Article 183 (other permitted disclosures), for paragraph (2)(g) substitute—

“(g) in pursuance of retained EU law.”.

(5) In Article 226A (requirement for internal controls)(16), omit paragraph (4).

(6) In Article 230 (non-European scheme to be trust with UK-resident trustee)(17)—

- (a) in the heading, for “Non-European” substitute “Non-UK”;
- (b) in paragraphs (1) and (6), for “EEA states” substitute “United Kingdom”.

(7) In Article 231 (representative of non-European scheme to be treated as trustee)(18)—

- (a) in the heading, for “non-European” substitute “non-UK”;
- (b) in paragraph (1), for “EEA states” substitute “United Kingdom”.

(8) Omit Part 7 (cross-border activities within European Union)(19).

(10) Section 176(1) was amended by regulation 2(5) of [S.R. 2007 No. 457](#); there are other amendments but none is relevant.

(11) The definitions of “EEA agreement” and “EEA state” were inserted by regulation 2(5) of [S.R. 2007 No. 457](#).

(12) [S.I. 1995/3213 \(N.I. 22\)](#); Article 49 was amended by Article 154(5) of [S.I. 2001/3649](#), regulation 3 of [S.R. 2007 No. 457](#) and Article 4 of [S.I. 2013/472](#); there are other amendments but none is relevant.

(13) Paragraph (8A) was inserted by Article 154(5) of [S.I. 2001/3649](#).

(14) [S.I. 1999/3147 \(N.I. 11\)](#); paragraph 6(2)(a) of Schedule 5 was amended by Article 160(2) of [S.I. 2001/3649](#) and regulation 4 of [S.R. 2007 No. 457](#).

(15) [S.I. 2005/255 \(N.I. 1\)](#).

(16) Article 226A was inserted by regulation 2 of [S.R. 2005 No. 567](#).

(17) Article 230(1) and (6) was amended by regulation 5(2) of [S.R. 2007 No. 457](#).

(18) Article 231(1) was amended by regulation 5(3) of [S.R. 2007 No. 457](#).

(19) Part 7 was amended by regulation 5(4) to (10) of [S.R. 2007 No. 457](#), paragraph 33 of Schedule 2 to the [Pension Schemes Act \(Northern Ireland\) 2016 \(c. 1 \(N.I.\)\)](#) and regulation 2 of [S.R. 2018 No. 182](#).

(9) In Article 280(2) (modification of this Order in relation to certain categories of schemes) omit sub-paragraph (e) and the “and” before it.

(10) In Schedule 3 (restricted information held by the Regulator) and Schedule 7 (restricted information held by the Board)(**20**), in the entry in the table relating to a recognised investment exchange, in the first column omit “, EEA central counterparty” and “, EEA CSD”.

Amendment of the Pensions (No. 2) Act (Northern Ireland) 2008

6.—(1) The Pensions (No. 2) Act (Northern Ireland) 2008(**21**) is amended as follows.

(2) In section 18 (occupational pension schemes)—

(a) omit paragraph (b);

(b) in paragraph (c), for “an EEA State” substitute “the United Kingdom”.

(3) In section 78 (interpretation of Part 1), omit the definition of the “IORP Directive”.

Amendment of the Pension Schemes Act (Northern Ireland) 2016

7.—(1) The Pension Schemes Act (Northern Ireland) 2016(**22**) is amended as follows.

(2) In section 42 (regulatory own fund schemes exempt from indexation), in subsection (3), for inserted paragraphs (9) and (10) substitute—

“(9) In paragraph (1)(a)(ii) “regulatory own fund scheme” means a scheme where the scheme and not any employer in relation to that scheme—

(a) underwrites any liability to cover against biometric risk,

(b) guarantees an investment performance, or

(c) guarantees a level of benefits.

(10) In paragraph (9)—

“biometric risk” means liability risks linked to death, disability and longevity;

“employer” has the meaning given by Article 2(2) of the Pensions (Northern Ireland) Order 2005.”.

(20) Schedules 3 and 7 were amended by paragraph 28 of the Schedule to [S.I. 2017/1064](#); there are other amendments but none is relevant.

(21) 2008 c. 13 (N.I.).

(22) 2016 c. 1 (N.I.); section 42 is yet to be appointed.