
STATUTORY INSTRUMENTS

2005 No. 255

The Pensions (Northern Ireland) Order 2005

PART II

THE PENSIONS REGULATOR

Codes of practice

Codes of practice

85.—(1) The Regulator may issue codes of practice—

- (a) containing practical guidance in relation to the exercise of functions under the pensions legislation, and
- (b) regarding the standards of conduct and practice expected from those who exercise such functions.

(2) The Regulator must issue one or more such codes of practice relating to the following matters—

- (a) what constitutes a “reasonable” period for the purposes of any provision of the pensions legislation (other than any statutory provision contained in or made by virtue of Part III) which requires any action to be taken within such a period;
- [^{F1}(aa) the circumstances in which the Regulator expects to issue contribution notices under Article 34 as a result of being of the opinion that the material detriment test is met in relation to an act or failure;]
- (b) the discharge of the duty imposed by Article 64 (duty to notify Regulator of certain events);
- (c) the discharge of the duty imposed by Article 65 (duty to report breaches of the law);
- (d) the discharge of duties imposed on trustees or managers of occupational pension schemes by, or by virtue of, Part IV (scheme funding);
- (e) the discharge of the duties imposed by Articles 218 and 219 (member-nominated trustees and directors);
- (f) the obligations imposed by Articles 224 and 225 (requirements for knowledge and understanding: individual and corporate trustees);
- (g) the discharge of the duty imposed by Article 49(9)(b) of the 1995 Order (duty of trustees or managers of occupational pension schemes to report material failures by employers to pay contributions deducted from employee's earnings timeously);
- (h) the discharge of the duties imposed by Articles 67 to 67I of that Order (the subsisting rights provisions);
- (i) the discharge of the duty imposed by Article 86(1) of that Order (duty of trustees or managers of [^{F2}certain schemes] to report failures to pay employer contributions etc. timeously);

Status: Point in time view as at 11/02/2021. This version of this provision has been superseded.

Changes to legislation: The Pensions (Northern Ireland) Order 2005, Section 85 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (j) the discharge of the duty imposed by section 107A(7A) of the Pension Schemes Act (duty of trustees or managers of personal pension schemes to report material failures to pay employer contributions timeously);
- [^{F3}(ja) the process for making an application under Part 2 of the Pension Schemes Act 2021 for authorisation of a collective money purchase scheme;
- (jb) the matters that the Regulator expects to take into account in deciding whether it is satisfied that a pension scheme meets the authorisation criteria under that Part (see section 60 of the Pension Schemes Act 2021);]
- (k) such other matters as are prescribed for the purposes of this Article.
- (3) The Regulator may from time to time revise the whole or any part of a code of practice issued under this Article and issue that revised code.
- (4) Subject to Article 9(3)(a) and (8) (power for improvement notice to direct that person complies with code of practice and civil penalties for failure to comply), a failure on the part of any person to observe any provision of a code of practice [^{F4}issued under this Article] does not of itself render that person liable to any legal proceedings.
- (5) A code of practice issued under this Article is admissible in evidence in any legal proceedings and, if any provision of such a code appears to the court or tribunal concerned to be relevant to any question arising in the proceedings, it must be taken into account in determining that question.
- (6 ^{F5} In this Article—
- “legal proceedings” includes proceedings of the Pensions Ombudsman, proceedings of the PPF Ombudsman and proceedings of the Board under Article 189 or 190; and
- “the pensions legislation” means any statutory provision contained in or made by virtue of—
- (a) the Pension Schemes Act,
- (b) Part II of the 1995 Order, other than Articles 62 to 66A of that Order (equal treatment),
- (c) Part II or Article 30 of the 1999 Order, ^{F6}...
- (d) this Order.
- (e) [^{F7}Schedule 18 to the Pensions Act (Northern Ireland) 2015, [^{F8}or]
- (f) the Pension Schemes Act (Northern Ireland) 2016][^{F9}, or]
- (g) [^{F9}Part 2 of the Pension Schemes Act 2021.]
- (7) Articles 86 and 87 make provision about the procedure to be followed when a code of practice is issued or revoked [^{F10}under this Article].
- [^{F11}(8) The Regulator may not issue codes of practice under this Article in relation to a public service pension scheme (but see Article 85A).]

F1 Art. 85(2)(aa) inserted (15.12.2008) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\)](#), ss. 103, 118(1)(2)(h)(3)(a)(ii)(b), [Sch. 8 para. 3](#)

F2 Words in art. 85(2)(i) substituted (16.1.2016) by [Pension Schemes Act \(Northern Ireland\) 2016 \(c. 1\)](#), s. 52, [Sch. 2 para. 28\(2\)](#)

F3 Art. 85(2)(ja)(jb) inserted (11.2.2021 for specified purposes) by [Pension Schemes Act 2021 \(c. 1\)](#), s. 131(1)(3)(a), [Sch. 6 para. 14\(2\)](#)

F4 Words in art. 85(4) inserted (1.4.2015) by [Public Service Pensions Act \(Northern Ireland\) 2014 \(c. 2\)](#), s. 37(2), [Sch. 4 para. 13\(2\)](#); S.R. 2015/3, art. 4(1)(b) (with art. 4(2))

F5 mod. by SR 2005/570

F6 Word in art. 85(6) omitted (16.1.2016) by virtue of [Pension Schemes Act \(Northern Ireland\) 2016 \(c. 1\)](#), s. 52, [Sch. 2 para. 28\(3\)\(a\)](#)

Status: Point in time view as at 11/02/2021. This version of this provision has been superseded.

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- F7** Words in art. 85(6) inserted (16.1.2016) by Pension Schemes Act (Northern Ireland) 2016 (c. 1), s. 52, **Sch. 2 para. 28(3)(b)**
- F8** Word in art. 85(6) omitted (11.2.2021 for specified purposes) by virtue of Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 6 para. 14(3)(a)**
- F9** Words in art. 85(6) inserted (11.2.2021 for specified purposes) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 6 para. 14(3)(b)**
- F10** Words in art. 85(7) inserted (1.4.2015) by Public Service Pensions Act (Northern Ireland) 2014 (c. 2), s. 37(2), **Sch. 4 para. 13(3)**; S.R. 2015/3, art. 4(1)(b) (with art. 4(2))
- F11** Art. 85(8) inserted (1.4.2015) by Public Service Pensions Act (Northern Ireland) 2014 (c. 2), s. 37(2), **Sch. 4 para. 13(4)**; S.R. 2015/3, art. 4(1)(b) (with art. 4(2))

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