

Status: Point in time view as at 15/12/2008.

Changes to legislation: Pensions (No. 2) Act (Northern Ireland) 2008, CHAPTER 5 is up to date with all changes known to be in force on or before 27 July 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)



2008 CHAPTER 13

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 5

PERSONAL ACCOUNTS DELIVERY AUTHORITY

Functions

Functions and winding up

65.—(1) Section 16 of the Pensions Act (Northern Ireland) 2008 (c. 1) (initial function of the Authority) ceases to have effect.

(2) The Personal Accounts Delivery Authority (referred to in this Chapter as the “Authority”) has the following functions—

- (a) to give any assistance and advice that the Department may require, and any advice that the Authority considers expedient, for or in connection with the establishment and operation of a scheme under section 67(1) of the Pensions Act 2008 (c. 30);
 - (b) to give any assistance and advice that the Department or the Regulator may require, and any advice that the Authority considers expedient, for or in connection with arrangements to enable requirements imposed by or under Chapter 1 to be complied with and enforced.
- (3) Assistance or advice required by the Department under subsection (2)(a) may include assistance or advice to the trustees of the scheme.

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(4) The Authority's functions under subsection (2) are in addition to any functions that may be conferred on it by or under this Act or any other statutory provision.

(5) The Authority may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of its functions.

(6) If the Secretary of State makes an order containing provision under section 23(7) of the Pensions Act 2007 (c. 22), the Department may by order make corresponding provision in relation to Northern Ireland.

Principles

66.—(1) In carrying out its functions under section 65(2) the Authority must have regard to the principles in subsection (2).

(2) The principles are that—

- (a) participation in qualifying schemes should be encouraged and facilitated;
- (b) the burdens imposed on employers as a result of this Part or Part 1 of the Pensions Act 2008 should be minimised;
- (c) any adverse effects on qualifying schemes, and members and future members of those schemes, as a result of implementation of Chapter 5 of Part 1 of the Pensions Act 2008 should be minimised;
- (d) the cost of membership of a scheme established under section 67 of the Pensions Act 2008 should be minimised;
- (e) the preferences of members and future members should, so far as practicable, be taken into account in making any provision about investment choice in such a scheme;
- (f) diversity among members and future members of such a scheme should be respected.

(3) The Authority must take any steps it considers appropriate to promote and engage in discussion with relevant public authorities and others about its functions under section 65(2) and how it carries them out.

Directions and guidance

67.—(1) The Department may give the Authority guidance or directions about the discharge of its functions.

(2) In discharging its functions, the Authority must have regard to any guidance, and comply with any directions, under this section.

(3) Guidance or directions under this section may vary or revoke earlier guidance or directions under this section.

(4) Directions under this section must be in writing.

(5) The Department must publish any direction given under this section.

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Disclosure of information by the Regulator

68 In Article 79 of the 2005 Order (disclosure for facilitating exercise of functions by the Regulator) after paragraph (3) add—

“(4) Article 77 does not preclude the disclosure by the Regulator to the Personal Accounts Delivery Authority of such information as appears to the Regulator to be necessary to enable the Authority to provide assistance or advice to the Regulator under section 79(2) of the Pensions Act 2008 or section 65(2) of the Pensions (No. 2) Act (Northern Ireland) 2008.”.

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