

SCHEDULES

SCHEDULE 1

Section 31.

Pause orders

Consequences of a pause order

1.—(1) If a pause order is made in relation to a Master Trust scheme, any action taken in contravention of the order is void, except to the extent that the action is validated by an order under paragraph 3.

(2) A pause order in relation to a Master Trust scheme does not prevent the scheme being wound up in pursuance of an order under Article 11 of the 1995 Order (power to wind up occupational pension schemes).

(3) If a pause order contains a direction under section 31(5)(b) that no further contributions (or no further specified contributions) are to be paid towards a scheme during the period for which the order has effect—

(a) any contributions which are the subject of the direction and which would otherwise be due to be paid towards the scheme during that period are to be treated as if they do not fall due, and

(b) any obligation to pay those contributions (including any obligation under Article 49(8) of the 1995 Order to pay amounts deducted corresponding to such contributions) is to be treated as if it does not arise.

(4) If a pause order contains a direction under section 31(5)(e) (no transfers etc of members' rights) it does not prevent—

(a) a pension sharing order or provision having effect, or

(b) a pension earmarking order having effect in a case where—

(i) the order requires a payment to be made if a payment in respect of any benefits under the scheme becomes due to a person, and

(ii) a direction under section 31(5)(d) does not prevent the payment becoming due.

(5) In sub-paragraph (4)—

“pension sharing order or provision” means an order or provision falling within Article 25(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (activation of pension sharing);

“pension earmarking order” means—

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- (a) an order under Article 25 of the Matrimonial Causes (Northern Ireland) Order 1978 (financial provision orders in connection with divorce etc) so far as it includes provision made by virtue of Article 27B or 27C of that Order (powers to include provision about pensions),
 - (b) an order under Part 1 of Schedule 15 to the Civil Partnership Act 2004 (financial provision in connection with dissolution, nullity or separation) so far as it includes provision made by virtue of paragraphs 20 and 21 of Part 5 of that Schedule (powers to include provision about pensions),
 - (c) an order under section 23 of the Matrimonial Causes Act 1973 so far as it includes provision made by virtue of section 25B or 25C of that Act (England and Wales powers corresponding to those mentioned in paragraph (a)),
 - (d) an order under Part 1 of Schedule 5 to the Civil Partnership Act 2004 (England and Wales powers corresponding to those mentioned in paragraph (b)) so far as it includes provision made by virtue of paragraphs 25 and 26 of Part 6 of that Schedule (powers to include provision about pensions), or
 - (e) an order under section 12A(2) or (3) of the Family Law (Scotland) Act 1985 (powers in relation to pension lump sums when making a capital sum order).
- (6) The Department may make regulations modifying any provision of—
- (a) Chapter 1 of Part 4ZA of the Pension Schemes Act (transfer rights: general), or
 - (b) Chapter 2 of that Part (early leavers: cash transfer sums and contribution refunds),

in their application to a Master Trust scheme in relation to which a pause order has effect containing a direction under section 31(5)(e) (no transfers etc of members' rights).

(7) Regulations under sub-paragraph (6) override any provision of the Master Trust scheme, to the extent that there is a conflict.

(8) Disregarding sub-paragraph (1), if a pause order made in relation to a scheme is not complied with, Article 10 of the 1995 Order (civil penalties) applies to any trustee of the Master Trust scheme who has failed to take all reasonable steps to secure compliance.

(9) Sub-paragraph (8) does not apply in the case of non-compliance with a direction under section 31(5)(c) (direction that certain deducted contributions are to be repaid by employer).

(10) In such a case, Article 10 of the 1995 Order (civil penalties) applies to an employer who, without reasonable excuse, fails to repay an amount as required by the direction.

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

(11) Regulations under this paragraph are subject to negative resolution.

Commencement Information

- I1** Sch. 1 para. 1 not in operation at Royal Assent, see [s. 44\(2\)](#)
- I2** [Sch. 1 para. 1](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110, art. 2\(a\)](#)
- I3** [Sch. 1 para. 1](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110, art. 2\(b\)](#)

Period of effect etc of a pause order

2.—(1) A pause order must specify the period for which it has effect, which must not exceed three months.

(2) The Regulator may on one or more occasions by order extend the period for which the pause order has effect for a further three months.

(3) A pause order that is in effect at the end of the triggering event period ceases to have effect at the end of that period.

Commencement Information

- I4** Sch. 1 para. 2 not in operation at Royal Assent, see [s. 44\(2\)](#)
- I5** [Sch. 1 para. 2](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110, art. 2\(a\)](#)
- I6** [Sch. 1 para. 2](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110, art. 2\(b\)](#)

Validation of action in contravention of pause order

3.—(1) If a pause order is made in relation to a Master Trust scheme, the Regulator may by order validate action taken in contravention of the order.

(2) Any of the following persons may apply to the Regulator for an order under this paragraph validating particular action—

- (a) the trustees of the scheme;
- (b) any person directly affected by the action.

Commencement Information

- I7** Sch. 1 para. 3 not in operation at Royal Assent, see [s. 44\(2\)](#)
- I8** [Sch. 1 para. 3](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110, art. 2\(a\)](#)
- I9** [Sch. 1 para. 3](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110, art. 2\(b\)](#)

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*Notification of trustees, scheme funders,
scheme strategists, employers and members*

- 4.—(1) This paragraph applies where—
- (a) a pause order is made in relation to a Master Trust scheme, or
 - (b) an order is made under paragraph 3 validating action taken in contravention of a pause order made in relation to a scheme.
- (2) The Regulator must, as soon as reasonably practicable after the order has been made, notify the following persons of the fact that the order has been made and of its effect—
- (a) the trustees of the scheme;
 - (b) the scheme funders and scheme strategists.
- (3) The Regulator may by order direct the trustees of the scheme to notify the following persons of the fact that the order has been made and of its effect—
- (a) all of the members of the scheme or such members as are specified in the order;
 - (b) all employers by which the scheme is used, or such employers as are specified in the order.
- (4) The trustees must give a notification under sub-paragraph (3) within the period and in the manner specified in the order under that sub-paragraph.
- (5) If the trustees of a scheme fail to comply with a direction to them contained in an order made under sub-paragraph (3), Article 10 of the 1995 Order (civil penalties) applies to any trustee who has failed to take all reasonable steps to secure compliance.

Commencement Information

- I10** Sch. 1 para. 4 not in operation at Royal Assent, see [s. 44\(2\)](#)
- I11** Sch. 1 para. 4 in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
- I12** Sch. 1 para. 4 in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

Supplementary provision

5. A pause order, or an order made under any of paragraphs 2, 3 or 4, may be made in relation to a Master Trust scheme—
- (a) in spite of any statutory provision or rule of law, or any rule of the scheme, which would otherwise operate to prevent the order being made, and
 - (b) without regard to any such statutory provision, rule of law or rule of the scheme as would otherwise require, or might otherwise be taken to require,

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the implementation of any procedure or the obtaining of any consent, with a view to making the order.

Commencement Information

- I13** Sch. 1 para. 5 not in operation at Royal Assent, see [s. 44\(2\)](#)
I14 Sch. 1 para. 5 in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
I15 Sch. 1 para. 5 in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

SCHEDULE 2

Section 37.

Master Trusts operating before commencement: Transitional provision

Overview of Schedule

1.—(1) This Schedule modifies the application of Part 1 as it applies in relation to existing Master Trust schemes.

(2) The modifications in paragraphs 2 to 7 have effect from the date on which this Act is passed.

(3) The modifications in paragraphs 8 to 15 have effect from the commencement date.

(4) In this Schedule—

the “commencement date” means the date on which section 3 (prohibition on operating scheme unless authorised) comes into operation;

“existing Master Trust scheme” means a Master Trust scheme in operation before the commencement date.

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 1-7 transitional provision for commencement by 2021 c. 6 (N.I.), s. 44(1)(a) (b) (11.8.2021) by [The Pension Schemes \(2021 Act\) \(Commencement No. 1 and Transitional Provisions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/234\)](#), [art. 3](#)

Commencement Information

- I16** Sch. 2 para. 1 in operation at 10.8.2021, see [s. 44\(1\)\(b\)](#)

Modifications having effect from the date on which this Act is passed

2. Section 20 (triggering event: duties of trustees) has effect as if—

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- (a) the existing text were numbered subsection (1);
- (b) before that subsection there were inserted—

“(A1) If a triggering event occurs in relation to an existing Master Trust scheme on or after 20 October 2016 but before the commencement date, the trustees must comply with the notification requirements applicable to them (see sections 22 and 25).”;

- (c) in subsection (1), for “a Master Trust scheme” there were substituted “an existing Master Trust scheme on or after the commencement date”.

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 1-7 transitional provision for commencement by 2021 c. 6 (N.I.), s. 44(1)(a) (b) (11.8.2021) by [The Pension Schemes \(2021 Act\) \(Commencement No. 1 and Transitional Provisions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/234\)](#), **art. 3**
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Commencement Information

- I17** Sch. 2 para. 2 in operation at 10.8.2021, see **s. 44(1)(b)**

3. Section 21 (triggering events) has effect as if, in subsection (5)(b) after “resolved” there were inserted “, or in a case where the Regulator is satisfied that the triggering event was resolved before the date on which this Act is passed, the date specified in that notification”.

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 1-7 transitional provision for commencement by 2021 c. 6 (N.I.), s. 44(1)(a) (b) (11.8.2021) by [The Pension Schemes \(2021 Act\) \(Commencement No. 1 and Transitional Provisions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/234\)](#), **art. 3**
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Commencement Information

- I18** Sch. 2 para. 3 in operation at 10.8.2021, see **s. 44(1)(b)**

4. Section 22 (notification requirements) has effect as if for subsection (7) there were substituted—

“(7) A notification under this section must be given—

- (a) in a case where the triggering event occurs on or after 20 October 2016 but before the date on which this Act is passed, before the end of the period of seven days beginning with the date on which this Act is passed;
- (b) in a case where the triggering event occurs on or after the date on which this Act is passed but before the commencement date, before the end of the period of seven days beginning with the date on which the triggering event occurred;

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- (c) in a case where the triggering event occurs on or after the commencement date, before the end of the period specified in regulations made by the Department.”.

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 1-7 transitional provision for commencement by 2021 c. 6 (N.I.), s. 44(1)(a) (b) (11.8.2021) by [The Pension Schemes \(2021 Act\) \(Commencement No. 1 and Transitional Provisions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/234\)](#), **art. 3**

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- I19** Sch. 2 para. 4 in operation at 10.8.2021, see [s. 44\(1\)\(b\)](#)

- 5.** Section 25 (continuity option 2: resolving triggering event) has effect as if—
- (a) for subsections (1) and (2) there were substituted—
- “(1) Where—
- (a) a triggering event occurs in relation to an existing Master Trust scheme on or after 20 October 2016 but before the commencement date, and
- (b) the trustees consider that the triggering event has been resolved, the trustees must notify the Regulator that they consider that the triggering event has been resolved.
- (2) Where—
- (a) a triggering event occurs in relation to an existing Master Trust scheme on or after the commencement date, and
- (b) the trustees decide to pursue continuity option 2
- the trustees must attempt to resolve the triggering event and must notify the Regulator when they consider that the triggering event has been resolved.”;
- (b) in subsection (3), for “The notification” there were substituted “A notification under subsection (1) or (2)”;
- (c) for subsection (4) there were substituted—
- “(4) The notification must be given—
- (a) in a case where the trustees consider that the triggering event was resolved before the date on which this Act is passed, before the end of the period of 14 days beginning with that date (but the trustees may notify the Regulator before that date);
- (b) in a case where the trustees consider that the triggering event was resolved on or after the date on which this Act is passed but before the commencement date, before the end of the period of 14 days

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- beginning with the date on which the triggering event was, in the opinion of the trustees, resolved;
- (c) in a case where the triggering event occurred before the commencement date and the trustees consider that it was resolved on or after that date, before the end of the period of 14 days beginning with the date on which the triggering event was, in the opinion of the trustees, resolved;
- (d) in a case where the triggering event occurred on or after the commencement date, before the end of the period specified in regulations made by the Department.”;
- (d) in subsection (5), at the end there were added “and, in a case where the Regulator is satisfied that the triggering event was resolved before the date on which this Act is passed, must specify in the notification the date on which the Regulator considers that the triggering event was resolved”.

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 1-7 transitional provision for commencement by 2021 c. 6 (N.I.), s. 44(1)(a) (b) (11.8.2021) by [The Pension Schemes \(2021 Act\) \(Commencement No. 1 and Transitional Provisions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/234\)](#), **art. 3**
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Commencement Information

- I20** Sch. 2 para. 5 in operation at 10.8.2021, see [s. 44\(1\)\(b\)](#)

6. Section 33 (prohibition on increasing charges etc during triggering event period) has effect as if—

- (a) at the beginning there were inserted—

“(A1) Subsections (B1) and (C1) apply where a triggering event occurs in relation to an existing Master Trust scheme on or after 20 October 2016 but before the commencement date.

(B1) The trustees must, before the end of the period of seven days beginning with (whichever is the later of) the date on which—

- (a) the triggering event occurred, or
 (b) this Act is passed,

provide the Regulator with a statement under subsection (1F).

(C1) The trustees must not, during the triggering event period—

- (a) impose any administration charges on or in respect of members at levels above those set out in the statement under subsection (1F),
 (b) impose any new administration charges on or in respect of members, or

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- (c) impose any administration charges on or in respect of a member in consequence of the member leaving, or deciding to leave, the scheme during the triggering event period.”;
- (b) in subsection (1), for “a Master Trust scheme” there were substituted “an existing Master Trust scheme, where the triggering event occurred on or after the commencement date”;
- (c) after that subsection, there were inserted—
 - “(1A) Subsections (1B) to (1E) have effect where—
 - (a) a triggering event occurs in relation to an existing Master Trust scheme on or after 20 October 2016 but before the commencement date, and
 - (b) the accrued rights of members of that scheme (the “transferring scheme”) have been transferred to one or more other Master Trust schemes under section 69(2)(a) of the Pension Schemes Act (a “receiving scheme”).
 - (1B) The trustees of a receiving scheme must provide the Regulator with a statement under subsection (1F) and a statement under subsection (1G).
 - (1C) In a case where the accrued rights are transferred before the date on which this Act is passed, the statements must be provided to the Regulator before the end of the period of seven days beginning with the date on which this Act is passed.
 - (1D) In a case where the accrued rights are transferred on or after the date on which this Act is passed but before the commencement date, the statements must be provided to the Regulator before the end of the period of seven days beginning with the date on which the rights are transferred.
 - (1E) The trustees of a receiving scheme must not—
 - (a) impose any administration charges on or in respect of members at levels above those set out in the statement under subsection (1F), or
 - (b) impose any new administration charges on or in respect of members,

for the purposes of meeting any of the costs mentioned in subsection (3).

(1F) A statement under this subsection must state the annual levels of administration charges that applied in relation to members of the scheme on 20 October 2016, for each arrangement or fund within the scheme.

(1G) A statement under this subsection is a statement explaining how the receiving scheme has complied with subsection (1E), and must include—

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- (a) an explanation of whether the receiving scheme is liable for the costs mentioned in subsection (3)(a) or (b), and
- (b) in a case where the receiving scheme is so liable, how it is to meet those costs.”;
- (d) in subsection (2), at the beginning there were inserted “Where a triggering event occurs in relation to an existing Master Trust scheme on or after the commencement date,”;
- (e) in subsection (4)(b), after “subsection” there were inserted “(1E) or”;
- (f) in subsection (7), for “subsection (1)” there were substituted “subsection (B1), (C1), (1), (1B), (1E)”;
- (g) in subsection (8), before the definition of “receiving scheme” there were inserted—
 - ““arrangement” means an allocation of contributions towards an investment or investments according to a strategy adopted by the trustees,”;
- (h) in that subsection—
 - (i) in the definition of “receiving scheme”, before “means” there were inserted “, other than in subsections (1A), (1B) and (1E), and subsection (3) as it applies to subsection (1E),”;
 - (ii) in the definition of “transferring scheme”, before “means” there were inserted “, other than in subsection (1A), and subsection (3) as it applies to subsection (1E),”.

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 1-7 transitional provision for commencement by 2021 c. 6 (N.I.), s. 44(1)(a) (b) (11.8.2021) by [The Pension Schemes \(2021 Act\) \(Commencement No. 1 and Transitional Provisions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/234\)](#), **art. 3**
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Commencement Information

- I21** Sch. 2 para. 6 in operation at 10.8.2021, see [s. 44\(1\)\(b\)](#)

7. Part 1 applies to an existing Master Trust scheme as if after section 33 there were inserted—

“33A Existing unauthorised schemes: liability for costs of winding up

- (1) This section applies where—
 - (a) a triggering event occurs on or after 20 October 2016 in relation to an existing Master Trust scheme that has not been authorised when the event occurs, and

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(b) a decision is taken that the scheme should be wound up, or the trustees are required to secure that the scheme is wound up.

(2) A scheme funder of the Master Trust scheme is liable for the costs incurred by the scheme during the triggering event period, to the extent that liability for those costs does not lie elsewhere (taking into account, in particular, the prohibitions in section 33).”.

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 1-7 transitional provision for commencement by 2021 c. 6 (N.I.), s. 44(1)(a) (b) (11.8.2021) by [The Pension Schemes \(2021 Act\) \(Commencement No. 1 and Transitional Provisions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/234\)](#), **art. 3**

Commencement Information

- I22** Sch. 2 para. 7 in operation at 10.8.2021, see [s. 44\(1\)\(b\)](#)

Modifications having effect from the commencement date

8. Section 3 (prohibition on operating a Master Trust scheme unless authorised) has effect as if there were substituted—

“3 Existing Master Trust schemes: need for authorisation

(1) A person may not operate an existing Master Trust scheme at any time after the end of the application period unless—

- (a) the scheme is authorised, or
- (b) the trustees have applied for authorisation of the scheme under section 4 and the decision on the application has not yet become final (see section 35).

(2) Article 10 of the 1995 Order (civil penalties) applies to a person who breaches subsection (1).

(3) The trustees of an existing Master Trust scheme must, before the end of the application period—

- (a) apply for authorisation of the scheme under section 4, or
- (b) decide to wind up the scheme.

For the consequences of a decision to wind up the scheme, see sections 20 to 33A (as modified by paragraphs 2 to 7 of Schedule 2).

(4) If—

- (a) the Regulator becomes aware that an existing Master Trust scheme is operating after the end of the application period without authorisation, and

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- (b) the Regulator has not received either—
 - (i) an application for authorisation, or
 - (ii) a notification under section 22 of a decision to wind up the scheme,

the Regulator must notify the trustees of the scheme that it is not authorised.

(5) A notification under subsection (4) must include an explanation that it is a triggering event for the purposes of sections 20 to 33A, and of the trustees' duties under those sections.

(6) The application period is the period of six months beginning with the commencement date.

(7) But if, before the end of that six month period, the trustees satisfy the Regulator that they have a good reason for needing an extension to the period, the Regulator may extend the application period by up to six weeks.

(8) For the purposes of this Part, a person “operates” a Master Trust scheme if the person—

- (a) accepts money from members or employers (or prospective members or employers), in respect of fees, charges, contributions or otherwise, in relation to the scheme, or
- (b) enters into an agreement with an employer that relates to the provision of pension savings for employees or other workers,

and references to a scheme that is “operating” or “in operation” are to be construed accordingly.

3A Existing Master Trust schemes: pause orders

(1) This section applies where the trustees of an existing MasterTrust scheme have applied for authorisation of the scheme under section 4 and the decision on the application has not yet become final (see section 35).

(2) The Regulator may make a pause order in relation to the scheme if it is satisfied that—

- (a) there is, or is likely to be if a pause order is not made, an immediate risk to the interests of members under the scheme or the assets of the scheme, and
- (b) it is necessary to make a pause order to protect the interests of the generality of members of the scheme.

(3) A pause order under this section is to be treated as if it is made under section 31.

(4) But in its application to a pause order under this section, paragraph 2 of Schedule 1 is to be read as if sub-paragraph (3) were omitted.”.

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Commencement Information

- I23** Sch. 2 para. 8 not in operation at Royal Assent, see [s. 44\(2\)](#)
I24 Sch. 2 para. 8 in operation at 16.3.2022 for specified purposes by [S.R. 2022/110, art. 2\(a\)](#)
I25 Sch. 2 para. 8 in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110, art. 2\(b\)](#)

9. Section 5 (decision on application) has effect as if at the end there were added—

“(7) In the case of a notification under subsection (5) relating to an existing Master Trust scheme, the notification must also include an explanation that the decision is a triggering event for the purposes of sections 20 to 33A, and of the trustees’ duties under those sections.

(8) In relation to an application received under section 4 from the trustees of an existing Master Trust scheme, the functions of the Regulator under this section are to be exercised by the Determinations Panel on behalf of the Regulator.

(9) In subsection (8), “the Determinations Panel” means the committee established under section 9 of the Pensions Act 2004.”.

Commencement Information

- I26** Sch. 2 para. 9 not in operation at Royal Assent, see [s. 44\(2\)](#)
I27 Sch. 2 para. 9 in operation at 16.3.2022 for specified purposes by [S.R. 2022/110, art. 2\(a\)](#)
I28 Sch. 2 para. 9 in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110, art. 2\(b\)](#)

10. Section 21 (triggering events) has effect as if—

- (a) in subsection (2)—
- (i) after “2” there were inserted “, 2A”;
 - (ii) after “withdraw” there were inserted “or refuse”;
- (b) in subsection (5)(c)—
- (i) after “2” there were inserted “or 2A”;
 - (ii) after “withdraw” there were inserted “or refuse”;
 - (iii) after “withdrawn” there were inserted “or refused”;
- (c) in the table in subsection (6), after the row for item 2 there were inserted—

“2A. The Regulator notifies the trustees of an existing Master Trust scheme of the Regulator’s

The date on which the notification is given.”

decision to refuse to grant the scheme authorisation.

- (d) in that table, in the triggering event described in item 3, for “3(3)” there were substituted “3(4)”.

Commencement Information

- I29** Sch. 2 para. 10 not in operation at Royal Assent, see [s. 44\(2\)](#)
I30 Sch. 2 para. 10 in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
I31 Sch. 2 para. 10 in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

11. Section 23 (continuity options) has effect as if—

- (a) in subsection (2)(a)—
 (i) after “2” there were inserted “or 2A”;
 (ii) after “withdraw” there were inserted “or refuse”;
 (b) in subsection (3)(a), after “2” there were inserted “, 2A”.

Commencement Information

- I32** Sch. 2 para. 11 not in operation at Royal Assent, see [s. 44\(2\)](#)
I33 Sch. 2 para. 11 in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
I34 Sch. 2 para. 11 in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

12. Section 26 (approval of implementation strategy) has effect as if—

- (a) in subsection (2)—
 (i) after “2” there were inserted “or 2A”;
 (ii) after “withdraw” there were inserted “or refuse”;
 (b) in subsection (3), after “2” there were inserted “, 2A”.

Commencement Information

- I35** Sch. 2 para. 12 not in operation at Royal Assent, see [s. 44\(2\)](#)
I36 Sch. 2 para. 12 in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
I37 Sch. 2 para. 12 in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

13. Section 28 (duty to pursue continuity option) has effect as if, in subsection (3)(a), after “2” there were inserted “, 2A”.

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

Commencement Information

- I38** Sch. 2 para. 13 not in operation at Royal Assent, see [s. 44\(2\)](#)
I39 [Sch. 2 para. 13](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
I40 [Sch. 2 para. 13](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

14. Section 34 (when it becomes clear that authorisation not to be withdrawn) has effect as if—

- (a) in subsection (1)—
 - (i) after “2” there were inserted “or 2A”;
 - (ii) after “withdrawn” there were inserted “or refused”;
- (b) in the table in subsection (3), in the first column (triggering event) for “Item 1 or 2” (in both places) there were substituted “Item 1 or 2 or 2A (decision to refuse to authorise existing Master Trust scheme)”;
- (c) in that table, in the first row for item 1 or 2 or 2A, in the second column (circumstances)—
 - (i) in point 1, after “determination” there were inserted “or decision”;
 - (ii) in point 2, after “withdrawn” there were inserted “or refused”;
- (d) in that table, in the second row for item 1 or 2 or 2A, in the second column (circumstances), in point 2, after “withdrawn” there were inserted “or refused”;
- (e) in subsection (4), at the end there were added—
 - “(c) section 6(3), in a case where that section applies.”;
- (f) in the section heading, at the end there were added “or refused”.

Commencement Information

- I41** Sch. 2 para. 14 not in operation at Royal Assent, see [s. 44\(2\)](#)
I42 [Sch. 2 para. 14](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
I43 [Sch. 2 para. 14](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

15. Section 35 (when decision to withdraw authorisation becomes final) has effect as if—

- (a) in subsection (1)—
 - (i) after “2” there were inserted “or 2A”;
 - (ii) after “withdraw” there were inserted “or refuse”;
- (b) after subsection (1) there were inserted—

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

“(1A) This section also applies for the purposes of determining the date on which the decision on an application for authorisation of an existing Master Trust scheme becomes final for the purposes of section 3(1)(b).”;

(c) in the table in subsection (3), after the row for item 2 there were inserted—

“Item 2A (notification of decision to refuse to grant authorisation to an existing Master Trust scheme)	1.	The Regulator decides to refuse to grant authorisation to an existing Master Trust scheme, and	The date of the Regulator’s decision.”
	2.	There is no referral of the Regulator’s decision to the Tribunal within the time period allowed for doing so.	

(d) in that table—

(i) in the first column, for “Item 1 or 2” (in both places) there were substituted “Item 1 or 2 or 2A”;

(ii) in the first row for item 1 or 2 or 2A, in the second column, in point 2, after “withdrawn” there were inserted “or refused”;

(iii) in the second row for item 1 or 2 or 2A, in the second column, in point 2, after “withdrawn” there were inserted “or refused”;

(e) in subsection (4), at the end there were added—

“(c) section 6(3), in a case where that section applies.”;

(f) in the section heading, after “withdraw” there were inserted “or refuse”.

Commencement Information

I44 Sch. 2 para. 15 not in operation at Royal Assent, see [s. 44\(2\)](#)

I45 [Sch. 2 para. 15](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)

I46 [Sch. 2 para. 15](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

SCHEDULE 3

Section 38.

Minor and Consequential Amendments

The Pension Schemes (Northern Ireland) Act 1993 (c. 49)

1. The Pension Schemes Act is amended as follows.

Commencement Information

I47 Sch. 3 para. 1 in operation at 10.8.2021, see [s. 44\(1\)\(c\)](#)

2. In section 96B(2) (meaning of “scheme rules”: occupational pension schemes)

(a) in paragraph (a), after sub-paragraph (xii) insert—

“(xiia) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021;”;

(b) in paragraph (b), after sub-paragraph (ix) insert—

“(ixa) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021.”.

Commencement Information

I48 Sch. 3 para. 2 in operation at 10.8.2021, see [s. 44\(1\)\(c\)](#)

3. In section 97AI(7) (rights under section 97AB: further provision)—

(a) in paragraph (a), after sub-paragraph (xi) insert—

“(xia) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021;”;

(b) in paragraph (b), after sub-paragraph (ix) insert—

“(ixa) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021.”.

Commencement Information

I49 Sch. 3 para. 3 in operation at 10.8.2021, see [s. 44\(1\)\(c\)](#)

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

The Pensions (Northern Ireland) Order 1995 (NI 22)

4. In Article 67A(9) of the 1995 Order (subsisting rights provisions: meaning of “scheme rules”)—

(a) in sub-paragraph (a), at the end add—

“(xii) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021;”;

(b) in sub-paragraph (b), at the end add—

“(ix) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021.”.

Commencement Information

I50 Sch. 3 para. 4 in operation at 10.8.2021, see [s. 44\(1\)\(c\)](#)

The Pensions (Northern Ireland) Order 2005 (NI 1)

5. The 2005 Order is amended as follows.

Modifications etc. (not altering text)

C2 Sch. 3 para. 5 transitional provision for commencement by 2021 c. 6 (N.I.), s. 44(1)(a)(b) (11.8.2021) by [The Pension Schemes \(2021 Act\) \(Commencement No. 1 and Transitional Provisions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/234\)](#), [art. 3](#)

Commencement Information

I51 Sch. 3 para. 5 in operation at 10.8.2021 for specified purposes, see [s. 44\(1\)\(a\)\(v\)](#)

I52 Sch. 3 para. 5 in operation at 10.8.2021, see [s. 44\(1\)\(c\)](#)

I53 Sch. 3 para. 5 in operation at 13.9.2021 for specified purposes by [S.R. 2021/234](#), [art. 2\(b\)](#)

6. In Article 2(4) (interpretation: scheme rules)—

(a) in sub-paragraph (a), at the end add—

“(xii) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021;”;

(b) in sub-paragraph (b), at the end add—

“(ix) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act (Northern Ireland) 2021.”.

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

Commencement Information

I54 Sch. 3 para. 6 in operation at 10.8.2021, see [s. 44\(1\)\(c\)](#)

7. In Article 9 (improvement notices), in paragraph (7) (meaning of “pensions legislation”)—

- (a) in the opening words, after “by virtue of” insert “any of the following”;
- (b) at the end add “, or
 - (i) Part 1 of the Pension Schemes Act (Northern Ireland) 2021.”.

Commencement Information

I55 Sch. 3 para. 7 not in operation at Royal Assent, see [s. 44\(2\)](#)

I56 Sch. 3 para. 7 in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)

I57 Sch. 3 para. 7 in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

8. In Article 65 (duty to report breaches of the law) in paragraph (1), at the end add—

- “(f) a scheme strategist or scheme funder of a Master Trust scheme within the meaning of Part 1 of the Pension Schemes Act (Northern Ireland) 2021 (see section 39 of that Act).”.

Commencement Information

I58 Sch. 3 para. 8 not in operation at Royal Assent, see [s. 44\(2\)](#)

I59 Sch. 3 para. 8 in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)

I60 Sch. 3 para. 8 in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

9. In Article 67 (provision of information), in paragraph (1A), after “2008” insert “or Part 1 of the Pension Schemes Act (Northern Ireland) 2021”.

Modifications etc. (not altering text)

C3 Sch. 3 para. 9 transitional provision for commencement by 2021 c. 6 (N.I.), s. 44(1)(a)(b) (11.8.2021) by [The Pension Schemes \(2021 Act\) \(Commencement No. 1 and Transitional Provisions\) Order \(Northern Ireland\) 2021 \(S.R. 2021/234\)](#), [art. 3](#)

Commencement Information

I61 Sch. 3 para. 9 in operation at 10.8.2021 for specified purposes, see [s. 44\(1\)\(a\)\(v\)](#)

I62 Sch. 3 para. 9 in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

I63 Sch. 3 para. 9 in operation at 6.4.2022 in so far as not already in operation by S.R. 2022/110, art. 2(b)

10. In Article 68 (inspection of premises), in paragraph (2) before subparagraph (e) insert—

“(dc) the Pension Schemes Act (Northern Ireland) 2021;”.

Commencement Information

I64 Sch. 3 para. 10 not in operation at Royal Assent, see s. 44(2)

I65 Sch. 3 para. 10 in operation at 16.3.2022 for specified purposes by S.R. 2022/110, art. 2(a)

I66 Sch. 3 para. 10 in operation at 6.4.2022 in so far as not already in operation by S.R. 2022/110, art. 2(b)

11. In Article 72A (fixed penalty notices), in paragraph (6) after “2008” insert “or section 17 of the Pension Schemes Act (Northern Ireland) 2021”.

Commencement Information

I67 Sch. 3 para. 11 not in operation at Royal Assent, see s. 44(2)

I68 Sch. 3 para. 11 in operation at 16.3.2022 for specified purposes by S.R. 2022/110, art. 2(a)

I69 Sch. 3 para. 11 in operation at 6.4.2022 in so far as not already in operation by S.R. 2022/110, art. 2(b)

12. In Article 72B (escalating penalty notices), in paragraph (8) after “2008” insert “or section 18 of the Pension Schemes Act (Northern Ireland) 2021”.

Commencement Information

I70 Sch. 3 para. 12 not in operation at Royal Assent, see s. 44(2)

I71 Sch. 3 para. 12 in operation at 16.3.2022 for specified purposes by S.R. 2022/110, art. 2(a)

I72 Sch. 3 para. 12 in operation at 6.4.2022 in so far as not already in operation by S.R. 2022/110, art. 2(b)

13. In Article 75 (offences of providing false or misleading information), in paragraph (1)(c)—

(a) omit the “or” at the end of head (iv); and

(b) in head (v), at the end add “, or

(vi) the Pension Schemes Act (Northern Ireland) 2021.”.

Commencement Information

I73 Sch. 3 para. 13 not in operation at Royal Assent, see s. 44(2)

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

- I74** Sch. 3 para. 13 in operation at 16.3.2022 for specified purposes by S.R. 2022/110, **art. 2(a)**
I75 Sch. 3 para. 13 in operation at 6.4.2022 in so far as not already in operation by S.R. 2022/110, **art. 2(b)**

14. In Article 75A (financial penalty for providing false or misleading information to Regulator), in paragraph (2)(c)—

- (a) omit the “or” at the end of head (iv); and
- (b) in head (v), at the end add “, or
 (vi) the Pension Schemes Act (Northern Ireland) 2021.”.

Commencement Information

- I76** Sch. 3 para. 14 not in operation at Royal Assent, see **s. 44(2)**
I77 Sch. 3 para. 14 in operation at 16.3.2022 for specified purposes by S.R. 2022/110, **art. 2(a)**
I78 Sch. 3 para. 14 in operation at 6.4.2022 in so far as not already in operation by S.R. 2022/110, **art. 2(b)**

15.—(1) Article 85 (codes of practice) is amended as follows.

(2) In paragraph (2) (matters on which the Pensions Regulator must issue codes of practice), before sub-paragraph (k) insert—

- “(jc) the process for making an application for authorisation of a Master Trust scheme under Part 1 of the Pension Schemes Act (Northern Ireland) 2021;
- (jd) the matters that the Regulator expects to take into account in deciding whether it is satisfied that a Master Trust scheme meets the authorisation criteria under that Part (see section 5 of the Pension Schemes Act (Northern Ireland) 2021);”.

(3) In paragraph (6), in the definition of “the pensions legislation” at the end add “, or

(h) the Pension Schemes Act (Northern Ireland) 2021.”.

Commencement Information

- I79** Sch. 3 para. 15 not in operation at Royal Assent, see **s. 44(2)**
I80 Sch. 3 para. 15 in operation at 13.9.2021 by S.R. 2021/234, **art. 2(c)**

16. In Article 88(2) (“regulatory functions” of the Regulator subject to procedure), before sub-paragraph (q) insert—

- “(pe) the power to give a direction under section 26(7) of the Pension Schemes Act (Northern Ireland) 2021 (direction to submit implementation strategy), and”.

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

Commencement Information

- I81** Sch. 3 para. 16 not in operation at Royal Assent, see [s. 44\(2\)](#)
- I82** [Sch. 3 para. 16](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
- I83** [Sch. 3 para. 16](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

17. In Article 92(5) (special procedure: applicable cases), before subparagraph (u) insert—

- “(tg) the power to withdraw authorisation of a Master Trust scheme under section 19 of the Pension Schemes Act (Northern Ireland) 2021;
- (th) the power to make a pause order under section 31 of that Act;
- (ti) the power to make an order under paragraph 2(2) of Schedule 1 to that Act extending the period for which a pause order has effect;
- (tj) the power to make an order under paragraph 3 of that Schedule validating action taken in contravention of a pause order;
- (tk) the power to make an order under paragraph 4(3) of that Schedule directing the notification of members or employers;”.

Commencement Information

- I84** Sch. 3 para. 17 not in operation at Royal Assent, see [s. 44\(2\)](#)
- I85** [Sch. 3 para. 17](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
- I86** [Sch. 3 para. 17](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

18. In Schedule 1 (the Pensions Regulator), in Part 1 (delegation), in paragraph 2(2), after head (o) add—

- “(p) the power to issue a fixed penalty notice under section 17 of the Pension Schemes Act (Northern Ireland) 2021;
- (q) the power to issue an escalating penalty notice under section 18 of that Act.”.

Commencement Information

- I87** Sch. 3 para. 18 not in operation at Royal Assent, see [s. 44\(2\)](#)
- I88** [Sch. 3 para. 18](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
- I89** [Sch. 3 para. 18](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

19. In Schedule 2 (functions exercisable by the Determinations Panel), before Part 5 insert—

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

“PART 4B

Functions Under The Pension Schemes Act (Northern Ireland) 2021

44I. The power to withdraw authorisation of a Master Trust scheme under section 19.

44J. The power to give a direction under section 28(4) (direction to pursue continuity option).

44K. The power to make a pause order under section 31.

44L. The power to make an order under paragraph 2(2) of Schedule 1 extending the period for which a pause order has effect.

44M. The power to make an order under paragraph 3 of that Schedule validating action taken in contravention of a pause order.

44N. The power to make an order under paragraph 4(3) of that Schedule directing the notification of members or employers.

44O. Terms used in this Part have the same meaning as in Part 1 of the Pension Schemes Act (Northern Ireland) 2021.”

Commencement Information

I90 Sch. 3 para. 19 not in operation at Royal Assent, see [s. 44\(2\)](#)

I91 Sch. 3 para. 19 in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)

I92 Sch. 3 para. 19 in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

The Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13)

20. In section 31 of the Pensions (No. 2) Act (effect of freezing order or assessment period: qualifying schemes)—

(a) in subsection (3), in the definition of “freezing event”, at the end add—

“, or

(d) the making of a pause order under section 31 of the Pension Schemes Act (Northern Ireland) 2021;”;

(b) in subsection (3), in the definition of “relevant provision”, at the end add—

“(d) in relation to a pause order, provision contained in the order or the provision made with respect to the order by section 31 of the Pension Schemes Act (Northern Ireland) 2021.”;

(c) in the section heading, for “or assessment period” substitute “, assessment period or pause order”.

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

Commencement Information

- I93** Sch. 3 para. 20 not in operation at Royal Assent, see [s. 44\(2\)](#)
- I94** [Sch. 3 para. 20](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
- I95** [Sch. 3 para. 20](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

The Pension Schemes Act (Northern Ireland) 2021

21.—(1) Section 17 (fixed penalty notice for failure to comply with request for information) is amended as follows.

- (2) In the heading, at the end insert “etc”.
- (3) In subsection (1)—
- (a) for “with a” substitute “with—
- (a) a”;
- (b) after “Part” insert “, or
- (b) a notice issued under Article 67A of that Order (interviews), so far as relevant to the exercise of any of the Regulator’s functions under or by virtue of this Part.”.

Commencement Information

- I96** Sch. 3 para. 21 not in operation at Royal Assent, see [s. 44\(2\)](#)
- I97** [Sch. 3 para. 21](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
- I98** [Sch. 3 para. 21](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

22.—(1) Section 18 (escalating penalty notice for failure to comply with request for information) is amended as follows.

- (2) In the heading, at the end insert “etc”.
- (3) In subsection (1)—
- (a) for “with a” substitute “with—
- (a) a”;
- (b) after “notice”)” insert “, or
- (b) a notice issued under Article 67A of that Order (interviews), so far as relevant to the exercise of any of the Regulator’s functions under or by virtue of this Part (an “Article 67A notice”).”.
- (4) In subsection (2)(a), after “67 notice” insert “or the Article 67A notice”.
- (5) In subsection (3), after “67 notice” insert “or an Article 67A notice”.

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021. (See end of Document for details)

(6) In subsection (6)—

- (a) in paragraph (b), after “notice” insert “or the Article 67A notice”;
- (b) in paragraph (e), after “notice” insert “or the Article 67A notice”.

Commencement Information

- I99** Sch. 3 para. 22 not in operation at Royal Assent, see [s. 44\(2\)](#)
- I100** [Sch. 3 para. 22](#) in operation at 16.3.2022 for specified purposes by [S.R. 2022/110](#), [art. 2\(a\)](#)
- I101** [Sch. 3 para. 22](#) in operation at 6.4.2022 in so far as not already in operation by [S.R. 2022/110](#), [art. 2\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Pension Schemes Act (Northern Ireland) 2021.