
STATUTORY INSTRUMENTS

1995 No. 3213

The Pensions (Northern Ireland) Order 1995

PART II

OCCUPATIONAL PENSIONS

Supervision by the Authority

Civil penalties

10.—(1) Where the Authority are satisfied that by reason of any act or omission this Article applies to any person, they may by notice in writing require him to pay, within a prescribed period, a penalty in respect of that act or omission not exceeding the maximum amount.

(2) In this Article, “the maximum amount” means—

(a) £5,000 in the case of an individual and £50,000 in any other case, or

(b) such lower amount as may be prescribed in the case of an individual or in any other case, and the Department may by order amend sub-paragraph (a) by substituting higher amounts for the amounts for the time being specified in that sub-paragraph.

(3) Regulations made by virtue of this Part may provide for any person who has contravened any provision of such regulations to pay, within a prescribed period, a penalty under this Article not exceeding an amount specified in the regulations; and the regulations must specify different amounts in the case of individuals from those specified in other cases and any amount so specified may not exceed the amount for the time being specified in the case of individuals or, as the case may be, others in paragraph (2)(a).

(4) An order made under paragraph (2) or regulations made by virtue of paragraph (3) do not affect the amount of any penalty recoverable under this Article by reason of an act or omission occurring before the order or, as the case may be, regulations are made.

(5) Where—

(a) apart from this paragraph, a penalty under this Article is recoverable from a body corporate by reason of any act or omission of the body^{F1}. . . , and

(b) the act or omission was done with the consent or connivance of, or is attributable to any neglect on the part of, any persons mentioned in paragraph (6),

this Article applies to each of those persons who consented to or connived in the act or omission or to whose neglect the act or omission was attributable.

(6) The persons referred to in paragraph (5)(b) are—

(a) any director, manager, secretary, or other similar officer of the body corporate, or a person purporting to act in any such capacity, and

(b) where the affairs of the body corporate are managed by its members, any member in connection with his functions of management.

Status: Point in time view as at 16/03/2022. This version of this provision has been superseded.

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(7) Where the Authority requires any person to pay a penalty by virtue of paragraph (5), they may not also require the body corporate in question to pay a penalty in respect of the same act or omission.

(8) A penalty under this Article is recoverable by the Authority.

[^{F2}(8A) Any penalty recoverable under this Article shall, if a county court so orders, be enforceable as if it were payable under an order of that court.]

(9) The Authority must pay to the Department any penalty recovered under this Article.

[^{F3}(10) The Authority may not require a person to pay a penalty under this Article in respect of an act or omission if the Authority have issued a notice to the person under Article 83A of the Pensions (Northern Ireland) Order 2005 (financial penalties) in respect of the same act or omission.]

- F1** 2005 NI 1
F2 1999 NI 11
F3 Art. 10(10) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 15**; S.R. 2021/271, art. 2(4)(a)

Modifications etc. (not altering text)

- C1** Art. 10 applied (6.4.2007) by Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), arts. 1(2), 137(8), 141(8), 210A(7); S.R. 2006/352, art. 2(5), Sch. Pt. 2
- C2** Art. 10 power to apply conferred (15.12.2008) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), **ss. 59(2), 118(2)(j)** (with s. 73)
- C3** Art. 10 applied by S.I. 2005/255 (N.I. 1), art. 35A(7) (as inserted (15.12.2008) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 103, 118(3)(a)(v), **Sch. 8 para. 9**)
- C4** Art. 10 applied by S.I. 2005/255 (N.I. 1), art. 39A(4) (as inserted (15.12.2008) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 103, 118(3)(a)(v), **Sch. 8 para. 10**)
- C5** Art. 10 applied by 1993 c. 49, s. 20H(5) (as inserted (3.3.2009 for certain purposes otherwise 6.4.2009) by Pensions Act (Northern Ireland) 2008 (c. 1), **ss. 12(3), 21(1)(a)**); S.R. 2009/75, **art. 2**
- C6** Art. 10 applied (24.7.2014) by The Pensions (2012 Act) (Transitional, Consequential and Supplementary Provisions) Regulations (Northern Ireland) 2014 (S.R. 2014/204), regs. 1(1), **22(12)**
- C7** Art. 10 applied (24.7.2014) by The Pensions (2012 Act) (Transitional, Consequential and Supplementary Provisions) Regulations (Northern Ireland) 2014 (S.R. 2014/204), regs. 1(1), **45(6)**
- C8** Art. 10: power to apply conferred (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in operation) by Pension Schemes Act 2015 (c. 8), **ss. 52(2)(c), 89(1)(b)(3)(b)** (with s. 87)
- C9** Art. 10 applied by S.I. 2005/255 (N.I. 1) art. 65A(3) (as inserted (1.4.2015) by Public Service Pensions Act (Northern Ireland) 2014 (c. 2), s. 37(2), **Sch. 4 para. 7**; S.R. 2015/3, art. 4(1)(b) (with art. 4(2)))
- C10** Art. 10 applied (6.4.2015) by Pension Schemes Act 2015 (c. 8), **ss. 51(6), 89(3)(b)** (with s. 87)
- C11** Art. 10 applied (6.4.2015) by The Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) Regulations (Northern Ireland) 2015 (S.R. 2015/165), regs. 1(1), **12(7)** (with reg. 2)
- C12** Art. 10 applied (11.2.2021 for specified purposes, 6.4.2024 in so far as not already in operation) by S.I. 2005/255 (N.I. 1), art. 200B(9) (as inserted by Pension Schemes Act 2021 (c. 1), s. 131(2)(d)(3)(c), **Sch. 11 para. 2**; S.R. 2024/89, art. 2(b))
- C13** Art. 10 applied (11.2.2021 for specified purposes) by Pension Schemes Act 2021 (c. 1), ss. 58(2), 70(4), 71(8), 73(4), 74(5), 78(5), 79(8), 80(11), 84(14), 85(6), 87(9)(10), 88(6), 89(8), 90(5), 92(5), 93(3), 94(5), 96(7), 97(4), 131(2)(a)(3)(a), Sch. 5 paras. 1(8)-(10), 4(5)
- C14** Art. 10 applied (10.8.2021 for specified purposes, 16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 25(7), 44(1)(a)(iv)** (with transitional provisions in S.R. 2021/234, art. 3); S.R. 2022/110, art. 2(a)
- C15** Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 32(3), 44(2)**; S.R. 2022/110, art. 2(a)
- C16** Art. 10 power to apply conferred (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 24(9), 44(2)**; S.R. 2022/110, art. 2(a)

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- C17 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 30(5)**, 44(2); S.R. 2022/110, art. 2(a)
- C18 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 28(5)**, 44(2); S.R. 2022/110, art. 2(a)
- C19 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 1 para. 4(5)**; S.R. 2022/110, art. 2(a)
- C20 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 26(8)**, 44(2); S.R. 2022/110, art. 2(a)
- C21 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 1 para. 1(8)-(10)**; S.R. 2022/110, art. 2(a)
- C22 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 3(2)**, 44(2); S.R. 2022/110, art. 2(a)
- C23 Art. 10 applied (10.8.2021 for specified purposes, 16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 22(10)**, 44(1)(a)(iv) (with transitional provisions in S.R. 2021/234, art. 3); S.R. 2022/110, art. 2(a)
- C24 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 14(5)**, 44(2); S.R. 2022/110, art. 2(a)
- C25 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 24(8)**, 44(2); S.R. 2022/110, art. 2(a)
- C26 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 23(8)**, 44(2); S.R. 2022/110, art. 2(a)
- C27 Art. 10 applied (10.8.2021 for specified purposes, 16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 33(7)**, 44(1)(a)(iv) (with transitional provisions in S.R. 2021/234, art. 3); S.R. 2022/110, art. 2(a)
- C28 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 15(5)**, 44(2); S.R. 2022/110, art. 2(a)
- C29 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 16(6)**, 44(2); S.R. 2022/110, art. 2(a)
- C30 Art. 10 applied (16.3.2022 for specified purposes) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), **ss. 29(4)**, 44(2); S.R. 2022/110, art. 2(a)

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