
STATUTORY INSTRUMENTS

1999 No. 3147

The Welfare Reform and Pensions (Northern Ireland) Order 1999

PART II

STAKEHOLDER PENSION SCHEMES

Duty of employers to facilitate access to stakeholder pension schemes

5.—(1) Except in so far as regulations otherwise provide, it shall be the duty of an employer of relevant employees to comply with the requirements set out below.

(2) The first requirement is that the employer shall ensure that at all times there is at least one scheme designated by him for the purposes of this paragraph which is registered under Article 4 and offers membership to all his relevant employees (whether or not any other scheme registered under that Article which does not offer membership to all those employees is for the time being designated by him for those purposes).

Before designating a scheme for the purposes of this paragraph the employer shall consult with his relevant employees and any organisations representing them.

(3) The second requirement is that the employer shall supply his relevant employees with—

- (a) the name and address of the designated scheme or, as the case may be, of each of the designated schemes; and
- (b) such other information as may be prescribed.

(4) The third requirement is that the employer shall allow representatives of the designated scheme or schemes reasonable access to his relevant employees for the purpose of supplying them with information about the scheme or schemes.

(5) The fourth requirement is that, subject to such exceptions and qualifications as may be prescribed, the employer shall, if he is requested to do so by a relevant employee of his who is a member of a qualifying scheme—

- (a) deduct the employee's contributions to the scheme from his remuneration; and
- (b) pay them to the trustees or managers of the scheme or, if regulations so provide, to a prescribed person.

(6) The fifth requirement is that the employer shall, if any scheme designated by him for the purposes of paragraph (2) ceases to be registered under Article 4, withdraw his designation of the scheme (but this requirement is not to be taken as implying that he cannot withdraw his designation of a scheme in other circumstances).

(7) Article 10 of the Pensions Order (civil penalties) applies to an employer who fails to comply with any of the requirements set out above.

(8) An employer is not, whether before designating a scheme for the purposes of paragraph (2) or at any time while a scheme is designated by him for those purposes, under any duty—

Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Welfare Reform and Pensions (Northern Ireland) Order 1999, Section 5. (See end of Document for details)

- (a) to make any enquiries, or act on any information, about the scheme for any purpose not connected with—
 - (i) ascertaining whether the scheme is for the time being registered under Article 4,
 - (ii) ascertaining the persons to whom it offers membership, or
 - (iii) enabling him to comply with paragraph (3), or
 - (b) in particular, to investigate or monitor, or make any judgment as to, the past, present or future performance of the scheme.
- (9) In this Article—
- “employer” means any employer, whether or not resident or incorporated in any part of the United Kingdom;
- “qualifying scheme”, in relation to an employer, means—
- (a) the designated scheme or one of the designated schemes; or
 - (b) if regulations so provide, any other stakeholder pension scheme;
- “regulations” means regulations made by the Department;
- “relevant employees”, in relation to an employer, means all employees of his employed in Northern Ireland and also, in the case of an employer resident or incorporated in Northern Ireland, all employees of his employed outside the United Kingdom, but with the exception, in the case of any employer, of any employees of his—
- (a) whose employment qualifies them for membership of an occupational pension scheme of the employer;
 - (b) whose earnings fall below the lower earnings limit as defined in section 176 of the Pension Schemes Act; or
 - (c) who are of such other description as may be prescribed.

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