

---

STATUTORY INSTRUMENTS

---

**2005 No. 255**

**The Pensions (Northern Ireland) Order 2005**

**PART II**

**THE PENSIONS REGULATOR**

*New powers in respect of occupational and personal pension schemes*

**Improvement notices**

**9.**—(1) If the Regulator is of the opinion that a person—

- (a) is contravening one or more provisions of the pensions legislation, or
- (b) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated,

it may issue a notice (an “improvement notice”) to that person directing him to take, or refrain from taking, such steps as are specified in the notice in order to remedy or prevent a recurrence of the contravention.

(2) An improvement notice must—

- (a) state that the Regulator is of that opinion and specify the provision or provisions of the pensions legislation in question,
- (b) contain a statement of the matters which it is asserted constitute the contravention and of the evidence on which that opinion is based, and
- (c) in respect of each step specified in the notice, state the period (being a period of not less than 21 days beginning with the date of the notice) within which it must be complied with.

(3) Directions in an improvement notice—

- (a) may be framed to any extent by reference to a code of practice issued by the Regulator under Article 85 <sup>[<sup>F1</sup>or 85A]</sup>, and
- (b) may be framed so as to afford the person to whom the notice is issued a choice between different ways of remedying or preventing the recurrence of the contravention.

(4) Directions in an improvement notice may be expressed to be conditional on compliance by a third party with a specified direction, or specified directions, contained in a notice under Article 10 (third party notices).

(5) An improvement notice may direct the person to whom it is issued to inform the Regulator, within such period as may be specified in the notice, of how he has complied, or is complying, with the notice.

(6) Where a contravention of a provision of the pensions legislation consists of a failure to take action within a time limit, for the purposes of this Article the contravention continues until such time as the action is taken.

**Status:** Point in time view as at 01/08/2022.

**Changes to legislation:** The Pensions (Northern Ireland) Order 2005, Section 9 is up to date with all changes known to be in force on or before 23 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)

<sup>F2</sup>(7) In this Article “pensions legislation” means any statutory provision contained in or made by virtue of [<sup>F3</sup>any of the following] —

- (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, <sup>F4</sup>...
- (d) this Order, <sup>F5</sup>[<sup>F6</sup>...
- (e) section 5(5) (pension board: conflicts of interest), 6 (pension board: information), 14 (information about benefits) or 16 (records) of the Public Service Pensions Act (Northern Ireland) [<sup>F7</sup>2014<sup>F8</sup>...]
- [<sup>F9</sup>(f) paragraph 2 of Schedule 18 to the Pensions Act (Northern Ireland) 2015 (power to impose requirements relating to administration or governance)] [<sup>F10</sup>, [<sup>F11</sup>or]
- (g) the Pension Schemes Act (Northern Ireland) 2016][<sup>F12</sup>, or ]
- [<sup>F12</sup>(h) Part 2 of the Pension Schemes Act 2021.][<sup>F13</sup>, or
- (i) Part 1 of the Pension Schemes Act (Northern Ireland) 2021.]

(8) If the trustees or managers of an occupational or personal pension scheme fail to comply with an improvement notice issued to them, Article 10 of the 1995 Order (civil penalties) applies to any trustee or manager who has failed to take all reasonable steps to secure compliance.

(9) That Article also applies to any other person who, without reasonable excuse, fails to comply with an improvement notice issued to him.

- F1** Words in art. 9(3)(a) inserted (1.4.2015) by [Public Service Pensions Act \(Northern Ireland\) 2014 \(c. 2\), s. 37\(2\), Sch. 4 para. 3\(2\)](#); S.R. 2015/3, art. 4(1)(b) (with art. 4(2))
- F2** mod. by SR 2005/570
- F3** Words in art. 9(7) inserted (16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by [Pension Schemes Act \(Northern Ireland\) 2021 \(c. 6\), s. 44\(2\), Sch. 3 para. 7\(a\)](#); S.R. 2022/110, art. 2(a)(b)
- F4** Word in art. 9(7)(c) repealed (1.4.2015) by [Public Service Pensions Act \(Northern Ireland\) 2014 \(c. 2\), s. 37\(2\), Sch. 4 para. 3\(3\)\(a\)](#); S.R. 2015/3, art. 4(1)(b) (with art. 4(2))
- F5** Word in art. 9(7)(d) omitted (17.7.2015) by virtue of [The Occupational Pension Schemes \(Charges and Governance\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/309\), regs. 1\(2\), 25\(a\)](#)
- F6** Art. 9(7)(e) and word inserted (1.4.2015) by [Public Service Pensions Act \(Northern Ireland\) 2014 \(c. 2\), s. 37\(2\), Sch. 4 para. 3\(3\)\(b\)](#); S.R. 2015/3, art. 4(1)(b) (with art. 4(2))
- F7** Words in art. 9(7)(e) substituted (17.7.2015) by [The Occupational Pension Schemes \(Charges and Governance\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/309\), regs. 1\(2\), 25\(b\)](#)
- F8** Word in art. 9(7)(e) omitted (16.1.2016) by virtue of [Pension Schemes Act \(Northern Ireland\) 2016 \(c. 1\), s. 52, Sch. 2 para. 22\(a\)](#)
- F9** Art. 9(7)(f) added (17.7.2015) by [The Occupational Pension Schemes \(Charges and Governance\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/309\), regs. 1\(2\), 25\(c\)](#)
- F10** Art. 9(7)(g) and word inserted (16.1.2016) by [Pension Schemes Act \(Northern Ireland\) 2016 \(c. 1\), s. 52, Sch. 2 para. 22\(b\)](#)
- F11** Word in art. 9(7)(f) omitted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by virtue of [Pension Schemes Act 2021 \(c. 1\), s. 131\(1\)\(3\)\(a\), Sch. 6 para. 13\(a\)](#); S.R. 2022/197, art. 3(a)
- F12** [Art. 9\(7\)\(h\)](#) and word inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by [Pension Schemes Act 2021 \(c. 1\), s. 131\(1\)\(3\)\(a\), Sch. 6 para. 13\(b\)](#); S.R. 2022/197, art. 3(a)

**Changes to legislation:** The Pensions (Northern Ireland) Order 2005, Section 9 is up to date with all changes known to be in force on or before 23 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)

**F13** Art. 9(7)(i) and word added (16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 3 para. 7(b)**; S.R. 2022/110, art. 2(a)(b)

**Status:**

Point in time view as at 01/08/2022.

**Changes to legislation:**

The Pensions (Northern Ireland) Order 2005, Section 9 is up to date with all changes known to be in force on or before 23 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.