
STATUTORY INSTRUMENTS

2005 No. 255

The Pensions (Northern Ireland) Order 2005

PART V **N.I.**

FINANCIAL PLANNING FOR RETIREMENT

Retirement planning

Supply of housing benefit information **N.I.**

213.—(1) Section 116D of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (supply of information by the Housing Executive) is amended as follows.

(2) In subsection (1) for “or employment or training” substitute “, employment or training, private pensions policy or retirement planning”.

(3) After subsection (2) insert—

“(2A) Information supplied under subsection (2) may be used for any purpose relating to private pensions policy or retirement planning.”.

(4) After subsection (5) add—

“(6) In this section—

“private pensions policy” means policy relating to occupational pension schemes or personal pension schemes;

“retirement planning” means promoting financial planning for retirement.”.

Combined pension forecasts **N.I.**

214.—(1) Regulations may require the trustees or managers of an occupational or personal pension scheme to provide any member of the scheme with—

(a) the information specified in paragraph (2), together with

(b) the information specified in paragraph (3).

(2) The information referred to in paragraph (1)(a) is information relating to the member which—

(a) is state pension information for the purposes of section 38 of the 2000 Act,

(b) has been disclosed to the trustees or managers under that section (or, by virtue of that section, is treated as having been so disclosed), and

(c) is of a description specified in the regulations.

(3) The information referred to in paragraph (1)(b) is information which—

(a) relates to the pensions and other benefits likely to accrue to the member, or capable of being secured by him, under the scheme, and

(b) is of a description specified in the regulations.

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(4) Regulations under paragraph (1) may require information referred to in that paragraph to be provided at a time or times specified in the regulations.

Employee information and advice

Information and advice to employees **N.I.**

215.—(1) Regulations may require employers to take action for the purpose of enabling employees to obtain information and advice about pensions and saving for retirement.

(2) Regulations under paragraph (1) may in particular—

- (a) provide that they are to apply in relation to employers of a prescribed description and employees of a prescribed description;
- (b) make different provision for different descriptions of employers and employees;
- (c) make provision as to the action to be taken by employers (including the frequency at which, and the time and place at which, action is to be taken);
- (d) make provision as to the description of information and advice in relation to which requirements apply;
- (e) make provision about the description of person authorised to provide any such information and advice.

(3) Employers to whom regulations under paragraph (1) apply must provide information to the Regulator about the action taken by them for the purpose of complying with the regulations.

(4) Regulations may make provision as to—

- (a) the information to be provided under paragraph (3);
- (b) the form and manner in which the information is to be provided;
- (c) the period within which the information is to be provided.

(5) Article 10 of the 1995 Order (civil penalties) applies to any person who, without reasonable excuse, fails to comply with paragraph (3).

(6) In this Article “employer” means any employer, whether or not resident or incorporated in any part of the United Kingdom.

F¹ Pensions dashboards

F1 [Arts. 215A-215C](#) and cross-heading inserted (11.2.2021 for specified purposes, 31.10.2022 in so far as not already in operation) by [Pension Schemes Act 2021 \(c. 1\)](#), s. 131(2)(c)(3)(a), [Sch. 9 para. 2](#); [S.R. 2022/291](#), art. 2

Qualifying pensions dashboard service **N.I.**

215A.—(1) A pensions dashboard service is an electronic communications service by means of which information about pensions may be requested by, and provided to, an individual or a person authorised by the individual.

(2) “Qualifying pensions dashboard service” means a pensions dashboard service in relation to which prescribed requirements are satisfied.

(3) Requirements prescribed under paragraph (2) may, in particular, relate to—

- (a) what relevant and other information is to be provided, how it is to be provided and the circumstances in which it is to be provided;

- (b) how the pensions dashboard service is to be established, maintained and operated.
- (4) In paragraph (3)(a) “relevant information” means—
 - (a) information of a prescribed description about—
 - (i) state pensions;
 - (ii) basic or additional retirement pensions;
 - (b) state pension information relating to the individual in question of such description as may be prescribed;
 - (c) information of a prescribed description about occupational or personal pension schemes or a prescribed description of occupational or personal pension schemes;
 - (d) information relating to the individual in question and particular occupational or personal pension schemes of such description as may be prescribed.
- (5) Requirements prescribed under paragraph (2) may, in particular—
 - (a) require the pensions dashboard service to comply with standards, specifications or technical requirements published from time to time by—
 - (i) the Department,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations;
 - (b) require the provider of the pensions dashboard service to satisfy prescribed conditions;
 - (c) require the provider of the pensions dashboard service to be a person approved from time to time by—
 - (i) the Department,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations;
 - (d) require the provider of the pensions dashboard service to provide, or not to provide, information, facilities or services specified or of a description specified in connection with the pensions dashboard service.
- (6) Requirements prescribed under paragraph (2) may include provision under which a determination may fall to be made by—
 - (a) the Department,
 - (b) the Money and Pensions Service, or
 - (c) a person specified or of a description specified in the regulations.

Qualifying pension dashboard service: further provision N.I.

- 215B.**—(1) Requirements prescribed under Article 215A(2) may make provision about—
- (a) dealing with requests for information about pensions, including provision about the use of intermediaries;
 - (b) the involvement of the provider of a pensions dashboard service in the arrangements for dealing with requests for information about pensions.
- (2) Provision made by virtue of paragraph (1) may, in particular, require—
- (a) the use of electronic communications;
 - (b) the use of facilities or services specified or of a description specified in the regulations;
 - (c) the provision of assistance in connection with the establishment, maintenance or management of such facilities or services;

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- (d) participation in, or compliance with, arrangements for establishing, maintaining or managing such facilities or services.
- (3) The facilities and services for which provision may be made by virtue of paragraph (2)(b) may include facilities or services with functions relating to—
- (a) the transmission of information,
 - (b) verifying the identity of a person,
 - (c) identifying the occupational or personal pension scheme or schemes under which pensions are payable to or in respect of a particular individual,
 - (d) authenticating information transmitted by means of electronic communications, or
 - (e) ensuring the security of information transmitted by means of electronic communications.
- (4) Regulations under paragraph (2)(b) may impose requirements as regards a facility or service, including requirements about—
- (a) compliance with standards, specifications or technical requirements published from time to time by—
 - (i) the Department,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations;
 - (b) the provider of the facility or service being a person approved from time to time by—
 - (i) the Department,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations.
- (5) Regulations under paragraph (2)(d) may, in particular, require the provider of the pensions dashboard service—
- (a) to cooperate with the Money and Pensions Service or a person specified or of a description specified in the regulations;
 - (b) to coordinate activities with the Money and Pensions Service or a person specified or of a description specified in the regulations;
 - (c) to enable the Money and Pensions Service or a person specified or of a description specified in the regulations to monitor or audit compliance by the provider.
- (6) Except as provided by paragraph (7), regulations under Article 215A(2) may provide for the processing of personal data in accordance with the regulations not to be in breach of—
- (a) any obligation of confidence owed by the person processing the personal data, or
 - (b) any other restriction on the processing of personal data (however imposed).
- (7) Regulations under Article 215A(2) are not to be read as authorising or requiring such processing of personal data as would contravene the data protection legislation (but in determining whether particular processing of data would do so, take into account the power conferred or duty imposed by the provision of regulations in question).

Articles 215A and 215B: interpretation **N.I.**

215C.—(1) This Article applies for the purposes of Articles 215A and 215B.

(2) A reference to state pension information, in relation to an individual, is a reference to the information about that individual specified in—

- (a) section 38(7) of the 2000 Act, or

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- (b) section 42(7) of the Child Support, Pensions and Social Security Act 2000.
- (3) A reference to the Money and Pensions Service includes a reference to a person with whom arrangements are made under section 5(1), (2) or (3) of the Financial Guidance and Claims Act 2018.
- (4) In Articles 215A and 215B—
 - “additional retirement pension” means—
 - (a) any additional pension or shared additional pension under—
 - (i) the Contributions and Benefits Act, or
 - (ii) the Social Security Contributions and Benefits Act 1992, or
 - (b) any graduated retirement benefit under—
 - (i) sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966, or
 - (ii) sections 36 and 37 of the National Insurance Act 1965;
 - “basic retirement pension” means any basic pension under—
 - (a) the Contributions and Benefits Act, or
 - (b) the Social Security Contributions and Benefits Act 1992;
 - “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
 - “electronic communications service” has the meaning given by section 32 of the Communications Act 2003;
 - “personal data” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
 - “state pension” means any state pension under—
 - (a) Part 1 of the Pensions Act (Northern Ireland) 2015, or
 - (b) Part 1 of the Pensions Act 2014.]

[^{F2}Information from occupational pension schemes **N.I.**

- 215D.**—(1) Regulations may impose requirements on the trustees or managers of a relevant occupational pension scheme with respect to—
- (a) providing pensions information by means of—
 - (i) a qualifying pensions dashboard service, or
 - (ii) the pensions dashboard service provided by the Money and Pensions Service;
 - (b) facilitating the provision of pensions information by means of—
 - (i) a qualifying pensions dashboard service, or
 - (ii) the pensions dashboard service provided by the Money and Pensions Service.
- (2) In this Article “pensions information” means, in relation to a relevant occupational pension scheme, such information as may be prescribed, which may include in particular—
- (a) information relating to—
 - (i) the constitution of the scheme,
 - (ii) the administration and finances of the scheme,
 - (iii) the rights and obligations that arise or may arise under the scheme,
 - (iv) the pensions and other benefits an entitlement to which would be likely to accrue to a member, or be capable of being secured by a member, in respect of the rights that may arise under the scheme, and

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- (v) other matters relevant to occupational pension schemes in general or to occupational pension schemes of a description to which the scheme belongs;
- (b) information as regards the position of an individual in relation to the scheme.
- (3) Regulations under paragraph (1) may, in particular, impose requirements about—
 - (a) the persons to whom pensions information must be provided;
 - (b) the circumstances in which pensions information must be provided;
 - (c) the steps to be taken before pensions information may be provided;
 - (d) the manner and form in which pensions information must be provided;
 - (e) the time within which pensions information must be provided;
 - (f) the way in which pensions information must be held.
- (4) Regulations under paragraph (1) may require the trustees or managers of a scheme to comply with standards, specifications or technical requirements published from time to time by—
 - (a) the Department,
 - (b) the Money and Pensions Service, or
 - (c) a person specified or of a description specified in the regulations.
- (5) Regulations under paragraph (1) may include provision under which a determination may fall to be made by—
 - (a) the Department,
 - (b) the Money and Pensions Service, or
 - (c) a person specified or of a description specified in the regulations.
- (6) Regulations under paragraph (1) may require the trustees or managers to provide prescribed information about their carrying out of requirements prescribed under this Article to—
 - (a) the Regulator,
 - (b) the Money and Pensions Service, or
 - (c) a person specified or of a description specified in the regulations.
- (7) In complying with requirements prescribed under this Article, a trustee or manager of an occupational pension scheme must have regard to guidance issued from time to time by—
 - (a) the Department, or
 - (b) a person specified or of a description specified in the regulations.

F2 Arts. 215D-215G inserted (11.2.2021 for specified purposes, 31.10.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(2)(c)(3)(a), Sch. 9 para. 3; S.R. 2022/291, art. 2

Information from occupational pension schemes: further provision **N.I.**

- 215E.**—(1) Regulations under Article 215D(1) may make provision about—
- (a) how pensions information is to be provided, including provision about the use of intermediaries;
 - (b) the involvement of the trustees or managers of a scheme in the arrangements for dealing with requests for information about pensions.
- (2) The provision made by virtue of paragraph (1) may, in particular, require—
- (a) the use of electronic communications;

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- (b) the use of facilities or services specified or of a description specified in the regulations;
 - (c) the provision of assistance in connection with the establishment, maintenance or management of such facilities or services;
 - (d) participation in, or compliance with, arrangements for establishing, maintaining or managing such facilities or services.
- (3) The facilities and services for which provision may be made by virtue of paragraph (2)(b) may include facilities or services with functions relating to—
- (a) the transmission of information,
 - (b) verifying the identity of a person,
 - (c) identifying the occupational or personal pension scheme or schemes under which pensions are payable to or in respect of a particular individual,
 - (d) authenticating information transmitted by means of electronic communications, or
 - (e) ensuring the security of information transmitted by means of electronic communications.
- (4) Regulations under paragraph (2)(b) may impose requirements as regards a facility or service, including requirements about—
- (a) compliance with standards, specifications or technical requirements published from time to time by—
 - (i) the Department,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations;
 - (b) the provider of the facility or service being a person approved from time to time by—
 - (i) the Department,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations.
- (5) Regulations under paragraph (2)(d) may, in particular, require the trustees or managers—
- (a) to cooperate with the Money and Pensions Service or other persons specified or of a description specified in the regulations;
 - (b) to coordinate activities with the Money and Pensions Service or other persons specified or of a description specified in the regulations.
- (6) Except as provided by paragraph (7), regulations under Article 215D(1) may provide for the processing of personal data in accordance with the regulations not to be in breach of—
- (a) any obligation of confidence owed by the person processing the personal data, or
 - (b) any other restriction on the processing of personal data (however imposed).
- (7) Regulations under Article 215D(1) are not to be read as authorising or requiring such processing of personal data as would contravene the data protection legislation (but in determining whether particular processing of data would do so, take into account the power conferred or duty imposed by the provision of regulations in question).

F2 Arts. 215D-215G inserted (11.2.2021 for specified purposes, 31.10.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(2)(c)(3)(a), Sch. 9 para. 3; S.R. 2022/291, art. 2

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Articles 215D and 215E: interpretation **N.I.**

215F.—(1) This Article has effect for the purposes of Articles 215D and 215E.

(2) A reference to the Money and Pensions Service includes a reference to a person with whom arrangements are made under section 5(1), (2) or (3) of the Financial Guidance and Claims Act 2018.

(3) In Articles 215D and 215E—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“pensions dashboard service” means—

- (a) a pensions dashboard service within the meaning of Article 215A, or
- (b) a pensions dashboard service within the meaning of section 238A of the Pensions Act 2004;

“personal data” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“qualifying pensions dashboard service” means a pensions dashboard service that satisfies—

- (a) such requirements as may be prescribed by regulations under Article 215A, or
- (b) such requirements as may be prescribed by regulations under section 238A of the Pensions Act 2004;

“relevant occupational pension scheme” means an occupational pension scheme which is not a stakeholder pension scheme (as defined in Article 3 of the 1999 Order).

F2 Arts. 215D-215G inserted (11.2.2021 for specified purposes, 31.10.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(2)(c)(3)(a), **Sch. 9 para. 3**; S.R. 2022/291, art. 2

Compliance **N.I.**

215G.—(1) Regulations may make provision with a view to securing that the trustees or managers of a relevant occupational pension scheme comply with a provision of regulations under Article 215D.

(2) The regulations may, among other things—

- (a) provide for the Regulator to issue a notice (a “compliance notice”) to a person with a view to ensuring the person’s compliance with a provision of regulations under Article 215D;
- (b) provide for the Regulator to issue a notice (a “third party compliance notice”) to a person with a view to ensuring another person’s compliance with a provision of the regulations;
- (c) provide for the Regulator to issue a notice (a “penalty notice”) imposing a penalty on a person where the Regulator is of the opinion that the person—
 - (i) has failed to comply with a compliance notice or third party compliance notice, or
 - (ii) has contravened a provision of regulations under Article 215D;
- (d) provide for the making of a reference to the First-tier Tribunal or Upper Tribunal in respect of the issue of a penalty notice or the amount of a penalty;
- (e) confer other functions on the Regulator.

(3) The regulations may make provision for determining the amount, or the maximum amount, of a penalty in respect of a failure or contravention.

(4) But the amount of a penalty imposed under the regulations in respect of a failure or contravention must not exceed—

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

(5) In this Article “relevant occupational pension scheme” has the meaning given by Article 215F.]

F2 Arts. 215D-215G inserted (11.2.2021 for specified purposes, 31.10.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(2)(c)(3)(a), **Sch. 9 para. 3**; S.R. 2022/291, art. 2

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