

# SCHEDULES

## SCHEDULE 1

Article 3.

### THE PENSIONS REGULATOR

#### PART 1

#### DELEGATION

1.—(1) Subject to sub-paragraph (2), the Regulator may authorise—

- (a) any executive member of the Regulator,
- (b) any other member of the staff of the Regulator, or
- (c) any of its committees (other than the appointments committee, the Determinations Panel and any of that Panel's sub-committees),

to exercise, on behalf of the Regulator, such of its functions, in such circumstances, as the Regulator may determine.

(2) Sub-paragraph (1) does not apply to the functions of the Regulator listed in paragraph 20(2) of Schedule 1 to the Pensions Act 2004 (c. 35).

(3) The Regulator may authorise the Determinations Panel, in such circumstances as the Regulator may determine, to exercise on behalf of the Regulator—

- (a) the power to determine whether to exercise one or more of the regulatory functions listed in sub-paragraph (4), and
- (b) where the Panel so determines to exercise the regulatory function in question, the power to exercise it.

(4) The regulatory functions mentioned in sub-paragraph (3) are—

- (a) the power to issue an improvement notice under Article 9;
- (b) the power to issue a third party notice under Article 10;
- (c) the power to issue a clearance statement under Article 38;
- (d) the power to issue a notice under Article 41(1) approving the details of arrangements;
- (e) the power to issue a clearance statement under Article 42;
- (f) the power to make an order under Article 138(8);
- (g) the power to make an order under Article 198(4);
- (h) the power to grant or revoke authorisation under Article 264;
- (i) the power to grant or revoke approval under Article 265;
- (j) the power to issue a notice under Article 269(5);
- (k) the power by direction under Article 4(3)(a) of the 1999 Order to refuse to register a scheme under Article 4 of that Order;
- (l) the power to appoint a trustee under any of the following provisions of Article 7 of the 1995 Order—

**Status:** Point in time view as at 07/06/2012.

**Changes to legislation:** The Pensions (Northern Ireland) Order 2005, SCHEDULE 1 is up to date with all changes known to be in force on or before 19 June 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)

- (i) paragraph (1) where a trustee is removed by reason of his disqualification;
  - (ii) paragraph (3)(b);
  - (m) the power to appoint an independent trustee under Article 23 of that Order;
  - (n) the power to give directions under Article 72B of that Order facilitating a winding up.
- (5) The Regulator may also authorise the Determinations Panel, in such circumstances as the Regulator may determine, to exercise on behalf of the Regulator such functions (other than those mentioned in paragraph 20(2)(a) to (c) of Schedule 1 to the Pensions Act 2004 (c. 35)) as the Regulator considers necessary for the effective exercise by the Panel of—
- (a) a function of the Regulator which it is authorised to exercise by virtue of sub-paragraph (3),
  - (b) a function of the Regulator mentioned in paragraph 20(2)(d) of Schedule 1 to the Pensions Act 2004 (functions exercisable only by the Panel), or
  - (c) a function of the Panel under Article 88(3) or 94(11) or paragraph 18(2) of Schedule 1 to the Pensions Act 2004.
- (6) This paragraph is subject to any regulations made by the Department under paragraph 2.
- (7) In this paragraph—
- “appointments committee” has the meaning given by paragraph 11(1) of Schedule 1 to the Pensions Act 2004;
  - “executive member” has the meaning given by section 2(6)(a) of that Act.
- 2.—<sup>[F1]</sup>(1) The Department may make regulations—
- (a) limiting the extent to which any of the functions mentioned in paragraph (9) of Article 7 may be delegated by the Determinations Panel to any of its members or any of its sub-committees under that paragraph;
  - (b) limiting the extent to which functions of the Regulator may be delegated under paragraph 1;
  - (c) limiting the delegation under paragraph 1 of any power to delegate contained in that paragraph;
  - <sup>[F2]</sup>(d) permitting the Regulator to authorise such persons, in such circumstances and under such arrangements, as the Regulator may determine, to exercise on behalf of the Regulator—
    - (i) the power to determine whether to exercise any of the functions listed in sub-paragraph (2) ;
    - (ii) the power to exercise any of the functions listed in sub-paragraph (2) or such other functions as may be prescribed.]
- <sup>[F3]</sup>(2) The functions mentioned in sub-paragraph (1)(d) are—
- (a) the power to issue an improvement notice under Article 9;
  - (b) the power to issue a third party notice under Article 10;
  - (c) the power to recover unpaid contributions under Article 13;
  - (d) the power to require information under Article 67;
  - (e) the power to vary or revoke a determination, order, notice or direction under Article 96;
  - (f) the power to require payment of a penalty under Article 10 of the 1995 Order;
  - (g) the power to issue a compliance notice under section 35 of the Pensions (No. 2) Act (Northern Ireland) 2008;
  - (h) the power to issue a third party compliance notice under section 36 of that Act;

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- (i) the power to issue an unpaid contributions notice under section 37 of that Act;
- (j) the power to issue a fixed penalty notice under section 40 of that Act;
- (k) the power to issue an escalating penalty notice under section 41 of that Act;
- (l) the power to recover penalties under section 42 of that Act;
- (m) the power to review a notice under section 43 of that Act;
- (n) the power to issue a compliance notice in respect of prohibited recruitment conduct under section 51 of that Act;
- (o) the power to issue a penalty notice in respect of prohibited recruitment conduct under section 52 of that Act.]

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| <p><b>F1</b> Sch. 1 para. 2 renumbered (15.12.2008) as Sch. 1 para. 2(1) by <a href="#">Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13)</a>, <b>ss. 108(1)</b>, 118(1)(2)(d) (with s. 108(4))</p> <p><b>F2</b> Sch. 1 para. 2(1)(d) substituted (15.12.2008) by <a href="#">Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13)</a>, <b>ss. 108(2)</b>, 118(1)(2)(d) (with s. 108(4))</p> <p><b>F3</b> Sch. 1 para. 2(2) inserted (15.12.2008) by <a href="#">Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13)</a>, <b>ss. 108(3)</b>, 118(1)(2)(d) (with s. 108(4))</p> |
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## PART 2

### FUNDING AND ACCOUNTS

**3.—**(1) Section 170 of the Pension Schemes Act (levies towards certain expenditure) is amended as follows.

(2) In subsection (1) omit “or” at the end of paragraph (b) and for paragraph (c) substitute—

“(c) of the Regulatory Authority (including the establishment of the Authority under the Pensions Act 2004), or

(d) of the Lord Chancellor in meeting the costs of the legal assistance scheme established by virtue of section 106 of the Pensions Act 2004 (legal assistance in connection with proceedings before the Pensions Regulator Tribunal),” .

(3) In subsection (3), in paragraph (a), for the words from “any amounts paid” to the end of the paragraph substitute

“(i) any amounts paid to the Department under section 164(4) of this Act or Article 10 of the Pensions (Northern Ireland) Order 1995 (civil penalties), and

(ii) any fees paid to the Regulatory Authority under paragraph 25 of Schedule 1 to the Pensions Act 2004 (fees for applications), and” .

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