

SCHEDULES

SCHEDULE 2

Article 7(4).

THE RESERVED REGULATORY FUNCTIONS

PART 1

FUNCTIONS UNDER THE PENSION SCHEMES ACT

1. The power by direction under section 95(4) to grant an extension of the period within which the trustees or managers of a scheme are to carry out certain duties.

2. The power by direction under section 97J(2) to extend the period for compliance with a transfer notice.

3. The power under regulations made by virtue of section 164(4) to require a person to pay a penalty.

[^{F1}**3A** A power under section 20H (compliance with conditions of conversion of guaranteed minimum pension).]

F1 Sch. 2 para. 3A added (3.3.2009 for certain purposes otherwise 6.4.2009) by Pensions Act (Northern Ireland) 2008 (c. 1), ss. 12(7), 21(1)(a); S.R. 2009/75, art. 2

PART 2

FUNCTIONS UNDER THE 1995 ORDER

4. The power to make an order under Article 3(1) prohibiting a person from being a trustee.

5. The power to make an order under Article 3(3) revoking such an order.

[^{F2}**5A** The power under Article 3A(3) to give a notice waiving a prohibition.]

F2 Sch. 2 para. 5A inserted (16.7.2015) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), Sch. 19 para. 10(2); S.R. 2015/307, art. 2(1)(o)

6. The power to make an order under Article 4(1) suspending a trustee.

7. The power to make an order under Article 4(2) extending the period for which an order under Article 4(1) of that Order has effect.

8. The power to make an order under Article 4(5) revoking an order under Article 4(1) of that Order suspending a trustee.

9. The power to make an order appointing a trustee under any of the following provisions of Article 7—

Status: Point in time view as at 28/07/2022.

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- (a) paragraph (1) where a trustee is removed by an order under Article 3 (prohibition orders) [^{F3}or by Article 3A];
- (b) paragraph (3)(a) [^{F4}, (c) or (d)].

F3 Words in Sch. 2 para. 9(a) inserted (16.7.2015) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), Sch. 19 para. 10(3); S.R. 2015/307, art. 2(1)(o)

F4 Words in Sch. 2 para. 9(b) substituted (26.1.2009) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 106(2), 118(1); S.R. 2009/22, art. 2(1)(c)

10. The power under Article 9 to exercise by order the same jurisdiction and powers as the High Court for vesting property in, or transferring property to, trustees in consequence of the appointment or removal of a trustee.

11. The power to require a person to pay a penalty under Article 10 (including under regulations made by virtue of paragraph (3) of that Article).

12. The power to make an order under Article 11 directing or authorising an occupational pension scheme to be wound up.

13. The power to give directions to trustees under Article 15.

[^{F5}**13A.** The duty under Article 23(4), and regulations made thereunder, to compile and maintain a register of persons who satisfy prescribed conditions to act as independent trustees, but only in so far as that duty entails the removal of a person from that register if he does not satisfy, or no longer satisfies, any such prescribed condition.]

F5 SR 2005/169

14. The power under Article 29(5) to give a notice waiving a disqualification under Article 29 of that Order.

15. The power under Article 30(2) to exercise by order the same jurisdiction and powers as the High Court for vesting property in, or transferring property to, the trustees where a trustee becomes disqualified under Article 29 of that Order.

[^{F6}**15A.** The power under Article 58(7) to extend or further extend the period referred to in Article 58(6) of that Order in relation to a schedule of contributions for an occupational pension scheme.]

F6 SR 2005/357

15B. The power under Article 60(7) to extend or further extend the period applicable under Article 60(3) of that Order in relation to securing an increase in the value of the assets of an occupational pension scheme.

16. The power to make an order under Article 67G(2) by virtue of which any modification of, or grant of rights under, an occupational pension scheme is void to any extent.

17. The power to make an order under Article 67H(2) prohibiting, or specifying steps to be taken in relation to, the exercise of a power to modify an occupational pension scheme.

18. The power to make an order under Article 69 authorising the modification of an occupational pension scheme or modifying the scheme.

19. The power to make an order under Article 71A modifying an occupational pension scheme with a view to ensuring that it is properly wound up.

PART 3

FUNCTIONS UNDER THE 1999 ORDER

20. The power by direction under Article 4(3)(b) to remove a scheme from the register of stakeholder pension schemes.

PART 4

FUNCTIONS UNDER THIS ORDER

21. The power to make or extend a restraining order under Article 16.

22. The power to make an order under Article 16(10) permitting payments out of an account that is subject to a restraining order.

23. The power to make a repatriation order under Article 17.

24. The power to make a freezing order under Article 19.

25. The power to make an order under Article 21(3) extending the period for which a freezing order has effect.

26. The power to make an order under Article 22 validating action taken in contravention of a freezing order.

27. The power to make an order under Article 24 directing that specified steps are taken.

28. The power to make an order under Article 26 giving a direction where a freezing order ceases to have effect.

29. The power to make an order under Article 27(3) directing the notification of members.

30. The power to issue a contribution notice under Article 34.

[^{F7}**30A** The power to issue a direction under Article 35A(6) to any person.]

F7 Sch. 2 para. 30A inserted (15.12.2008) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 103, 118(1)(2)(h)(3)(a)(v)(b), Sch. 8 para. 13(a)

31. The power to issue a direction under Article 37(4) to the trustees or managers of an occupational pension scheme.

32. The power to issue a revised contribution notice under Article 37(9).

33. The power to issue a financial support direction under Article 39.

[^{F8}**33A** The power to issue a direction under Article 39A(3) to any person.]

F8 Sch. 2 para. 33A inserted (15.12.2008) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 103, 118(1)(2)(h)(3)(a)(v)(b), Sch. 8 para. 13(b)

34. The power to issue a contribution notice under Article 43.

35. The power to issue a direction under Article 46(4) to the trustees or managers of an occupational pension scheme.

36. The power to issue a revised contribution notice under Article 46(9).

37. The power to make a restoration order under Article 48.

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38. The power to issue a contribution notice under Article 51.
39. The power to issue a notice under Article 66 requiring a report to be provided to the Regulator.
40. The power to make a direction under Article 71(8) extending the retention period for documents taken into possession under Article 70.
41. The power to make a direction under Article 73(10) extending the retention period for documents taken into possession under that Article.

[^{F9}41A The power to require a person to pay a penalty under Article 83A.]

F9 Sch. 2 para. 41A inserted (28.7.2022) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), Sch. 8 para. 28; S.R. 2022/197, art. 2(b)

42. The power to make an order under Article 210 modifying a scheme, giving directions or imposing a schedule of contributions.
43. The power to issue a ring-fencing notice under Article 268.
44. The power to vary or revoke under Article 96—
- (a) a determination made by the Determinations Panel whether to exercise one of the other functions listed in this Schedule, or
 - (b) an order, notice or direction made, issued or given in the exercise of one of those functions—
 - (i) by the Panel, or
 - (ii) by the Regulator in compliance with a direction of [^{F10}a tribunal] under Article 97.

F10 Words in Sch. 2 para. 44(b)(ii) substituted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), Sch. 1 para. 22 (with transitional and saving in Sch. 2); S.R. 2010/101, art. 2

[^{F11}PART 4A

Functions under Part 2 of the Pension Schemes Act 2021

F11 Sch. 2 Pt. 4A inserted (11.2.2021 for specified purposes) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3) (a), Sch. 6 para. 21

- 44A The power to give a direction under section 74(2) (direction to obtain actuarial valuation or take other steps to remedy or mitigate failure in relation to a collective money purchase scheme).
- 44B The power to give a direction under section 80(6) (direction to implement proposals in a resolution plan).
- 44C The power under section 81 to withdraw authorisation of a collective money purchase scheme.
- 44D The power to give a direction under section 92(4) (direction to pursue a continuity option).
- 44E The power to make a pause order under section 95.
- 44F The power to make an order under paragraph 2(2) of Schedule 5 extending the period for which a pause order has effect.

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44G The power to make an order under paragraph 3 of Schedule 5 validating action taken in contravention of a pause order.

44H The power to make an order under paragraph 4(3) of Schedule 5 directing the notification of members or employers.]

[^{F12}PART 4B

Functions Under The Pension Schemes Act (Northern Ireland) 2021

F12 Sch. 2 Pt. 4B 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. 19**; S.R. 2022/110, art. 2(a)(b)

44I. The power to withdraw authorisation of a Master Trust scheme under section 19.

44J. The power to give a direction under section 28(4) (direction to pursue continuity option).

44K. The power to make a pause order under section 31.

44L. The power to make an order under paragraph 2(2) of Schedule 1 extending the period for which a pause order has effect.

44M. The power to make an order under paragraph 3 of that Schedule validating action taken in contravention of a pause order.

44N. The power to make an order under paragraph 4(3) of that Schedule directing the notification of members or employers.

44O. Terms used in this Part have the same meaning as in Part 1 of the Pension Schemes Act (Northern Ireland) 2021.]

[^{F13}PART 5

OTHER FUNCTIONS

F13 Sch. 2 Pt. 5 added (6.4.2006) by Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006 (S.R. 2006/48), **reg. 20**

45. The power to make an order under regulation 19 of the Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006 to waive or relax any of the requirements of regulations 6 to 16 of those Regulations.]

Status:

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