
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 169

The Occupational Pension Schemes (Independent Trustee) Regulations (Northern Ireland) 2005

Disclosure requirements and penalty

13.—(1) A trustee appointed to a scheme by order made under Article 7(1) or (3)(1) (appointment of trustees) and an independent trustee appointed to a scheme by order made under Article 23(1) (both referred to in this regulation as “the appointed trustee”) must furnish the information specified in paragraph (2) in accordance with the following provisions of this regulation.

(2) The information specified for the purposes of paragraph (1) is –

- (a) the name and address of the appointed trustee;
- (b) the scale of fees that will be chargeable by the appointed trustee and payable by the scheme;
- (c) details of each of the amounts charged to the scheme by the appointed trustee in the past 12 months.

(3) The appointed trustee must furnish the information specified in paragraph (2)(a) in writing to every member or relevant trade union as of course within a reasonable period following his appointment.

(4) The appointed trustee must furnish any of the information specified in paragraph (2) in writing to any member or prospective member or relevant trade union on request (not being a request made less than 12 months after the last occasion on which such information was furnished to the same person or trade union) within a reasonable period following the request being made.

(5) Where the appointed trustee fails to take all reasonable steps to comply with any requirement imposed upon him by this regulation, the Regulator may require him to pay, within 28 days, a penalty which –

- (a) in the case of an individual shall not exceed £5,000, and
- (b) in any other case shall not exceed £50,000.

(6) In this regulation –

“member” –

- (a) does not include a deferred member whose present address is not known to the trustees and in respect of whom correspondence sent by the trustees to his last known address has been returned, and
- (b) includes a person who is in receipt of benefits under the scheme by virtue of having been a dependant of someone who was a member;

“prospective member” means any person who, under the terms of his contract of service and the scheme rules –

- (a) is eligible, at his own option, to become a member of the scheme;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) will become so eligible if he continues in the same employment for a sufficiently long period;
- (c) will be admitted to it automatically unless he makes an election not to become a member, or
- (d) may be admitted to it subject to the consent of his employer;

“relevant trade union” means an independent trade union recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme in question;

“request” means a request in writing.

(7) Any question as to whether an organisation is a relevant trade union shall be referred to an industrial tribunal.

(8) Any information which this regulation requires the appointed trustee to furnish as of course to a member who is not in any employment to which the scheme relates shall be deemed to have been so furnished if it was sent to him by ordinary post to his last address known to the trustees.