

2006 No. 160

PENSIONS

**The Occupational Pension Schemes (Cross-border Activities)
(Amendment) Regulations (Northern Ireland) 2006**

Made - - - - - *27th March 2006*

Coming into operation - *28th March 2006*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 264(1) and 265(1) of the Pensions (Northern Ireland) Order 2005(a).

Citation and commencement

1. These Regulations may be cited as the Occupational Pension Schemes (Cross-border Activities) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 28th March 2006.

Amendment of the Occupational Pension Schemes (Cross-border Activities) Regulations

2.—(1) The Occupational Pension Schemes (Cross-border Activities) Regulations (Northern Ireland) 2005(b) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) the definition of “section 615 scheme”(c) shall be omitted.

(3) In regulation 5(3)(a)(d) (applications for general authorisation to accept contributions from European employers: established schemes which are carrying on cross-border activity) for “section 615 scheme” there shall be substituted “pre-23rd September 2005 scheme”.

(4) In regulation 10(3)(a)(e) (applications for approval in relation to particular European employer: established schemes which are carrying on cross-border activity) for “section 615 scheme” there shall be substituted “pre-23rd September 2005 scheme”.

Revocation

3. Regulation 9(2) of the Occupational Pension Schemes (Republic of Ireland Schemes Exemption (Revocation) and Tax Exempt Schemes (Miscellaneous Amendments)) Regulations (Northern Ireland) 2006(f) is hereby revoked.

(a) S.I. 2005/255 (N.I. 1)
(b) S.R. 2005 No. 581 as amended by S.R. 2006 No. 65
(c) The definition of “section 615 scheme” was inserted by regulation 9(2) of S.R. 2006 No. 65
(d) Paragraph (3) was added by regulation 9(3)(b) of S.R. 2006 No. 65
(e) Paragraph (3) was added by regulation 9(4)(b) of S.R. 2006 No. 65
(f) S.R. 2006 No. 65

Sealed with the Official Seal of the Department for Social Development on 27th March 2006.



John O'Neill

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Occupational Pension Schemes (Cross-border Activities) Regulations (Northern Ireland) 2005 (“the principal Regulations”) and make a consequential revocation.

Regulation 1 provides for citation and commencement.

Regulations 5 and 10 of the principal Regulations prescribe the manner and form in which the trustees or managers of occupational pension schemes that currently carry out cross-border activity within the European Union shall apply to the Pensions Regulator for authorisation and approval to carry out such activity, and specify that such applications shall be made by 29th March 2006.

Regulation 2 amends those provisions so that, provided that the trustees or managers do make such applications by that date, they may submit some of the information required to be included as part of such an application after that date, provided that the remaining information is submitted by 15th May 2006.

Regulation 3 makes a consequential revocation.

The Pensions (2005 Order) (Commencement No. 7) Order (Northern Ireland) 2005 (S.R. 2005 No. 543 (C. 37)) provides for the coming into operation of Articles 264(1) and 265(1) of the Pensions (Northern Ireland) Order 2005 (“the Order”) for the purpose only of authorising the making of regulations, on 6th December 2005 and for all other purposes on 30th December 2005.

As these Regulations are made before the end of the period of six months beginning with the coming into operation of the provisions of the Order by virtue of which they are made, the requirement to consult under Article 289(1) of the Order does not apply by virtue of paragraph (2)(c) of that Article.

These Regulations are made in order to comply with the requirements of Article 9 of the European Union Directive 2003/41/EC on the activities and supervision of institutions for occupational retirement provision (OJ No. L 235, 23.9.03, p.10) (“the Directive”). The transposition of Article 9 of the Directive is detailed in a Transposition Note, a copy of which has been laid in the Business Office and the Library of the Northern Ireland Assembly. Copies of the Note are available from the Department for Social Development, Social Security Policy and Legislation Division, Level 1, James House, 2-4 Cromac Avenue, Gasworks Business Park, Ormeau Road, Belfast BT7 2JA.

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