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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement paragraph (c) of Article 16.2 of the European Union Directive [2003/41/EC](#) on the activities and supervision of institutions for occupational retirement provision (OJNo. L 235, 23.9.03, p.10) (“the Directive”).

Regulation 2 inserts Article 210A into the Pensions (Northern Ireland) Order 2005 (“the 2005 Order”). Paragraph (1) of that Article provides that the trustees or managers of a scheme must prepare a winding up procedure as soon as reasonably practicable after a scheme begins to wind up during the recovery period. Paragraph (8) defines “the recovery period” as the period specified in the scheme’s recovery plan in accordance with Article 205(2)(b) of the 2005 Order. Paragraph (2) provides that the winding up procedure must include specified information. Paragraph (6) provides that the trustees or managers must send a copy of the winding up procedure to the Pensions Regulator as soon as reasonably practicable after it has been prepared or revised. Paragraph (7) provides that penalties under Article 10 of the Pensions (Northern Ireland) Order 1995 apply to a trustee or manager who has failed to take all reasonable steps to ensure compliance with the requirements of Article 210A of the 2005 Order.

Regulation 3 amends the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997 to require the trustees or managers of a scheme to disclose an outline of the winding up procedure to the members of the scheme and their representatives.

Regulation 4 amends the Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 2005 to prescribe that where a scheme begins to wind up during the recovery period, the date the winding up of the scheme commenced is registrable information for the purposes of Article 55(2)(h) of the 2005 Order.

Regulation 5 amends the Occupational Pension Schemes (Scheme Funding) Regulations (Northern Ireland) 2005 to remove the disclosure provision in regulation 8 as a consequence of regulation 4 of these Regulations. It also amends regulation 17 enabling Article 210A of the 2005 Order to apply to a scheme in respect of which a recovery plan has been prepared under Article 205 of that Order and the scheme begins to wind up during the recovery period.

As these Regulations, in so far as they are made under the 2005 Order, make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain, the requirement to consult under Article 289(1) of the Order does not apply by virtue of paragraph (2)(e) of that Article.

The transposition of Article 16.2(c) 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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Occupational Pension Schemes (Winding up Procedure Requirement) Regulations (Northern Ireland) 2006.