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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 185**

**The Occupational and Personal Pension  
Schemes (Miscellaneous Amendments)  
Regulations (Northern Ireland) 2007**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2007 and shall come into operation on 6th April 2007.

(2) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to an Act of the Assembly.

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**Commencement Information**

**I1** Reg. 1 in operation at 6.4.2007, see [reg. 1\(1\)](#)

**Amendment of the Personal Pension Schemes (Disclosure of Information) Regulations**

2. In Schedule 2 to the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(2) (information to be made available to individuals)—

- (a) in paragraph 1(3) omit sub-paragraphs (b) and (c), and
- (b) in paragraph 5 for “regulation 10(12) of the Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1987” substitute “regulation 12(12) of the Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1997(4) (death of scheme member before effect given to his protected rights)”.

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**Commencement Information**

**I2** Reg. 2 in operation at 6.4.2007, see [reg. 1\(1\)](#)

**Amendment of the Occupational Pension Schemes (Preservation of Benefit) Regulations**

3.—(1) The Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991(5) shall be amended in accordance with paragraphs (2) and (3).

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(1) 1954 c. 33 (N.I.)  
(2) S.R. 1987 No. 288; relevant amending Regulations are S.R. 1988 No. 107, S.R. 1992 No. 304, S.R. 1993 No. 126 and S.R. 1994 No. 300  
(3) Paragraph 1 was amended by regulation 6(e) of S.R. 1998 No. 107, regulation 23 of S.R. 1992 No. 304, regulation 3 of S.R. 1993 No. 126 and paragraph 13(5) of Schedule 2 to S.R. 1994 No. 300  
(4) S.R. 1997 No. 56; regulation 12(12) was amended by paragraph 32(a) of Schedule 2 to S.R. 2005 No. 433  
(5) S.R. 1991 No. 37; relevant amending Regulations are S.R. 1994 No. 300 and S.R. 1996 No. 620

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(2) For regulation 5(6) (short service benefit in lump sum form) substitute—

**“Short service benefit in lump sum form**

5. For the purposes of section 67(6) (basic principle as to short service benefit), the circumstances in which the trustees or managers of a scheme may provide for payment of short service benefit in the form of a lump sum before normal pension age are that the payment of a lump sum to the member is permitted in accordance with paragraph (a), (b), (e), (f) or (g) of the lump sum rule in section 166(1) of the Finance Act 2004(7).”.

(3) In regulation 8 (early retirement or deferred retirement) for paragraph (2) substitute—

“(2) The member’s benefit must not be payable before normal pension age except in the circumstances where the member has either—

- (a) met the ill-health condition specified in paragraph 1 of Schedule 28 to the Finance Act 2004 (registered pension schemes – defined benefits and money purchase arrangements – ill health condition) immediately before he became entitled to the benefit under the scheme, or
- (b) attained normal minimum pension age as defined in section 279 of that Act (other definitions).”.

**Commencement Information**

**I3** Reg. 3 in operation at 6.4.2007, see [reg. 1\(1\)](#)

**Amendment of the Occupational Pension Schemes (Contracting-out) Regulations**

4.—(1) The Occupational Pension Schemes (Contracting-out) Regulations 1996(8) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) for the definition of “overseas scheme”(9) substitute—

““overseas scheme” means an occupational pension scheme which has its main administration outside the member States but does not include a scheme which is contracted-out in the Isle of Man by virtue of satisfying section 9(2) or (3) of the Pension Schemes Act 1993 as it has effect in the Isle of Man(10);”.

(3) In regulation 62(2) (fixed rate revaluation of guaranteed minimum pensions for early leavers)

- (a) in sub-paragraph (e)(11) for “6th April 2002, 4.5 per cent.” substitute “6th April 2002 but before 6th April 2007, 4.5 per cent. ”, and
- (b) after sub-paragraph (e) add —
  - “(f) where that period of service terminates on or after 6th April 2007, 4 per cent. compound.”.

(6) Regulation 5 was amended by paragraph 26(6) of Schedule 2 to [S.R. 1994 No. 300](#) and regulation 2(3) of [S.R. 1996 No. 620](#)

(7) [2004 c.12](#)

(8) [S.R. 1996 No. 493](#); relevant amending Regulations are [S.R. 1999 No. 486](#) and [S.R. 2002 No. 109](#)

(9) The definition of “overseas scheme” was amended by regulation 4(2)(a) of [S.R. 1999 No. 486](#)

(10) See Article 3 of, and the Schedule to, the Pension Schemes Act 1993 (Application) Order 1995, Statutory Document No. 531/95, which applies (with modifications) section 9 of the Pension Schemes Act 1993 (c. 48) to the Isle of Man; and see Article 3(1)(b) of, and Schedule 1 to, the Pensions Act 1995 (Application) Order 1997, Statutory Document No. 501/97, which applies to the Isle of Man the amendments to that section 9 in section 136 of the Pensions Act 1995 (c. 26)

(11) Sub-paragraph (e) was added by regulation 2(14)(b) of [S.R. 2002 No. 109](#)

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**Commencement Information**

**I4** Reg. 4 in operation at 6.4.2007, see [reg. 1\(1\)](#)

**Amendment of the Protected Rights (Transfer Payment) Regulations**

**5.** In regulation 1(2) of the Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1996(**12**) (interpretation) for the definition of “overseas scheme”(13) substitute—

““overseas scheme” means—

- (a) an occupational pension scheme which has its main administration outside the member States, or
- (b) a European pensions institution as defined in Article 269(8) of the Pensions (Northern Ireland) Order 2005 (functions of Regulator in relation to institutions administered in other member States),

but does not include one which is contracted-out within the meaning of section 3(3) nor one in respect of which section 49(**14**) (supervision: former contracted-out schemes) applies by virtue of section 48(1) (supervision of schemes which have ceased to be certified);”.

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**Commencement Information**

**I5** Reg. 5 in operation at 6.4.2007, see [reg. 1\(1\)](#)

**Amendment of the Contracting-out (Transfer and Transfer Payment) Regulations**

**6.** In regulation 1(2) of the Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996(**15**) (interpretation) for the definition of “overseas scheme”(16) substitute—

““overseas scheme” means—

- (a) an occupational pension scheme which has its main administration outside the member States, or
- (b) a European pensions institution as defined in Article 269(8) of the Pensions (Northern Ireland) Order 2005 (functions of Regulator in relation to institutions administered in other member States),

but does not include a salary-related contracted-out scheme nor one in respect of which section 49 (supervision: former contracted-out schemes) applies by virtue of section 48(1) (supervision of schemes which have ceased to be certified);”.

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**Commencement Information**

**I6** Reg. 6 in operation at 6.4.2007, see [reg. 1\(1\)](#)

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(12) [S.R. 1996 No. 509](#); relevant amending Regulations are [S.R. 1997 No. 160](#)

(13) The definition of “overseas scheme” was amended by paragraph 6(2)(a) of the Schedule to [S.R. 1997 No. 160](#)

(14) Section 49 was amended by paragraph 40 of Schedule 3 to the Pensions (Northern Ireland) Order 1995, paragraph 61 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and paragraph 6 of Schedule 10 to the Pensions (Northern Ireland) Order 2005

(15) [S.R. 1996 No. 618](#); relevant amending Regulations are [S.R. 1997 No. 160](#)

(16) The definition of “overseas scheme” was amended by paragraph 10(2)(a) of the Schedule to [S.R. 1997 No. 160](#)

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## Amendment of the Personal and Occupational Pension Schemes (Protected Rights) Regulations

7. In regulation 8 of the Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1997(17) (giving effect to protected rights by the provision of a lump sum) omit paragraph (2).

### Commencement Information

17 Reg. 7 in operation at 6.4.2007, see [reg. 1\(1\)](#)

## Amendment of the Occupational Pension Schemes (Disclosure of Information) Regulations

8. In regulation 5 of the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997(18) (information to be made available to individuals)—

- (a) in paragraph (12ZA)(19) for “(except excluded persons), within a reasonable period after the date” substitute “(except excluded persons), on, or before, or within a reasonable period after, the date”, and
- (b) after paragraph (15)(20) add—

“(16) The requirement in paragraph (12ZA) does not apply in relation to a member or beneficiary whose only entitlement to benefits under the scheme is, or will be, to money purchase benefits.”.

### Commencement Information

18 Reg. 8 in operation at 6.4.2007, see [reg. 1\(1\)](#)

## Amendment of the Stakeholder Pension Schemes Regulations

9. In regulation 14 of the Stakeholder Pension Schemes Regulations (Northern Ireland) 2000(21) (charges etc. - permitted reductions in members’ rights)—

- (a) in paragraph (1) for “paragraphs (2) to (5)” substitute “paragraphs (2) to (5A)”, and
- (b) after paragraph (5) insert—

“(5A) The value of a member’s rights under the scheme may be reduced by the amount of any payment made to discharge the liability of the trustees or managers in respect of any tax liability under the Finance Act 2004 in relation to that member.”.

### Commencement Information

19 Reg. 9 in operation at 6.4.2007, see [reg. 1\(1\)](#)

(17) S.R. 1997 No. 56; regulation 8 was amended by Article 32(3) of S.I. 2006/744

(18) S.R. 1997 No. 98; the relevant amending regulations are S.R. 1997 No. 160 and S.R. 2005 No. 568

(19) Paragraph (12ZA) was inserted by paragraph 6(3)(b) of Schedule 3 to S.R. 2005 No. 568

(20) Paragraphs (14) and (15) were added by paragraph 19(4)(e) of the Schedule to S.R. 1997 No. 160

(21) S.R. 2000 No. 262; regulation 14 was substituted by regulation 2(9) of S.R. 2005 No. 110

## Amendment of the Occupational Pension Schemes (Winding up, etc.) Regulations

**10.**—(1) The Occupational Pension Schemes (Winding up, etc.) Regulations (Northern Ireland) 2005(**22**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1) (schemes to which Article 73 of the 1995 Order does not apply)—

(a) in sub-paragraph (j) for head (i) substitute—

“(i) the provisions of the scheme provide that any decision made by the trustees is made by the unanimous agreement of the trustees who are members of the scheme, or”;

(b) in sub-paragraph (k) for head (i) substitute—

“(i) the provisions of the scheme provide that any decision made by the company in its capacity as trustee is made by the unanimous agreement of the directors who are members of the scheme; or”, and

(c) omit sub-paragraph (l).

(3) In regulation 8(4)(a) (entitlement to death benefits treated as arising before commencement of winding up period) for “former spouse” substitute “former spouse, former civil partner”.

### Commencement Information

**110** Reg. 10 in operation at 6.4.2007, see [reg. 1\(1\)](#)

## Amendment of the Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations

**11.** In regulation 2 of the Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations (Northern Ireland) 2005(**23**) (prescribed schemes)—

(a) in paragraph (1)—

(i) in sub-paragraph (f)(i) for “all decisions which fall to be made by the trustees are made by unanimous agreement by” substitute “any decision made by the trustees is made by the unanimous agreement of”;

(ii) in sub-paragraph (g)—

(aa) for “where a company is a trustee” substitute “where a company is the sole trustee”;

(bb) in head (i) for “are made by the unanimous agreement of all the directors” substitute “is made by the unanimous agreement of the directors”, and

(cc) in head (ii) for “one of the directors is a trustee who” substitute “one of the directors of the company”, and

(iii) omit sub-paragraph (k), and

(b) in paragraph (2) for “within paragraph (1)(a) to (k)” substitute “within paragraph (1)(a) to (j)”.

### Commencement Information

**111** Reg. 11 in operation at 6.4.2007, see [reg. 1\(1\)](#)

(22) S.R. 2005 No. 171 to which there are amendments not relevant to these Regulations

(23) S.R. 2005 No. 381

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## Amendment of the Pension Schemes (Categories) Regulations

**12.** In regulation 2 of the Pension Schemes (Categories) Regulations (Northern Ireland) 2005(**24**) (prescription of certain pension schemes as occupational pension schemes) after paragraph (5) add—

“(6) This regulation applies to the Pilots’ National Pension Fund which is a pilots’ benefit fund established under byelaws made by the Trinity House of Deptford Strond under section 15(1)(i) of the Pilotage Act 1983(**25**).”.

### Commencement Information

**I12** Reg. 12 in operation at 6.4.2007, see [reg. 1\(1\)](#)

## Amendment of the Occupational Pension Schemes (Scheme Funding) Regulations

**13.—**(1) The Occupational Pension Schemes (Scheme Funding) Regulations (Northern Ireland) 2005(**26**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 17(1)(**27**) (exemptions - general)—

(a) in sub-paragraph (h)—

(i) for “a scheme which has” substitute “a scheme with”;

(ii) in head (i) for “all decisions which fall to be made by the trustees are” substitute “any decision made by the trustees is”, and

(iii) in head (ii) for “who is an independent trustee” substitute “who is independent”, and

(b) in sub-paragraph (i)—

(i) for “a scheme which has” substitute “a scheme with”;

(ii) for “where a company is a trustee” substitute “where a company is the sole trustee”;

(iii) in head (i) for “is made only by the unanimous agreement” substitute “is made by the unanimous agreement”, and

(iv) in head (ii) for “one of the directors is a trustee who” substitute “one of the directors of the company”.

(3) In Schedule 3 (supplementary and consequential provisions) in paragraph 7(2)—

(a) for “(except excluded persons)” substitute “(except excluded persons or a member or beneficiary whose only entitlement to benefits under the scheme is, or will be, to money purchase benefits)”, and

(b) in head (c) for “any estimate” substitute “an estimate”.

(4) In Schedule 4 (transitional provisions and savings) in paragraph 3—

(a) in sub-paragraph (4) omit the words from “and the trustees or managers have determined before that date” to the end of that sub-paragraph, and

(b) in sub-paragraph (5) for “the effective date they have determined” substitute “an effective date which is no earlier than 22nd September 2005 and not more than three years after the effective date of the last valuation they received under the 1995 Order”.

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(24) [S.R. 2005 No. 413](#)

(25) [1983 c.21](#); section 15 was repealed by Schedule 3 to the Pilotage Act [1987 \(c.21\)](#) and saved by paragraph 4 of Schedule 1 to that Act so that any pilots’ benefit fund established under section 15(1)(i) of the Pilotage Act 1983 continues in existence notwithstanding the repeal of section 15

(26) [S.R. 2005 No. 568](#); relevant amending Regulations are [S.R. 2006 No. 297](#)

(27) Regulation 17 was amended by regulation 5(3) of [S.R. 2006 No. 297](#) and is modified in its application to an occupational pension scheme that is subject to the regulatory own fund requirement by regulation 5(2)(d) of [S.R. 2005 No. 570](#)

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#### Commencement Information

**I13** Reg. 13 in operation at 6.4.2007, see [reg. 1\(1\)](#)

### Amendment of the Occupational Pension Schemes (Investment) Regulations

**14.**—(1) The Occupational Pension Schemes (Investment) Regulations (Northern Ireland) 2005(**28**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) in the definition of “small scheme” in paragraph (a)(i) for “by unanimous agreement by” substitute “by the unanimous agreement of”.

(3) In regulation 12(1) (restrictions on employer-related investments) for “applies to trust schemes” substitute “applies to schemes”.

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#### Commencement Information

**I14** Reg. 14 in operation at 6.4.2007, see [reg. 1\(1\)](#)

### Amendment of the Occupational Pension Schemes (Regulatory Own Funds) Regulations

**15.**—(1) The Occupational Pension Schemes (Regulatory Own Funds) Regulations (Northern Ireland) 2005(**29**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 10(8) (postponement) for “given in regulation 11” substitute “given in regulation 3 of the Occupational Pension Schemes (Cross-border Activities) Regulations (Northern Ireland) 2005(**30**) (meaning of “European employer” and “host member State” in Part VII of the Order)”.

(3) Omit regulation 11 (meaning of “European employer”).

(4) In regulation 15(1) (exemptions)—

(a) in sub-paragraph (h)—

(i) for “a scheme which has” substitute “a scheme with”;

(ii) in head (i) for “all decisions which fall to be made by the trustees are” substitute “any decision made by the trustees is”, and

(iii) in head (ii) for “who is an independent trustee” substitute “who is independent”, and

(b) in sub-paragraph (i)—

(i) for “a scheme which has” substitute “a scheme with”;

(ii) for “where a company is a trustee” substitute “where a company is the sole trustee”;

(iii) in head (i) for “is made only by the unanimous agreement” substitute “is made by the unanimous agreement”, and

(iv) in head (ii) for “one of the directors is a trustee who” substitute “one of the directors of the company”.

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(28) [S.R. 2005 No. 569](#) to which there are amendments not relevant to these Regulations

(29) [S.R. 2005 No. 570](#)

(30) [S.R. 2005 No. 581](#)

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### Commencement Information

**I15** Reg. 15 in operation at 6.4.2007, see [reg. 1\(1\)](#)

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

**16.—(1)** The Occupational Pension Schemes (Cross-border Activities) Regulations (Northern Ireland) 2005<sup>(31)</sup> shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 2 (interpretation)—

- (a) in paragraph (1) in the definition of “segregated multi-employer scheme” in paragraph (b) for “a specified part or proportion” substitute “a specified proportion”;
- (b) in paragraph (3) for “Where a scheme is a segregated multi-employer scheme” substitute “Subject to paragraph (4), where a scheme is a segregated multi-employer scheme”, and
- (c) after paragraph (3) add—

“(4) This paragraph applies where—

- (a) a European employer is an employer in relation to a segregated multi-employer scheme;
- (b) that European employer is an associate of one or more employers in relation to that scheme.

(5) Where paragraph (4) applies, all sections of the scheme that receive contributions from at least one of the employers referred to in that paragraph are together to be treated as a separate scheme for the purposes of regulations 7(2)(d) and 8(5).

(6) In paragraph (4)(b) “associate” has the meaning given in Article 4<sup>(32)</sup> of the Insolvency Order (associated employer).”.

(3) In regulation 3 (meaning of “European employer” and “host member State” in Part VII of the Order) for paragraph (1) substitute—

“(1) Subject to paragraphs (2) to (4), in Part VII of the Order “European employer” means a person who in relation to a host member State either—

- (a) employs qualifying persons in that member State, or
- (b) is a qualifying self-employed person in that member State,

and is making (or proposes to make) contributions to a scheme either in respect of a qualifying person or in respect of himself as a qualifying self-employed person.”.

(4) In regulation 5 (applications for general authorisation to accept contributions from European employers: established schemes which are carrying on cross-border activity)—

(a) in paragraph (1)—

- (i) at the end of sub-paragraph (b) insert “or”, and
- (ii) after that sub-paragraph add—

“(c) the trustees or managers of that scheme apply, on or after 6th April 2007, to the Regulator for authorisation under Article 264.”.

<sup>(31)</sup> S.R. 2005 No. 581; relevant amending regulations are S.R. 2006 Nos. 65 and 160

<sup>(32)</sup> Article 4 was amended by paragraph 80 of Schedule 29 to the Civil Partnership Act 2004 (c. 33) and paragraph 6 of the Schedule to S.R. 2005 No. 479, and is modified in its application to limited liability partnerships by regulation 5 of, and Schedule 3 to, S.R. 2004 No. 307



- (b) in paragraph (2)(33) for “Subject to paragraph (3), such” substitute “Subject to paragraph (3) or (4), where the application is made before 22nd September 2008, such”, and
- (c) after paragraph (3)(34) add—
  - “(4) In a case where the trustees or managers of a pre-23rd September 2005 scheme make an application on or after 22nd September 2008—
    - (a) where the scheme is a money purchase scheme, such an application shall be made in a form which provides the information described in paragraphs 2 and 3 of Schedule 1, or
    - (b) where the scheme is not a money purchase scheme, such an application shall be made in a form which provides the information described in paragraphs 2 and 4 of that Schedule.”.
- (5) In regulation 7(2) (conditions for general authorisation to accept contributions from European employers) in sub-paragraph (d) for head (ii) substitute—
  - “(ii) where the application is made under regulation 5—
    - (aa) in a case where the application is made on or after 6th April 2007 but before 22nd September 2008, that the scheme to which the application relates will, in the opinion of the Regulator, meet the statutory funding objective by 22nd September 2008, or
    - (bb) in a case where the application is made on or after 22nd September 2008, that the scheme to which the application relates meets the statutory funding objective, or”.
- (6) In regulation 10 (applications for approval in relation to particular European employer: established schemes which are carrying on cross-border activity)—
  - (a) in paragraph (1)—
    - (i) at the end of sub-paragraph (b) insert “or”, and
    - (ii) after that sub-paragraph add—
      - “(c) the trustees or managers of that scheme make an application for approval under Article 265 in relation to one or more European employers on or after the end of that period.”.
  - (b) in paragraph (2)(35) for “Subject to paragraph (3), the information to be contained in the notice of intention relating to such an application,” substitute “Subject to paragraph (3) or (4), the information to be contained in the notice of intention relating to such an application, where the application is made before 22nd September 2008”, and
  - (c) after paragraph (3)(36) add—
    - “(4) In a case where an application is made on or after 22nd September 2008—
      - (a) where the scheme is a money purchase scheme, such an application shall be made in accordance with the provisions of paragraph 6(1), (2), (3) and (7) of Schedule 1, or
      - (b) where the scheme is not a money purchase scheme, such an application shall be made in accordance with the provisions of paragraph 6(1), (2), (4) and (7) of that Schedule.”.

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(33) Paragraph (2) was amended by regulation 9(3)(a) of [S.R. 2006 No. 65](#)

(34) Paragraph (3) was added by regulation 9(3)(b) of [S.R. 2006 No. 65](#) and amended by regulation 2(3) of [S.R. 2006 No. 160](#)

(35) Paragraph (2) was amended by regulation 9(4)(a) of [S.R. 2006 No. 65](#)

(36) Paragraph (3) was added by regulation 9(4)(b) of [S.R. 2006 No. 65](#) and amended by regulation 2(4) of [S.R. 2006 No. 160](#)

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(7) In regulation 15(3) (ring-fencing of assets) at the beginning of sub-paragraph (b)(ii) insert “within a time specified by the Regulator (subject to any extension the Regulator may subsequently grant).”.

(8) After regulation 18 (amendment of the Occupational Pension Schemes (Trust and Retirement Benefits Exemption) Regulations) add—

**“Treatment of overseas residents: Article 66A of the 1995 Order**

**19.** Where the provisions of an occupational pension scheme comply with these Regulations those provisions shall not contravene paragraph (3) of Article 66A(37) of the 1995 Order to the extent that they would, apart from that paragraph, have an effect with respect to the matters specified in sub-paragraphs (a) to (c) of that paragraph, which would be different according to whether that person works wholly in the United Kingdom or wholly or partly outside the United Kingdom.”.

(9) In Schedule 1 (additional information to be contained in applications for authorisation or approval) in paragraph 6(7)—

(i) at the end of head (h) omit “and”, and

(ii) after head (i) add—

“(j) the number of members in the scheme, and

(k) whether the scheme has any external, contractual-based asset manager.”.

**Commencement Information**

**I16** Reg. 16 in operation at 6.4.2007, see [reg. 1\(1\)](#)

**Amendment of the Occupational and Personal Pension Schemes (Consultation by Employers) Regulations**

**17.** In regulation 4(4) of the Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006(38) (excluded employers: occupational pension schemes) in the definition of “small occupational pension scheme”—

(a) in paragraph (a)(i) for “all decisions which fall to be made by the trustees are made by unanimous agreement by” substitute “any decision made by the trustees is made by the unanimous agreement of”, and

(b) in paragraph (b)—

(i) for “where a company is a trustee” substitute “where a company is the sole trustee”;

(ii) in sub-paragraph (i) for “are made by the unanimous agreement of all the directors” substitute “is made by the unanimous agreement of the directors”, and

(iii) in sub-paragraph (ii) for “one of the directors is a trustee who” substitute “one of the directors of the company”.

**Commencement Information**

**I17** Reg. 17 in operation at 6.4.2007, see [reg. 1\(1\)](#)

(37) Article 66A was inserted by section 51 of the [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4 \(N.I.\)\)](#)

(38) [S.R. 2006 No. 48](#)

## Amendment of the Occupational Pension Schemes (Trustees' Knowledge and Understanding) Regulations

18. In regulation 2 of the Occupational Pension Schemes (Trustees' Knowledge and Understanding) Regulations (Northern Ireland) 2006<sup>(39)</sup> (exceptions for trustees of small schemes)

- (a) in paragraph (1)(a) for "all decisions which fall to be made by the trustees are made by the unanimous agreement of" substitute "any decision made by the trustees is made by the unanimous agreement of", and
- (b) in paragraph (2)—
  - (i) for "where a company is a trustee" substitute "where a company is the sole trustee";
  - (ii) in sub-paragraph (a) for "all decisions made by the company in its capacity as trustee are made by the unanimous agreement of all the directors" substitute "any decision made by the company in its capacity as trustee is made by the unanimous agreement of the directors", and
  - (iii) in sub-paragraph (b) for "one of the directors is a trustee who" substitute "one of the directors of the company".

### Commencement Information

**I18** Reg. 18 in operation at 6.4.2007, see [reg. 1\(1\)](#)

## Amendment of the Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations

19.—(1) The Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations (Northern Ireland) 2006<sup>(40)</sup> shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation) for the definition of "relevant small occupational pension scheme" substitute—

"relevant small occupational pension scheme" means a scheme with fewer than 12 members, where—

- (a) all the members are trustees of the scheme and either—
  - (i) the provisions of the scheme provide that any decision made by the trustees is made by the unanimous agreement of the trustees who are members of the scheme, or
  - (ii) the scheme has a trustee who is independent in relation to the scheme for the purposes of Article 23<sup>(41)</sup> of the 1995 Order (power to appoint independent trustees), and is registered in the register maintained by the Regulator in accordance with regulations made under paragraph (4) of that Article, or
- (b) all the members are directors of a company which is the sole trustee of the scheme, and either—
  - (i) the provisions of the scheme provide that any decision made by the company in its capacity as trustee are made by the unanimous agreement of the directors who are members of the scheme, or
  - (ii) one of the directors of the company is independent in relation to the scheme for the purposes of Article 23 of the 1995 Order, and is registered in the register maintained

<sup>(39)</sup> S.R. 2006 No. 120

<sup>(40)</sup> S.R. 2006 No. 148

<sup>(41)</sup> Article 23 was substituted by Article 32(3) of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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by the Regulator in accordance with regulations made under paragraph (4) of that Article;”.

(3) In regulation 2 (exemptions from requirement to have member-nominated trustees)—

(a) at the end of paragraph (l) omit “or”, and

(b) after paragraph (m) add—

“or

(n) is designated as an existing scheme by virtue of Article 15 of the Railway Pensions (Protection and Designation of Schemes) Order 1994<sup>(42)</sup> (designation of existing schemes).”.

(4) In regulation 3 (prescribed exemptions from requirement to have member-nominated directors of corporate trustees)—

(a) at the end of paragraph (n) omit “or”, and

(b) after paragraph (o) add—

“or

(p) is designated as an existing scheme by virtue of Article 15 of the Railway Pensions (Protection and Designation of Schemes) Order 1994.”.

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**Commencement Information**

**I19** Reg. 19 in operation at 6.4.2007, see [reg. 1\(1\)](#)

**Revocations**

**20.** The Regulations specified in column 1 of the Schedule are revoked to the extent specified in column 3.

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**Commencement Information**

**I20** Reg. 20 in operation at 6.4.2007, see [reg. 1\(1\)](#)

Sealed with the Official Seal of the Department for Social Development on 20th March 2007

(L.S.)

*John O'Neill*  
A senior officer of the Department for Social  
Development

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(42) [S.I. 1994/1432](#) to which there are amendments not relevant to these Regulations

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- reg. 2 revoked by [S.R. 2014/79 reg. 32Sch. 10](#)
- reg. 3(2) revoked by [S.R. 2009/365 reg. 10\(a\)](#)
- reg. 8 revoked by [S.R. 2014/79 reg. 32Sch. 10](#)
- reg. 13(3) revoked by [S.R. 2014/79 reg. 32Sch. 10](#)