
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987 (“the 1987 Regulations”), the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997 (“the 1997 Regulations”) and the Stakeholder Pension Schemes Regulations (Northern Ireland) 2000 (“the 2000 Regulations”). Those Regulations set out the circumstances in which information is disclosed by occupational, personal and stakeholder pension schemes to persons such as members of the schemes and vice versa.

The 1987 Regulations, the 1997 Regulations and the 2000 Regulations are amended to allow certain information to be disclosed by electronic means, in particular by email and websites. These amendments do not prevent information from being disclosed by post. Similar changes are made for each of the 3 sets of Regulations.

Regulation 2(2)(a)(iii) makes an amendment to provisions in the 1987 Regulations which provide that pension schemes are not required to provide certain information to a certain group of members. Essentially they are members whose current address is not known to the scheme. The amendment adds to that group of members. It makes the addition where the scheme has sent certain information to a member’s last known email address (or other electronic address) which has not been delivered. Regulation 3(2)(a)(iii) makes a similar amendment to the 1997 Regulations, regulation 4(4) makes a similar amendment to the 2000 Regulations and there is a similar change in regulation 18(7) of the 2000 Regulations.

Regulation 2(3) and (5) amends provisions in the 1987 Regulations which allow persons to inspect certain documents relating to a pension scheme. The amendment allows the scheme to make those documents available on a website for inspection. Regulation 3(3) makes a similar amendment to the 1997 Regulations.

Regulation 2(4) makes amendments to the 1987 Regulations to allow schemes to provide certain information electronically. Regulation 3(5) makes similar amendments to the 1997 Regulations and there are similar changes in regulations 18(6) and 18A(1) to (3) and (5) to (8) of the 2000 Regulations.

Regulation 2(6) replaces regulation 7 of the 1987 Regulations with regulations 7 to 9. Regulation 7 sets out how schemes can provide information. Electronic communications can only be used if specified conditions are met. In particular, a person can choose not to be furnished with information by electronic communications. Regulation 8 sets out how information can be provided to schemes. Regulation 9 sets out how a scheme must act if it provides information on a website. In particular, a scheme cannot start providing information on a website unless it tells the person that information is on the website and explains how that information can be accessed. Regulation 3(7) makes similar amendments to the 1997 Regulations and there are similar changes in regulations 18C to 18E of the 2000 Regulations.

Regulation 2(7) amends the information which schemes have to make available to persons under the 1987 Regulations. Some information no longer has to be made available. Regulation 3(8) makes similar amendments to the 1997 Regulations and there are similar changes in paragraphs 1 and 5 of Schedule 3 to the 2000 Regulations.

Regulation 3(6) removes a provision from the 1997 Regulations which no longer has any effect.

In addition to the amendments referred to above, regulation 4(6) also amends the ways in which certain information has to be provided under the 2000 Regulations. Some information is now provided on request rather than automatically.

Changes to legislation: *There are currently no known outstanding effects for the The Occupational, Personal and Stakeholder Pension Schemes (Disclosure of Information) (Amendment) Regulations (Northern Ireland) 2010. (See end of Document for details)*

Regulation 4(6) also consolidates the main regulation relating to disclosure of information in the 2000 Regulations. The provisions which were in regulation 18 of the 2000 Regulations are consolidated into regulations 18 to 18B of, and Schedule 3 to, those Regulations.

Regulation 5 and Schedule 2 make consequential revocations.

As these Regulations, in so far as they are made under Part II of the Pensions (Northern Ireland) Order 1995, 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 117(1) of that Order does not apply by virtue of paragraph (2)(e) of that Article.

An assessment of the cost to business of these Regulations is detailed in a Regulatory Impact Assessment, a copy of which has been laid in the Business Office and the Library of the Northern Ireland Assembly. Copies of the Assessment 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 or from the website: <http://www.dsdni.gov.uk/index/ssa/ssani-publications/ssani-pensions-publications.htm>. A copy of the Assessment is also annexed to the Explanatory Memorandum which is available alongside this Statutory Rule on the website: <http://www.opsi.gov.uk/legislation/northernireland/ni-srni.htm> .

Changes to legislation:

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