

**EXPLANATORY MEMORANDUM TO
THE PENSIONS (FINANCIAL REPORTING COUNCIL) (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2012**

S.R. 2012 No. 294

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under sections 8A(4) and (5) and 109(1) and (3A) of the Pension Schemes (Northern Ireland) Act 1993, Articles 41(1) and (6), 67D(4) and (5), 73B(4)(a), 75(5), 75A(4) and (5) and 116 of the Pensions (Northern Ireland) Order 1995 and Articles 127(3) and (4), 135(8)(b) and (9)(b), 140(2) and 209(3) of the Pensions (Northern Ireland) Order 2005 and is subject to the negative resolution procedure.

2. Purpose

- 2.1 These Regulations amend a number of sets of occupational and personal pension schemes and Pension Protection Fund regulations consequential on the reform of the Financial Reporting Council (the UK's independent regulator for corporate reporting and governance). They substitute references to the Board for Actuarial Standards and the Accounting Standards Board with references to the Financial Reporting Council Limited.

3. Background

- 3.1 Under the new structure, the Board for Actuarial Standards and the Accounting Standards Board are dissolved from 2 July 2012 with the Financial Reporting Council itself becoming responsible for the oversight of actuarial and accounting standards and related functions.
- 3.2 From that date, the roles fulfilled by the Board for Actuarial Standards and the Accounting Standards Board are undertaken by the Financial Reporting Council. The Council will have regard to its Actuarial and Accounting Councils in the setting of technical actuarial and accounting standards.

4. Consultation

- 4.1 There is no requirement to consult on these Regulations as they either 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, or are made within 6 months of the coming into operation of the Statutory Auditors (Amendment of Companies Act 2006 and Delegation of Functions etc) Order 2012 (S.I. 2012/1741).

5. Equality Impact

- 5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the legislative proposals for these Regulations. As the amendments are technical in nature, the proposals would have little implication for any of the section 75 categories. In light of this, the Department has concluded that the proposals would not have significant implications for equality of opportunity and considers that an Equality Impact Assessment is not necessary.

6. Regulatory Impact

- 6.1 These Regulations do not require a Regulatory Impact Assessment as they have no impact on costs on business, charities or voluntary bodies.

7. Financial Implications

- 7.1 None for the Department.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that these Regulations –
- (a) are not incompatible with any of the Convention rights,
 - (b) are not incompatible with Community law,
 - (c) do not discriminate against a person or class of person on the ground of religious belief or political opinion, and
 - (d) do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1 Not applicable.

10. Parity or Replicatory Measure

- 10.1 Corresponding Great Britain provisions are the Occupational and Personal Pension Schemes (Prescribed Bodies) Regulations 2012 (S.I. 2012/1817) which come into force on 9 August 2012 and provisions in Part 2 of the Schedule to the Statutory Auditors (Amendment of Companies Act 2006 and Delegation of Functions etc) Order 2012 which come into force on 2 July 2012. Parity of timing and substance is an integral part of the maintenance of single systems of social security, child support and pensions provided for in section 87 of the Northern Ireland Act 1998.