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STATUTORY RULES OF NORTHERN IRELAND

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**2014 No. 79**

The Occupational and Personal Pension Schemes  
(Disclosure of Information) Regulations (Northern Ireland) 2014

PART 9

Giving information and documents

**Giving information and documents**

**26.**—(1) Except where these Regulations otherwise provide, the methods for giving information or documents that these Regulations require to be given include the methods set out in paragraph (2).

(2) The information may be given by—

- (a) sending it (including by ordinary post) to the person's last known postal address, or
- (b) subject to paragraphs (3) to (5), using either or both of the following methods—
  - (i) sending it to the person's last known electronic address;
  - (ii) making it available on a website (see regulation 27).

(3) Where a member or beneficiary of the scheme has requested in writing that—

- (a) any of the information, or
- (b) all of the information,

is not given in accordance with paragraph (2)(b), that information may not be given in accordance with paragraph (2)(b).

(4) Information may only be given by an electronic communication where the trustees or managers of the scheme are satisfied that the electronic communications have been designed—

- (a) so that the person will be able to—
  - (i) get access to, and
  - (ii) store or print,the information, and
- (b) taking into account the requirements of disabled persons.

[<sup>F1</sup>(4A) The provisions of paragraph (4) do not apply where regulation 29A applies to the information.]

(5) Where—

- (a) a member or beneficiary of the scheme was a member or beneficiary of the scheme on 1st December 2010, and
- (b) information was not given by the trustees or managers of the scheme before that date by the methods described in paragraph (2)(b),

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information may not be given to that member or beneficiary of the scheme in accordance with paragraph (2)(b) unless the trustees or managers of the scheme have given that member or beneficiary the written notice referred to in paragraph (6).

- (6) The written notice mentioned in paragraph (5) must state that—
- (a) the trustees or managers of the scheme propose to give information to the member or beneficiary of the scheme by means of an electronic communication, and
  - (b) the member or beneficiary of the scheme may request in writing that information is not given by means of an electronic communication.

(7) The written notice mentioned in paragraph (5) must not be given by the methods mentioned in paragraph (2)(b).

#### Textual Amendments

- F1** Reg. 26(4A) inserted (6.4.2018) by [The Occupational Pension Schemes \(Administration and Disclosure\) \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/53\)](#), regs. 1(1), **3(4)**

#### Commencement Information

- I1** Reg. 26 in operation at 6.4.2014, see [reg. 1\(1\)](#)

### Provision of information on a website

**27.**—(1) [<sup>F2</sup>Except where [<sup>F3</sup>regulations 29A and 29B provide] otherwise, where a website] is used for the first time to make available the information or document, a notification must be given to the recipient.

- (2) The notification referred to in paragraph (1) must include—
- (a) a statement that the information or document is available on the website;
  - (b) the website address;
  - (c) details of the place on the website where the information or document may be read, and
  - (d) an explanation of how the recipient may read the information or document on the website.

(3) Subject to regulation 28, each time a website is used at a subsequent time to make available information or documents, a notification must be given to the recipient.

(4) The notification referred to in paragraph (3) must state that the information or document is available on the website.

(5) The notifications mentioned in paragraphs (1) and (3) must not be given by making them available on a website.

#### Textual Amendments

- F2** Words in [reg. 27\(1\)](#) substituted (6.4.2018) by [The Occupational Pension Schemes \(Administration and Disclosure\) \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/53\)](#), regs. 1(1), **3(5)**
- F3** Words in [reg. 27\(1\)](#) substituted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/192\)](#), regs. 1(1), **13(11)**

**Commencement Information**

**I2** Reg. 27 in operation at 6.4.2014, see [reg. 1\(1\)](#)

**Provision of information on a website: supplemental**

**28.**—(1) The notification mentioned in regulation 27(3) need not be given where paragraphs (2) to (4) are satisfied.

(2) This paragraph is satisfied where—

(a) the trustees or managers of the scheme have given the recipient at least 2 documents by either of the following methods—

(i) given by hand, or

(ii) sent to the recipient's last known postal address, and

(b) each of those documents—

(i) asks the recipient to give that recipient's electronic address to the trustees or managers of the scheme except where the trustees or managers of the scheme do not have the facility for sending information or documents to that address, and

(ii) states that the recipient may request in writing that information or documents are not given by means of an electronic communication.

(3) This paragraph is satisfied where—

(a) paragraph (2) is satisfied, and

(b) the trustees or managers of the scheme have given the recipient, by either of the methods mentioned in paragraph (2)(a), a further document that—

(i) meets the requirements of paragraph (2)(b), and

(ii) states that further information and documents will be available to read on the website and that no further notifications will be sent to the recipient.

(4) This paragraph is satisfied where—

(a) paragraphs (2) and (3) are satisfied, and

(b) the trustees or managers of the scheme—

(i) do not know the recipient's electronic address or do not have the facility for sending information or documents to that address, and

(ii) have not received a written request that information or documents are not given to the recipient by means of an electronic communication.

(5) Where the information to be made available is that required by regulation 17(1), the notification mentioned in regulation 27(3) need only be given as required by regulation 17(7).

**Commencement Information**

**I3** Reg. 28 in operation at 6.4.2014, see [reg. 1\(1\)](#)

**Giving information and documents in certain cases**

**29.**—(1) Information or documents to be given in accordance with this regulation are to be given as follows.

(2) Where the person or recognised trade union makes a request for the information in hard copy form, the trustees or managers of the scheme must, subject to paragraph (3), give the information

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in that form and if a charge is levied for giving the information in that form, it must not exceed the cost of producing and giving it.

(3) Where the information in hard copy form is publicly available, the trustees or managers of the scheme may give details of where it is publicly available instead of giving it under paragraph (2).

(4) Where the person or recognised trade union makes a request for the information other than in hard copy form, it may be made available free of charge—

- (a) for inspection at a place that is reasonable having regard to who made the request, or
- (b) on a website.

(5) For the purposes of paragraph (4)(b), the provisions of regulations 27 and 28 do not apply except that the trustees or managers of the scheme must give the notification described in regulation 27(2) to the person or recognised trade union who requested the information.

(6) Information is in “hard copy form” if it is given in a paper copy or similar form capable of being read.

#### Commencement Information

**I4** Reg. 29 in operation at 6.4.2014, see [reg. 1\(1\)](#)

#### [<sup>F4</sup>Publishing charges and transaction costs [<sup>F5</sup>and other relevant information]

**29A.**—(1) Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997, the information specified in paragraph (2) [<sup>F6</sup>and, where that scheme falls within Article 35 of the 1995 Order (investment principles), paragraph (2A)] must be made publicly available free of charge on a website in accordance with this regulation.

(2) The specified information is the information which must be included in the most recent statement prepared under regulation 23 of those Regulations (annual statement regarding governance) in accordance with the following paragraphs of that regulation—

- (a) paragraph (1)(a);
- [ paragraph (1)(aza);]

<sup>F7</sup>(aza)

- [ paragraph (1)(aa);]

<sup>F8</sup>(aa)

- (b) paragraph (1)(c), <sup>F9</sup>...

[ paragraph (1)(cza);]

<sup>F10</sup>(ba)

- (c) paragraph [<sup>F11</sup>(1)(ca);][<sup>F12</sup> and

- (d) paragraph [<sup>F13</sup>(1)(cb), and]]

[ paragraph (1)(cc).]

<sup>F14</sup>(e)

[  
<sup>F15</sup>(2A) The specified information is—

- (a) the latest statement of investment principles governing decisions about investments prepared for the scheme under Article 35 of the 1995 Order, and

- (b) the information which must be included in the most recent document prepared under regulation 12 in accordance with paragraph 30(f) of Schedule 3.]
- (3) Where this regulation applies—
- (a) a notification need not be given under regulation 27 in relation to the information on the website where information is given to the person in accordance with paragraph 5B(a) of Schedule 6;
- (b) the trustees or managers of the scheme must have regard to guidance prepared from time to time by the Department concerning the publication of the information.
- (4) Where a person requests the trustees or managers of the scheme to provide the information referred to in paragraph (2) [<sup>F16</sup>, (2A) or (2B)] in hard copy form, the trustees or managers of the scheme must give that information to the person in hard copy form only where the trustees or managers are satisfied that it would be unreasonable for that person to obtain it from the website on which it is published.
- (5) Where information is required to be given in hard copy form in accordance with paragraph (4), it must be given within 2 months of the date the request is made.]

#### Textual Amendments

- F4** Reg. 29A inserted (6.4.2018) by *The Occupational Pension Schemes (Administration and Disclosure) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/53)*, regs. 1(1), **3(6)**
- F5** Words in reg. 29A heading inserted (1.10.2019) by *The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations (Northern Ireland) 2018 (S.R. 2018/165)*, regs. 1(1), **5(3)**
- F6** Words in reg. 29A(1) inserted (1.10.2019) by *The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations (Northern Ireland) 2018 (S.R. 2018/165)*, regs. 1(1), **5(4)(a)**
- F7** Reg. 29A(2)(aza) inserted (1.10.2023) by *The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment No. 2) Regulations (Northern Ireland) 2023 (S.R. 2023/158)*, regs. 1(1), **4(a)**, 6
- F8** Reg. 29A(2)(aa) inserted (1.10.2022) by *The Occupational Pension Schemes (Administration, Investment and Charges and Governance) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/272)*, regs. 1(1), **5(a)(i)**
- F9** Word in reg. 29A(2)(b) omitted (1.10.2022) by virtue of *The Occupational Pension Schemes (Administration, Investment and Charges and Governance) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/272)*, regs. 1(1), **5(a)(ii)**
- F10** Reg. 29A(2)(ba) inserted (1.8.2022) by *The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2022 (S.R. 2022/192)*, regs. 1(1), **13(12)**
- F11** Words in reg. 29A(2)(c) substituted (1.10.2023) by *The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment No. 2) Regulations (Northern Ireland) 2023 (S.R. 2023/158)*, regs. 1(1), **4(b)**, 6
- F12** Reg. 29A(2)(d) and word inserted (1.10.2022) by *The Occupational Pension Schemes (Administration, Investment and Charges and Governance) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/272)*, regs. 1(1), **5(a)(iii)**
- F13** Words in reg. 29A(2)(d) substituted (1.10.2023) by *The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment No. 2) Regulations (Northern Ireland) 2023 (S.R. 2023/158)*, regs. 1(1), **4(c)**, 6
- F14** Reg. 29A(2)(e) added (1.10.2023) by *The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment No. 2) Regulations (Northern Ireland) 2023 (S.R. 2023/158)*, regs. 1(1), **4(d)**, 6

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- F15** Reg. 29A(2A) inserted (1.10.2020 for specified purposes) by The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations (Northern Ireland) 2018 (S.R. 2018/165), regs. 1(3)(b), **5(4)(b)**
- F16** Words in reg. 29A(4) inserted (1.10.2019) by The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations (Northern Ireland) 2018 (S.R. 2018/165), regs. 1(1), **5(4)(c)**

### **[<sup>F17</sup>Additional publication requirements for collective money purchase schemes**

**29B.**—(1) In relation to a collective money purchase scheme, the information specified in paragraphs (2) to (4) must be published in accordance with this regulation.

(2) The following information must be published no more than one month after the date on which the Regulator notifies the applicant of its decision to authorise the scheme—

- (a) a statement explaining the design of the scheme, which must contain the information listed in Part 1 of Schedule 9B, and
- (b) the scheme’s rules.

(3) The information listed in Part 2 of Schedule 9B must be published no more than 3 months after the latest actuarial valuation is sent to the Regulator.

(4) The model used to calculate information specified in paragraphs 5, 6, 19, 20 and 23 to 25 of Schedule 6A must be published as soon as reasonably practicable after information is first provided in accordance with regulation 17A.

(5) Where there is a change in relation to the information listed in paragraph 4 or 5 of Schedule 9B, the statement mentioned in sub-paragraph (2)(a) must be altered accordingly, and published before or as soon as practicable after the change.

(6) Each time the document specified in sub-paragraph (2)(b) is changed after it is first published, the changed version must be published before or as soon as possible after (and in any event within 3 months after) the change.

(7) A notification need not be given under regulation 27 in relation to the information on the website that is published in accordance with this regulation.

(8) Where a person requests the trustees of the scheme to provide the information referred to in paragraph (2), (3) or (4) in hard copy form, the trustees of the scheme must give that information to the person in hard copy form where, but only where, the trustees are satisfied that it would be unreasonable for that person to obtain it from the website on which it is published.

(9) Where information is required to be given in hard copy form in accordance with paragraph (8), it must be given within 2 months of the date the request is made.

(10) In this regulation, “published” means made publicly available free of charge on a website.]

#### **Textual Amendments**

- F17** Reg. 29B inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2022 (S.R. 2022/192), regs. 1(1), **13(13)**

### **Responsibility for giving information and documents**

**30.** The trustees or managers of a scheme are responsible for ensuring that information or documents are given in accordance with these Regulations whether they give the information or documents—

- (a) directly, or
- (b) indirectly through a third party.

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**Commencement Information**

**I5** Reg. 30 in operation at 6.4.2014, see **reg. 1(1)**

**Status:**

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**Changes to legislation:**

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