
EXPLANATORY NOTE

(This is not part of the Order)

This Order appoints the day for the purposes of Article 86(7) of the Pensions (Northern Ireland) Order 2005 for the coming into operation of the revised Pensions Regulator Code of Practice 12: Contribution Notices: Circumstances in relation to the material detriment test, the employer insolvency test and the employer resources test as 2nd December 2021.

Article 34 of the Pensions (Northern Ireland) Order 2005 makes provision enabling the Pensions Regulator to issue a contribution notice. One set of circumstances in which the Pensions Regulator may issue a contribution notice is if, in its opinion and subject to the other requirements of section 38 being met, a person was party to an act or a deliberate failure to act in relation to which one of certain tests is, in the Pensions Regulator's opinion, met. These tests are the material detriment test, the employer insolvency test and the employer resources test. The employer insolvency test and the employer resources test were inserted into Article 34(5)(a) of the Pensions (Northern Ireland) Order 2005 by paragraph 2 of Schedule 8 to the Pension Schemes Act 2021 (c. 1). Article 3(1) of the Pension Schemes Act 2021 (Commencement No. 2 and Transitional and Saving Provisions) Order (Northern Ireland) 2021 (S.R. 2021 No. 271 (C. 11)) makes transitional provision regarding acts, failures to act, continuing failures to act and series of acts and failures to act in relation to which the employer insolvency test and the employer resources test cannot be applied.

The Code of Practice is available on the Pensions Regulator's website: <http://www.thepensionsregulator.gov.uk/doc-library/codes.aspx>.