
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Occupational and Personal Pension Schemes (Amendment etc.) (Northern Ireland) (EU Exit) Regulations 2018

PART 3

Amendment of secondary legislation

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996

8.—(1) The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996⁽¹⁾ are amended as follows.

(2) In regulation 1(2)—

- (a) omit the definitions of “EEA agreement” and “EEA state”;
- (b) in the definition of “overseas scheme”, for “EEA states” substitute “United Kingdom”.

Amendment of the Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996

9.—(1) The Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996⁽²⁾ are amended as follows.

(2) In regulation 1(2)—

- (a) omit the definitions of “EEA agreement” and “EEA state”;
- (b) in the definition of “overseas scheme”—
 - (i) in paragraph (a), for “EEA states” substitute “United Kingdom”;
 - (ii) omit paragraph (b) and the “or” before it.

Amendment of the Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996

10.—(1) The Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996⁽³⁾ are amended as follows.

(2) In regulation 10, omit paragraph (1)(d).

(1) [S.R. 1996 No. 493](#); amended by [S.R. 2007 Nos. 185 and 457](#), [S.R. 2012 No. 120](#) and [S.R. 2016 No. 107](#); there are other amending instruments but none is relevant.

(2) [S.R. 1996 No. 618](#); amended by [S.R. 2007 Nos. 185 and 457](#) and [S.R. 2016 No. 158](#); there are other amending instruments but none is relevant.

(3) [S.R. 1996 No. 621](#); amended by [S.R. 2006 No. 65](#); there are other amending instruments but none is relevant.

Amendment of the Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997

11.—(1) The Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997(4) are amended as follows.

(2) In regulation 1(2), in the definition of “qualifying insurance policy” omit paragraph (b) and the “or” before it.

(3) In regulation 11—

(a) in paragraph (3)(a) omit “or the central bank of another EEA State”;

(b) omit paragraph (4)(a).

(4) In regulation 15, omit paragraph (2)(b) and the “or” before it.

Amendment of the Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1997

12.—(1) The Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1997(5) are amended as follows.

(2) In regulation 2—

(a) omit paragraph (1)(b) and the “or” before it;

(b) in paragraph (2), omit “and (b)”.

Amendment of the Pension Sharing (Implementation and Discharge of Liability) Regulations (Northern Ireland) 2000

13.—(1) The Pension Sharing (Implementation and Discharge of Liability) Regulations (Northern Ireland) 2000(6) are amended as follows.

(2) In regulation 11—

(a) omit paragraph (1)(b) and the “or” before it;

(b) in paragraph (2), omit “and (b)”.

Amendment of the Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000

14.—(1) The Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000(7) are amended as follows.

(2) In regulation 5—

(a) omit paragraph (3)(b) and the “or” before it;

(b) in paragraph (4), omit “and (b)”.

(4) [S.R. 1997 No. 94](#); amended by [S.R. 2003 No. 256](#), [S.R. 2006 No. 141](#) and [S.I. 2013/472](#); there are other amending instruments but none is relevant.

(5) [S.R. 1997 No. 159](#); amended by [S.R. 2003 No. 256](#) and [S.I. 2013/472](#); there are other amending instruments but none is relevant.

(6) [S.R. 2000 No. 145](#); amended by [S.R. 2003 No. 256](#) and [S.I. 2013/472](#); there are other amending instruments but none is relevant.

(7) [S.R. 2000 No. 146](#); amended by [S.R. 2003 No. 256](#) and [S.I. 2013/472](#); there are other amending instruments but none is relevant.

Amendment of the Stakeholder Pension Schemes Regulations (Northern Ireland) 2000

15.—(1) The Stakeholder Pension Schemes Regulations (Northern Ireland) 2000⁽⁸⁾ are amended as follows.

(2) In regulation 1(3), in the definition of “insurer”, omit paragraph (b) and the “or” before it.

Amendment of the Occupational and Personal Pension Schemes (General Levy) Regulations (Northern Ireland) 2005

16.—(1) The Occupational and Personal Pension Schemes (General Levy) Regulations (Northern Ireland) 2005⁽⁹⁾ are amended as follows.

(2) In regulation 1(2), omit the definition of “cross-border section 615 scheme”.

(3) In regulation 2(1), omit “, other than such a scheme which is a cross-border section 615 scheme,”.

Amendment of the Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 2005

17.—(1) The Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 2005⁽¹⁰⁾ are amended as follows.

(2) In regulation 1(2), omit the definition of “scheme undertaking cross-border activities”.

(3) In regulation 2(1), omit sub-paragraph (c) and the “or” before it.

(4) In regulation 3(1), omit sub-paragraph (j) and the “and” before it.

Amendment of the Pension Protection Fund (PPF Ombudsman) Order (Northern Ireland) 2005

18.—(1) The Pension Protection Fund (PPF Ombudsman) Order (Northern Ireland) 2005⁽¹¹⁾ is amended as follows.

(2) In Article 5(2)(j), omit “, an EEA central counterparty” and “, EEA CSD”.

Amendment of the Occupational Pension Schemes (Employer Debt) Regulations (Northern Ireland) 2005

19.—(1) The Occupational Pension Schemes (Employer Debt) Regulations (Northern Ireland) 2005⁽¹²⁾ are amended as follows.

(2) In regulation 4(1), omit sub-paragraph (g)(ii) and the “and” before it.

Amendment of the Occupational Pension Schemes (Winding up, etc.) Regulations (Northern Ireland) 2005

20.—(1) The Occupational Pension Schemes (Winding up, etc.) Regulations (Northern Ireland) 2005⁽¹³⁾ are amended as follows.

(2) In regulation 3(1), omit sub-paragraph (h)(ii) and the “and” before it.

⁽⁸⁾ S.R. 2000 No. 262; amended by S.R. 2003 No. 256 and S.I. 2013/472; there are other amending instruments but none is relevant.

⁽⁹⁾ S.R. 2005 No. 92; amended by S.R. 2006 No. 65; there are other amending instruments but none is relevant.

⁽¹⁰⁾ S.R. 2005 No. 93; amended by S.R. 2006 No. 65 and S.R. 2018 No. 182; there are other amending instruments but none is relevant.

⁽¹¹⁾ S.R. 2005 No. 135; amended by S.I. 2013/504 and S.I. 2017/1064; there are other amending instruments but none is relevant.

⁽¹²⁾ S.R. 2005 No. 168; amended by S.R. 2006 No. 65; there are other amending instruments but none is relevant.

⁽¹³⁾ S.R. 2005 No. 171; amended by S.R. 2006 No. 65; there are other amending instruments but none is relevant.

Amendment of the Pensions Regulator (Contribution Notices and Restoration Orders) Regulations (Northern Ireland) 2005

21.—(1) The Pensions Regulator (Contribution Notices and Restoration Orders) Regulations (Northern Ireland) 2005(**14**) are amended as follows.

(2) In regulation 2(1), omit sub-paragraph (i)(ii) and the “and” before it.

Amendment of the Occupational Pension Schemes (Trust and Retirement Benefits Exemption) Regulations (Northern Ireland) 2005

22.—(1) The Occupational Pension Schemes (Trust and Retirement Benefits Exemption) Regulations (Northern Ireland) 2005(**15**) are amended as follows.

(2) In regulation 1(2), omit the definition of “scheme undertaking cross-border activities”.

(3) Omit regulation 1A.

Amendment of the Pension Schemes (Categories) Regulations (Northern Ireland) 2005

23.—(1) The Pension Schemes (Categories) Regulations (Northern Ireland) 2005(**16**) are amended as follows.

(2) In regulation 1(2), omit the definitions of “EEA agreement” and “EEA state”.

(3) In regulation 2, omit paragraph (2)(b) but not the final “and”.

Amendment of the Occupational Pension Schemes (Scheme Funding) Regulations (Northern Ireland) 2005

24.—(1) The Occupational Pension Schemes (Scheme Funding) Regulations (Northern Ireland) 2005(**17**) are amended as follows.

(2) In regulation 2(1), omit the definitions of “EEA agreement” and “EEA state”.

(3) For regulation 17(1)(d) substitute—

“(d) a scheme which is treated as such by virtue of paragraph 4 or 5 of Schedule 2 and applies to members in employment outside the United Kingdom;”.

(4) In Schedule 2—

(a) in paragraph 4, in sub-paragraphs (2)(b) and (d)(i) and (3)(a), for “EEA states” in each place where it occurs substitute “United Kingdom”;

(b) omit paragraph 6 (schemes undertaking cross-border activities).

Amendment of the Occupational Pension Schemes (Investment) Regulations (Northern Ireland) 2005

25.—(1) The Occupational Pension Schemes (Investment) Regulations (Northern Ireland) 2005(**18**) are amended as follows.

(2) In regulation 1(2)—

(a) in the definition of “qualifying insurance policy”, omit paragraph (b) and the “or” before it;

(14) [S.R. 2005 No. 173](#); amended by [S.R. 2006 No. 65](#) and [S.R. 2016 No. 158](#); there are other amending instruments but none is relevant.

(15) [S.R. 2005 No. 412](#); amended by [S.R. 2005 No. 581](#).

(16) [S.R. 2005 No. 413](#); amended by [S.R. 2007 No. 457](#); there are other amending instruments but none is relevant.

(17) [S.R. 2005 No. 568](#); amended by [S.R. 2007 No. 457](#); there are other amending instruments but none is relevant.

(18) [S.R. 2005 No. 569](#); amended by [S.R. 2009 No. 115](#), [S.R. 2010 No. 287](#), [S.I. 2013/472](#) and [S.I. 2017/1255](#); there are other amending instruments but none is relevant.

- (b) omit the definition of “scheme undertaking cross-border activities”.
- (3) In regulation 4—
 - (a) in paragraph (5), for “regulated markets” substitute “UK regulated markets”;
 - (b) in paragraph (11)—
 - (i) in the definition of “derivative instrument”, for the words from “of Section C” to “financial instruments” substitute “of Part 1 of Schedule 2 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001⁽¹⁹⁾”;
 - (ii) for the definition of “regulated market” substitute the following—

““regulated market” means a multilateral system operated or managed by a market operator, which brings together or facilitates the bringing together of multiple third-party buying and selling interests in financial instruments (in the system and in accordance with its non-discretionary rules) in a way that results in a contract, in respect of the financial instruments admitted to trading under its rules or systems;”, and
 - (iii) after the definition of “technical provisions” add—

““UK regulated market” means a regulated market which is a recognised investment exchange under section 285⁽²⁰⁾ of the FSM Act, but not an overseas investment exchange within the meaning of section 313(1)⁽²¹⁾ of that Act.”.
- (4) In regulation 15A, omit paragraph (2)(b) but not the “or” following it.
- (5) Omit regulation 17.

Amendment of the Occupational Pension Schemes (Regulatory Own Funds) Regulations (Northern Ireland) 2005

26.—(1) The Occupational Pension Schemes (Regulatory Own Funds) Regulations (Northern Ireland) 2005⁽²²⁾ are amended as follows.

- (2) In regulation 2(1), omit the definitions of “EEA agreement” and “EEA state”.
- (3) In regulation 10, omit paragraphs (3) and (8).
- (4) In regulation 15—
 - (a) in paragraph (1)(d)—
 - (i) omit paragraph (i) together with the final “and”;
 - (ii) in paragraph (ii), for “paragraphs 4(3) and 5(2)(b)” substitute “paragraphs 4(2) and (3) and 5(2)(a) and (b)”;
 - (b) omit paragraph (2);
 - (c) in paragraph (3), omit the definition of “scheme undertaking cross-border activities”.

⁽¹⁹⁾ S.I. 2001/544; amended by S.I. 2006/3384 and S.I. 2017/488; there are other amending instruments but none is relevant.

⁽²⁰⁾ Section 285 was amended by S.I. 2017/1064; there are other amendments but none is relevant.

⁽²¹⁾ There are amendments to subsection (1) which are not relevant to these Regulations.

⁽²²⁾ S.R. 2005 No. 570; amended by S.R. 2007 Nos. 158 and 457.

Amendment of the Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006

27.—(1) The Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006(23) are amended as follows.

- (2) In regulation 2, omit the definitions of “EEA agreement” and “EEA state”.
- (3) In regulation 4(1), in sub-paragraph (e), for “EEA states” substitute “United Kingdom”.

Amendment of the Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations (Northern Ireland) 2006

28.—(1) The Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations (Northern Ireland) 2006(24) are amended as follows.

- (2) In regulation 1(2), in the definition of “insurer” omit paragraph (b) and the “or” before it.

Amendment of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010

29.—(1) The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010(25) are amended as follows.

(2) In regulation 32E, in paragraph (1), omit the words “or which is an occupational pension scheme within section 18(b) (occupational pension schemes with main administration in an EEA state other than the UK)”.

- (3) Omit regulation 32J.
- (4) In regulation 35—
 - (a) in paragraph (1)(a)(i), omit “or (b)”;
 - (b) omit paragraph (1)(b) together with the final “and”;
 - (c) in paragraph (2), for the definition of “competent authority” substitute—

““competent authority” means the Financial Conduct Authority or the Pensions Regulator;”.

(5) In regulation 39(7), omit sub-paragraph (a).

(6) In regulation 44, in the heading and the body of the regulation, for “EEA States” substitute “United Kingdom”.

- (7) In regulation 45—
 - (a) in paragraphs (1) to (5) and (7), for “18(b) or (c)” substitute “18(c)”;
 - (b) in paragraphs (1), (3) and (7), omit sub-paragraph (b) and the “or” before it.
- (8) In regulation 46, omit paragraph (b) and the “or” before it.

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

30.—(1) The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014(26) are amended as follows.

(23) S.R. 2006 No. 48; amended by S.R. 2006 No. 141 and S.R. 2007 No. 457; there are other amending instruments but none is relevant.

(24) S.R. 2006 No. 148; amended by S.I. 2013/472; there are other amending instruments but none is relevant.

(25) S.R. 2010 No. 122; amended by S.R. 2012 No. 237, S.R. 2013 No. 221, S.R. 2015 No. 310, S.I. 2015/575 and S.I. 2017/1255; there are other amending instruments but none is relevant.

(26) S.R. 2014 No. 79; to which there are amendments not relevant to these Regulations.

(2) In Schedule 1 (description of schemes), omit paragraph 1(2)(c) but not the final “or”.

Amendment of the Pensions (2012 Act) (Transitional, Consequential and Supplementary Provisions) Regulations (Northern Ireland) 2014

31.—(1) The Pensions (2012 Act) (Transitional, Consequential and Supplementary Provisions) Regulations (Northern Ireland) 2014⁽²⁷⁾ are amended as follows.

(2) Omit Part 16 (cross-border schemes).

Amendment of the Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016

32.—(1) The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016⁽²⁸⁾ are amended as follows.

(2) In regulation 6(2), for “EEA states” substitute “United Kingdom”.

⁽²⁷⁾ [S.R. 2014 No. 204](#); to which there are amendments not relevant to these Regulations.

⁽²⁸⁾ [S.R. 2016 No. 107](#); to which there are amendments not relevant to these Regulations.