



# Pension Schemes (Northern Ireland) Act 1993

## 1993 CHAPTER 49

### PART XI

#### GENERAL AND MISCELLANEOUS PROVISIONS

##### *General provisions as to offences*

#### [<sup>F1</sup>164 Breach of regulations.

- (1) Regulations under any provision of this Act (other than Chapter II of Part VII) may make such provision as is referred to in subsection (2) or (4) for the contravention of any provision contained in regulations made or having effect as if made under any provision of this Act.
- (2) The regulations may provide for the contravention to be an offence under this Act and for the recovery on summary conviction of a fine not exceeding level 5 on the standard scale.
- (3) An offence under any provision of the regulations may be charged by reference to any day or longer period of time; and a person may be convicted of a second or subsequent offence under such a provision by reference to any period of time following the preceding conviction of the offence.
- (4) The regulations may provide for a person who has contravened the provision to pay to the Regulatory Authority, within a prescribed period, a penalty not exceeding an amount specified in the regulations; and the regulations must specify different amounts in the case of individuals from those specified in other cases and any amount so specified may not exceed the amount for the time being specified in the case of individuals or, as the case may be, others in Article 10(2)(a) of the Pensions (Northern Ireland) Order 1995.

*Status: Point in time view as at 06/04/2005.*

*Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, Cross Heading: General provisions as to offences is up to date with all changes known to be in force on or before 12 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) Regulations made by virtue of subsection (4) do not affect the amount of any penalty recoverable under that subsection by reason of an act or omission occurring before the regulations are made.
- (6) Where—
- (a) apart from this subsection, a penalty under subsection (4) is recoverable from a body corporate by reason of any act or omission of the body as a trustee of a trust scheme, and
  - (b) the act or omission was done with the consent or connivance of, or is attributable to any neglect on the part of, any persons mentioned in subsection (7),
- such a penalty is recoverable from each of those persons who consented to or connived in the act or omission or to whose neglect the act or omission was attributable.
- (7) The persons referred to in subsection (6)(b) are—
- (a) any director, manager, secretary, or other similar officer of the body corporate, or a person purporting to act in any such capacity, and
  - (b) where the affairs of the body corporate are managed by its members, any member in connection with his functions of management.
- (8) Where the Regulatory Authority require any person to pay a penalty by virtue of subsection (6), they may not also require the body corporate in question to pay a penalty in respect of the same act or omission.
- (9) A penalty under subsection (4) is recoverable by the Authority and any such penalty recovered by the Authority must be paid to the Department.
- (10) Where by reason of the contravention of any provision contained in regulations made, or having effect as if made, under this Act—
- (a) a person is convicted of an offence under this Act, or
  - (b) a person pays a penalty under subsection (4),
- then, in respect of that contravention, he shall not, in a case within paragraph (a), be liable to pay such a penalty or, in a case within paragraph (a), be liable to pay such a penalty or, in a case within paragraph (b), be convicted of such an offence.]
- [<sup>F2</sup>(11) In this section “regulations” means regulations made by the Department or, as the case may be, the Secretary of State and “prescribed” shall be construed accordingly.]

#### Textual Amendments

- F1** Ss. 164, 164A substituted (6.4.1996 for certain purposes, 23.7.1996 for other certain purposes otherwise 6.4.1997) for s. 164 by [S.I. 1995/3213 \(N.I. 22\)](#), [art. 151\(1\)](#); [S.R. 1996/91](#), [art. 2\(d\)](#), [Sch. Pt. IV](#); [S.R. 1996/307](#), [art. 2\(a\)](#), [Sch. Pt. I](#); [S.R. 1997/192](#), [art. 2\(b\)](#)
- F2** S. 164(11) inserted (24.3.1999 for certain purposes and otherwise 1.4.1999) by [S.I. 1999/671](#), [arts. 1\(2\)\(b\)](#), [3\(1\)](#), [Sch. 1 para. 73](#); [S.R. 1999/149](#), [art. 2\(c\)](#), [Sch. 2](#)

#### Modifications etc. (not altering text)

- C1** S. 164 extended (1.12.1999 for certain purposes and otherwise 1.12.2000) by [S.I. 1999/3147 \(N.I. 11\)](#), [arts. 1\(5\)\(a\)](#), [42\(2\)](#); [S.R. 2000/133](#), [art. 2\(3\)](#), [Sch. Pt. IV](#)

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<sup>F4</sup><sup>F3</sup> **164A Offence in connection with the Registrar.**

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**Textual Amendments**

- F3** Ss. 164, 164A substituted (6.4.1996 for certain purposes, 23.7.1996 for other certain purposes otherwise 6.4.1997) for s. 164 by S.I. 1995/3213 (N.I. 22), **art. 151(1)**; S.R. 1996/91, art. 2(d), **Sch. Pt. IV**; S.R. 1996/307, art. 2(a), **Sch. Pt. I**; S.R. 1997/192, **art. 2(b)**
- F4** S. 164A repealed (6.4.2005) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1), art. 1(2), **Sch. 11**; S.R. 2005/166, art. 2(6), Sch. 1

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