



Pension Schemes Act 2021

2021 CHAPTER 1

PART 2

COLLECTIVE MONEY PURCHASE BENEFITS: NORTHERN IRELAND

Authorisation

58 Authorisation of collective money purchase schemes

- (1) A person may not operate a collective money purchase scheme unless the scheme is authorised.
- (2) Article 10 of the [Pensions \(Northern Ireland\) Order 1995 \(S.I. 1995/3213 \(N.I. 22\)\)](#) (civil penalties) applies to a person who breaches subsection (1).
- (3) If the Pensions Regulator becomes aware that a collective money purchase scheme is being operated without authorisation, it must notify the trustees of the scheme that the scheme is not authorised.
- (4) The notification must—
 - (a) explain that the notification is a triggering event (see section 82), and
 - (b) include an explanation of the trustees' duties under sections 82 to 96.
- (5) For the purposes of this section a person “operates” a collective money purchase scheme if, in relation to the scheme, the person accepts—
 - (a) money paid by a member (or prospective member), or
 - (b) money paid by an employer (or prospective employer) in respect of contributions, fees, charges or anything else except—
 - (i) the costs of setting up the scheme, or
 - (ii) costs relating to obtaining authorisation for the scheme.

59 Application for authorisation

- (1) The trustees of a collective money purchase scheme may apply to the Pensions Regulator for authorisation.
- (2) An application must be made in the manner and form specified by the Pensions Regulator.
- (3) An application must include—
 - (a) the scheme’s viability report and viability certificate (see section 64), and
 - (b) the scheme’s continuity strategy (see section 68).
- (4) The Department may by regulations—
 - (a) specify other information that must be included in an application;
 - (b) require a fee to be paid to the Pensions Regulator in respect of an application.
- (5) In considering an application, the Pensions Regulator may take into account any matters it considers appropriate, including—
 - (a) additional information provided by the applicant, and
 - (b) subsequent changes to the application or to any information provided by the applicant.
- (6) Regulations under subsection (4) are subject to negative resolution.

60 Decision on application

- (1) Where an application is made for authorisation of a collective money purchase scheme under section 59, the Pensions Regulator must decide whether it is satisfied that the scheme meets the authorisation criteria.
- (2) The Pensions Regulator must make that decision within the period of six months beginning with the day on which the Pensions Regulator received the application.
- (3) The authorisation criteria are—
 - (a) that the persons involved in the scheme are fit and proper persons (see section 62),
 - (b) that the design of the scheme is sound (see section 63),
 - (c) that the scheme is financially sustainable (see section 65),
 - (d) that the scheme has adequate systems and processes for communicating with members and others (see section 66),
 - (e) that the systems and processes used in running the scheme are sufficient to ensure that it is run effectively (see section 67), and
 - (f) that the scheme has an adequate continuity strategy (see section 68).
- (4) If the Pensions Regulator is satisfied that the collective money purchase scheme meets the authorisation criteria, it must—
 - (a) grant the authorisation,
 - (b) notify the applicant of its decision, and
 - (c) add the scheme to its list of authorised collective money purchase schemes (see section 77).
- (5) If the Pensions Regulator is not satisfied that the collective money purchase scheme meets the authorisation criteria, it must—

- (a) refuse to grant the authorisation, and
 - (b) notify the applicant of its decision.
- (6) A notification under subsection (5)(b) must also include—
- (a) the reasons for the decision, and
 - (b) details of the right of referral to the First-tier Tribunal or Upper Tribunal (see section 61).

61 Reference to Tribunal of refusal to grant authorisation

- (1) If the Pensions Regulator refuses to grant authorisation to a collective money purchase scheme, the decision may be referred to the Tribunal by—
- (a) the trustees, or
 - (b) any other person who appears to the Tribunal to be directly affected by the decision.
- (2) In this section “the Tribunal”, in relation to a reference under subsection (1), means—
- (a) the First-tier Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the First-tier Tribunal is to hear the reference;
 - (b) the Upper Tribunal, in any other case.