



Pension Schemes Act 2021

2021 CHAPTER 1

PART 2

COLLECTIVE MONEY PURCHASE BENEFITS: NORTHERN IRELAND

Supplementary

99 Minor and consequential amendments

Schedule 6 makes minor and consequential amendments relating to this Part.

100 Interpretation of Part 2

(1) In this Part—

“administration charge” has the same meaning as in paragraph 1 of Schedule 18 to the [Pensions Act \(Northern Ireland\) 2015 \(c. 5 \(N.I.\)\)](#);

“authorisation” means authorisation under section 60 or by virtue of regulations under section 56(2) (and related expressions are to be read accordingly);

“authorisation criteria” has the meaning given in section 60(3);

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“the Department” means the Department for Communities in Northern Ireland;

“employer”, in relation to an occupational pension scheme, means a person who employs or engages persons who are, or are entitled to become, members of the scheme;

“implementation strategy” has the meaning given in section 90;

“insolvency event” has the meaning given in Article 105 of the [Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)\)](#);

“Master Trust scheme” means a Master Trust scheme within the meaning of the Pension Schemes Act 2017 or any corresponding statutory provision;

Status: This is the original version (as it was originally enacted).

“member” has the meaning given in Article 121(1) of the [Pensions \(Northern Ireland\) Order 1995 \(S.I. 1995/3213 \(N.I. 22\)\)](#) (read with regulations made under Article 122(4) of that Order);

“occupational pension scheme” has the same meaning as in the Pension Schemes (Northern Ireland) Act 1993 (see section 1(1) of that Act);

“pension scheme” has the meaning given in section 1(5) of the Pension Schemes (Northern Ireland) Act 1993;

“the scheme actuary”, in relation to a pension scheme, means the person appointed under Article 47(1)(b) of the [Pensions \(Northern Ireland\) Order 1995 \(S.I. 1995/3213 \(N.I. 22\)\)](#) (professional advisers) in relation to the scheme;

“scheme rules” has the meaning given in Article 2(3) and (4) of the [Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)\)](#);

“statutory provision” has the meaning given in section 1(f) of the [Interpretation Act \(Northern Ireland\) 1954 \(c. 33 \(N.I.\)\)](#);

“triggering event” has the meaning given in section 82.

(2) For the purposes of this Part, an employer (“A”) is connected with another employer (“B”)—

- (a) where A is, or has been, a group undertaking in relation to B within the meaning of section 1161(5) of the Companies Act 2006, or
- (b) in circumstances specified in regulations made by the Department.

(3) This Part applies to a qualifying scheme—

- (a) which provides both qualifying benefits and other benefits, and
- (b) for which there is no power to wind up the scheme to the extent only that it provides qualifying benefits,

as if references to winding up the scheme, or to the scheme being wound up, were to ceasing to operate the scheme, or the scheme ceasing to operate, to the extent that it provides qualifying benefits.

(4) Regulations made by the Department may make provision to the effect that, for the purposes of any specified provisions of this Part, a reference in this Part to a collective money purchase scheme includes a scheme that—

- (a) is in the process of being wound up, and
- (b) was a collective money purchase scheme immediately before the beginning of that process.

“Specified” here means specified in the regulations.

(5) Regulations under subsection (2) or (4) are subject to confirmatory procedure.

101 Index of defined expressions

The Table below lists provisions which define or otherwise explain terms defined for this Part of this Act.

actuarial valuation	section 71(2)
administration charge	section 100
authorisation (and related expressions)	section 100

Status: This is the original version (as it was originally enacted).

authorisation criteria	section 100
collective money purchase benefit	section 52
collective money purchase scheme	section 52
confirmatory procedure	section 102
connected (in relation to employers)	section 100
the data protection legislation	section 100
the Department	section 100
determination notice	section 81(4)
employer	section 100
implementation strategy	section 100
insolvency event	section 100
item 1 triggering event (and similar references)	section 82(5)
Master Trust scheme	section 100
member	section 100
negative resolution	section 102
occupational pension scheme	section 100
pension scheme	section 100
qualifying benefit	section 53
qualifying scheme	sections 54 and 55
relevant former employer	section 82(5)
the scheme actuary	section 100
scheme rules	section 100
section (of a pension scheme)	regulations under section 56(1)
special procedure	section 81(4)
standard procedure	section 81(4)
statutory provision	section 100
triggering event	section 100
triggering event period	section 83
triggering events table	section 82(4)
warning notice	section 81(4)

102 Regulations

- (1) A power of the Department to make regulations under this Part is exercisable by statutory rule for the purposes of the [Statutory Rules \(Northern Ireland\) Order 1979 \(S.I. 1979/1573 \(N.I. 12\)\)](#).
- (2) A power to make regulations under this Part may be used—
 - (a) to make different provision for different purposes;
 - (b) to make provision in relation to all or only some of the purposes for which it may be used.
- (3) Regulations under this Part may—
 - (a) confer a discretion on a person;
 - (b) make consequential, supplementary or incidental provision;
 - (c) make transitional, transitory or saving provision.
- (4) Where regulations under this Part are subject to “negative resolution”, they are subject to negative resolution within the meaning given in section 41(6) of the [Interpretation Act \(Northern Ireland\) 1954 \(c. 33 \(N.I.\)\)](#).
- (5) Where regulations under this Part are subject to “confirmatory procedure”—
 - (a) they must be laid before the Northern Ireland Assembly after being made, and
 - (b) they take effect on such date as may be specified in the regulations, but (without prejudice to the validity of anything done under the regulations or to the making of new regulations) cease to have effect on the expiration of the period of six months beginning with that date unless at some time before the expiration of that period the regulations are approved by resolution of the Northern Ireland Assembly.
- (6) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies in relation to the laying of regulations under this Part as it applies in relation to the laying of a statutory document under an enactment.
- (7) Any provision that may be made by regulations under this Part subject to negative resolution may be made by regulations subject to confirmatory procedure.