STATUTORY RULES OF NORTHERN IRELAND

2018 No. 53

PENSIONS

The Occupational Pension Schemes (Administration and Disclosure) (Amendment) Regulations (Northern Ireland) 2018

Made - - - - 15th March 2018

Coming into operation in accordance with regulation 1

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 109(1), (2A), (3) and (5) to (7), 177(2) to (4) and 178(1) of the Pension Schemes (Northern Ireland) Act 1993(**1**) and now vested in it(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Administration and Disclosure) (Amendment) Regulations (Northern Ireland) 2018 and, except as provided for in paragraphs (2) and (3), shall come into operation on 6th April 2018.

(2) The amendments made by regulation 3(3), (7) and (8), in so far as it relates to the insertion of paragraph 5A into Schedule 6 to the Disclosure Regulations, shall come into operation on 6th April 2019.

(3) Where the most recent scheme year for a relevant scheme ends before 6th April 2018, the amendments made by regulations 2 and 3(2), (4) to (6) and (8), in so far as they relate to the insertion of paragraph 5B into Schedule 6 to the Disclosure Regulations, shall come into operation for such a scheme on the last day of the first scheme year for that scheme to end on or after 6th April 2018.

(4) For the purposes of this regulation, "relevant scheme"(**3**) and "scheme year" have the same meaning as in regulation 1(2) of the Administration Regulations.

(5) In these Regulations—

(**1**) 1993 c. 49; section 109(1) was amended by section 48(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)); section 109(2A) was inserted by section 38(4) of the Pension Schemes Act (Northern Ireland) 2016 (c. 1 (N.I.)); section 109(5) to (7) was inserted by section 43 of the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.)); section 178(1) was amended by Parts 3 and 4 of Schedule 5 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

(**2**) *See* Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(**3**) The definition of "relevant scheme" was inserted by regulation 14(a) of S.R. 2015 No. 309

"the Administration Regulations" means the Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997(**4**);

"the Disclosure Regulations" means the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014(**5**).

(6) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Administration Regulations

2. In regulation 23(**7**) of the Administration Regulations (annual statement regarding governance)—

(a) in paragraph (1)—

(i) in sub-paragraph (c) for heads (i) and (ii) substitute—

"(i) state the level of charges and transaction costs applicable to each default arrangement during the scheme year;

(ii) state the levels of charges and transaction costs applicable to each fund which members are able to select and in which assets relating to members are invested during the scheme year;";

(ii) after sub-paragraph (c) insert—

"(ca) include, in relation to the charges and transaction costs which trustees or managers are required to calculate in accordance with regulation 25(1)(a)(**8**), an illustrative example of the cumulative effect over time of the application of those charges and costs on the value of a member's accrued rights to money purchase benefits;";

(b) after paragraph (1) insert—

"(1A) In complying with the requirements imposed by paragraph (1)(c)(i) and (ii) and (ca), the trustees or managers must have regard to guidance prepared from time to time by the Department.".

Amendment of the Disclosure Regulations

3.—(1) The Disclosure Regulations are amended in accordance with paragraphs (2) to (8).

(2) In regulation 4(1)(**9**) (application of the Regulations) after "and 25" insert "and, where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997, regulation 29A(**10**)".

(3) After regulation 12 (annual report) insert—

"**Additional information available on request: pooled funds**

12A.—(1) Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997, a statement containing the information listed in paragraph 35(**11**) of Schedule 3 must be given on request

(**4**) S.R. 1997 No. 94
(**5**) S.R. 2014 No. 79
(**6**) 1954 c. 33 (N.I.)
(**7**) Regulation 23 was added by regulation 17(1) of S.R. 2015 No. 309 and amended by regulation 5 of S.R. 2016 No. 192
(**8**) Regulation 25 was added by regulation 19 of S.R. 2015 No. 309
(**9**) Regulation 4 was amended by regulation 4 of S.R. 2015 No. 154
(**10**) Regulation 29A is inserted by regulation 3(6) of these Regulations
(**11**) Paragraph 35 is inserted by regulation 3(7) of these Regulations

to a member, or to a recognised trade union on behalf of the member, in accordance with this regulation.

(2) The statement must be given within 2 months of the date the request is made and it must be given in accordance with regulation 26.

(3) A statement is not required to be given where the request is made—

(a) less than 6 months after the last occasion on which information was given to or in respect of the member under this regulation, or

(b) by a recognised trade union unless it is relevant to the rights of a member who is in that recognised trade union.".

(4) In regulation 26 (giving information and documents) after paragraph (4) insert—

"(4A) The provisions of paragraph (4) do not apply where regulation 29A applies to the information.".

(5) In regulation 27(1) (provision of information on a website) for "Where a website" substitute "Except where regulation 29A provides otherwise, where a website".

(6) After regulation 29 (giving information and documents in certain cases) insert—

"**Publishing charges and transaction costs**

29A.—(1) Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997, the information specified in paragraph (2) must be made publicly available free of charge on a website in accordance with this regulation.

(2) The specified information is the information which must be included in the most recent statement prepared under regulation 23 of those Regulations (annual statement regarding governance) in accordance with the following paragraphs of that regulation—

(a) paragraph (1)(a);

(b) paragraph (1)(c), and

(c) paragraph (1)(ca)(**12**).

(3) Where this regulation applies—

(a) a notification need not be given under regulation 27 in relation to the information on the website where information is given to the person in accordance with paragraph 5B(a)(**13**) of Schedule 6;

(b) the trustees or managers of the scheme must have regard to guidance prepared from time to time by the Department concerning the publication of the information.

(4) Where a person requests the trustees or managers of the scheme to provide the information referred to in paragraph (2) in hard copy form, the trustees or managers of the scheme must give that information to the person in hard copy form only where the trustees or managers are satisfied that it would be unreasonable for that person to obtain it from the website on which it is published.

(5) Where information is required to be given in hard copy form in accordance with paragraph (4), it must be given within 2 months of the date the request is made.".

(7) In Schedule 3 (information to be given on request) after Part 5 (information that applies to the scheme) add—

(**12**) Sub-paragraph (ca) is inserted by regulation 2(a)(ii) of these Regulations
(**13**) Paragraph 5B is inserted by regulation 3(8) of these Regulations