STATUTORY RULES OF NORTHERN IRELAND

2016 No. 192

PENSIONS

The Occupational Pension Schemes (Scheme Administration) (Amendment) Regulations (Northern Ireland) 2016

Made - - - - 23rd March 2016

Coming into operation 6th April 2016

Approved by resolution of the Assembly on 28th June 2016

The Department for Social Development makes the following Regulations in exercise of the powers conferred by section 51(6) of, and paragraphs 2(1), (3) and (5), 6 and 7 of Schedule 18 to, the Pensions Act (Northern Ireland) 2015(**1**).

Citation and commencement

1. These Regulations may be cited as the Occupational Pension Schemes (Scheme Administration) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 6th April 2016.

Amendment of the Occupational Pension Schemes (Scheme Administration) Regulations

2. The Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997(**2**) are amended in accordance with regulations 3 to 6.

Amendment of regulation 1

3. In regulation 1 (interpretation)—

(a) in paragraph (2) in the definition of "relevant multi-employer scheme"(**3**) for the words from "in relation to" to "or which is" substitute "which is or has been";

(b) for paragraph (2ZA)(**4**) substitute—

"(2ZA) For the purposes of the definition of "relevant multi-employer scheme", a participating employer is "connected" to another employer where either of the following conditions is satisfied—

(a) the first condition is that both employers—

(**1**) 2015 c. 5 (N.I.)
(**2**) S.R. 1997 No. 94; relevant amending Regulations are S.R. 2015 No. 309
(**3**) The definition of "relevant multi-employer scheme" was inserted by regulation 21(a) of S.R. 2015 No. 309. Paragraph (c) of the definition is omitted from 6th April 2016 by virtue of regulations 1(3)(c) and 23(c) of S.R. 2015 No. 309
(**4**) Paragraph (2ZA) was inserted by regulation 21(b) of S.R. 2015 No. 309

(i) are or have been part of the same group of companies consisting of one or more holding companies and subsidiaries of any such companies within the meaning of section 1159(1) of the Companies Act 2006(**5**); or

(ii) are or have been partnerships, each having the same persons as at least half of its partners;

(b) the second condition is that the participating employer which is not a company within the group referred to in sub-paragraph (a)(i)—

(i) forms or formed a joint venture with that other employer within the group;

(ii) jointly employs or employed members of the scheme with that other employer within the group;

(iii) employs active members of the scheme following a transfer from that other employer within the group;

(iv) holds, held, controls or controlled at least 20% of the voting power in that other employer within the group; or

(v) is or was an employer 20% of whose voting power is or was held or controlled by that other employer within the group.".

Amendment of regulation 22

4. In regulation 22(**6**) (duty to appoint a chair of the trustees or managers)—

(a) in paragraph (5) after "hold that office" insert "(but see also paragraph (7))";

(b) in paragraph (6) for "6th April 2015" substitute "6th April 2016";

(c) after paragraph (6) add—

"(7) Paragraph (5) does not apply to a scheme established under section 67 of the Pensions Act 2008(**7**).".

Amendment of regulation 23

5. In regulation 23(**8**)(annual statement regarding governance)—

(a) in paragraph (1) for sub-paragraph (e) substitute—

"(e) be signed on behalf of the trustees or managers by—

(i) the chair; or

(ii) where the chair has ceased to hold office as chair for any reason and a replacement has not yet been appointed, a person appointed by the trustees or managers to act as the chair in the interim period.";

(b) in paragraph (2) for "6th April 2015" substitute "17th July 2015";

Amendment of regulation 27

6. In regulation 27(**9**) (appointment of trustees)—

(**5**) 2006 c. 46
(**6**) Regulation 22 was added by regulation 16(3) of S.R. 2015 No. 309
(**7**) 2008 c. 30; section 67 was amended by section 30(2) of the Finance (No. 3) Act 2010 (c. 33)
(**8**) Regulation 23 was added by regulation 17(1) of S.R. 2015 No. 309
(**9**) Regulation 27 was added by regulation 22 of S.R. 2015 No. 309