STATUTORY RULES OF NORTHERN IRELAND

2015 No. 154

PENSIONS

The Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations (Northern Ireland) 2015

Made - - - -	*12th March 2015*
Coming into operation	*6th April 2015*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 109(1) and (3), 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 and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 6th April 2015.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations

2. The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014(**4**) are amended in accordance with regulations 3 to 13.

Amendment of regulation 2

3.—(1) In regulation 2(1) (interpretation)—

(a) after the definition of "the 2005 Order" insert—

(**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.)) and 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

(**3**) 1954 c. 33 (N.I.)

(**4**) S.R. 2014 No. 79 as amended by S.R. 2014 No. 204

""the 2014 Act" means the Public Service Pensions Act (Northern Ireland) 2014(**5**);";

(b) for the definition of "cash balance benefit"(**6**) substitute—

""cash balance benefit" has the meaning given in section 75 of the Pension Schemes Act 2015(**7**);";

(c) after the definition of "cash balance benefit" insert—

""drawdown pension" has the meaning given in paragraph 4 of Schedule 28 to the Finance Act 2004(**8**);";

(d) after the definition of "excluded person" insert—

""flexible benefit" has the meaning given in section 74 of the Pension Schemes Act 2015;";

(e) omit the definition of "funded".

(f) after the definition of "HMRC" insert—

""ill-health condition" has the meaning given in paragraph 1 of Schedule 28 to the Finance Act 2004;";

(g) after the definition of "member" insert—

""normal minimum pension age" has the meaning given in section 279(1) of the Finance Act 2004;

"pensions guidance" means guidance given by a designated guidance provider (which has the meaning given in section 333E(1) of the Financial Services and Markets Act 2000(**9**) (designation of providers) for the purpose of helping a member of a pension scheme, or a survivor of a member of a pension scheme, to make decisions about what to do with the flexible benefits that may be provided to the member or survivor;";

(h) after the definition of "scheme year" insert—

""survivor" has the meaning given in section 76(1) of the Pension Schemes Act 2015 (interpretation of Part 4);";

(i) after the definition of "tax registered scheme" insert—

""transferrable rights" has the meaning given in section 89(11)(b)(**10**) of the 1993 Act (scope of Chapter 1);";

(2) After paragraph (1) insert—

"(1A) In these Regulations—

(a) a member has an opportunity to transfer flexible benefits where the member—

(i) has transferrable rights in relation to flexible benefits;

(ii) would have transferrable rights in relation to flexible benefits if the member stopped accruing rights to some or all of the flexible benefits (see sub-paragraph (b)), or

(iii) has an opportunity to transfer accrued rights to flexible benefits out of the scheme under the scheme rules;

(**5**) 2014 c. 2 (N.I.)
(**6**) The definition of "cash balance benefit" was inserted by regulation 73(2) of S.R. 2014 No. 204
(**7**) 2015 c. 8
(**8**) 2004 c. 12; paragraph 4 of Schedule 28 was amended by paragraphs 2 and 3 of Schedule 16 to the Finance Act 2011 (c. 11)
(**9**) 2000 c. 8; section 333E was inserted by paragraph 2 of Schedule 3 to the Pension Schemes Act 2015
(**10**) Section 89 is substituted by paragraph 54 of Schedule 4 to the Pension Schemes Act 2015

(b) a member stops accruing rights to flexible benefits when there are no longer arrangements in place for the accrual of rights to those flexible benefits for or in respect of the member.".

Amendment of regulation 4

4.—(1) Regulation 4 (application of these Regulations) is amended in accordance with paragraphs (2) to (5).

(2) In paragraph (2)—

(a) in sub-paragraph (b) after ",etc.)" insert "or it is a defined benefits scheme under section 1 of the 2014 Act (schemes for persons in public service) in relation to persons specified in subsection (2)(c) of that section";

(b) in sub-paragraph (c) for "is made under" substitute "is established under section 48 of the Northern Ireland Act 1998(**11**) (pensions of members), or was established under".

(3) In paragraph (5) for "to 19" substitute ", 18".

(4) In paragraph (7) for "When" substitute "Except where information is given verbally in accordance with regulation 18B(3)(**12**), when".

(5) After paragraph (7) add—

"(8) In this regulation "defined benefits scheme" has the meaning given in section 34 of the 2014 Act.".

Amendment of regulation 16

5. In regulation 16(1) (statements of benefits: non-money purchase benefits)—

(a) in sub-paragraph (b) for "information, and" substitute "information;";

(b) in sub-paragraph (c) for "request." substitute "request, and";

(c) after sub-paragraph (c) add—

"(d) in relation to active members, a benefit information statement has not been provided pursuant to section 14(1) of the 2014 Act (information about benefits) in the 12 months before the request in sub-paragraph (b).".

Insertion of regulations 18A and 18B

6. After regulation 18 (lifestyling) insert—

"**Information to be given on request and on a member providing certain information**

18A.—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation to a member who—

(a) has an opportunity to transfer flexible benefits;

(b) (i) requests information about what the member may do with the flexible benefits, or

(ii) informs the trustees or managers of the scheme that the member is considering, or has made a decision in relation to, what to do with the flexible benefits;

(**11**) 1998 c. 47; section 48 was amended by section 7(2) of the Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), section 2 of the Northern Ireland Assembly Members Act 2010 (c. 16) and Article 5(g) of S.I. 2011/978

(**12**) Inserted by regulation 6 of these Regulations

(c) (i) will reach normal minimum pension age within 4 months of making a request, or informing the trustees or managers of the scheme, in accordance with sub-paragraph (b);

(ii) has reached normal minimum pension age, or

(iii) meets the ill-health condition, and

(d) has not been given information under this regulation or regulation 19(2)(b)(ii)(**13**) in the previous 12 months.

(2) The information is—

(a) a statement of the options available to the member under the scheme rules, and

(b) that listed in Part 3(**14**) of Schedule 7 and in Schedule 9A(**15**).

(3) The information must be given within 2 months of the member making a request, or informing the trustees or managers of the scheme, in accordance with paragraph (1)(b).

Information to be given on communicating with a member about what the member may do with flexible benefits

18B.—(1) Subject to paragraph (5), the information mentioned in paragraph (2) must be given to a member in accordance with this regulation where—

(a) the member has an opportunity to transfer flexible benefits;

(b) the trustees or managers of the scheme contact the member, or the member contacts the trustees or managers of the scheme, in connection with what the member may do with the flexible benefits, and

(c) the member—

(i) will reach normal minimum pension age within 4 months of the date on which the contact mentioned in sub-paragraph (b) is made;

(ii) has reached normal minimum pension age, or

(iii) meets the ill-health condition.

(2) The information is—

(a) that listed in paragraphs 1, 4 and 5 of Schedule 9A;

(b) that listed in paragraphs 2 and 3 of Schedule 9A, unless the trustees or managers of the scheme—

(i) give information under this regulation verbally, and

(ii) offer to give the member information about how the member may access the pensions guidance and the offer is declined by the member, and

(c) where information has not been given to the member under regulation 18A in the previous 12 months, a statement that—

(i) the member may request information about—

(aa) the flexible benefits that may be provided to the member;

(bb) the member's opportunity to transfer those benefits, and

(cc) the options available to the member under the scheme rules, and

(ii) the information may help the member to decide what to do with the flexible benefits.

(**13**) Regulation 19(2) is substituted by regulation 7(3) of these Regulations
(**14**) Added by regulation 12(3) of these Regulations
(**15**) Inserted by regulation 13 of these Regulations

(3) The information may be given verbally unless the member requests that the information is given in writing.

(4) The information must be given within 20 days of the contact mentioned in paragraph (1)(b) or the request mentioned in paragraph (3), whichever is later.

(5) No information is required to be given under this regulation where—

(a) the member informs the trustees or managers of the scheme that the member has accessed the pensions guidance in the previous 12 months;

(b) the member informs the trustees or managers of the scheme that the member has received independent financial advice in the previous 12 months about what the member may do with the flexible benefits, or

(c) the trustees or managers of the scheme—

(i) have given information to the member under regulation 18A in the 2 months immediately preceding the date on which the contact mentioned in paragraph (1)(b) is made, or

(ii) are required to give information to the member under regulation 18A within 2 months of the date on which the contact mentioned in paragraph (1)(b) is made.".

Amendment of regulation 19

7.—(1) Regulation 19(**16**) (first information on accessing benefits) is amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) for "rights to money purchase benefits or cash balance benefits" substitute "a right or entitlement to flexible benefits".

(3) For paragraph (2) substitute—

"(2) The information is—

(a) where the member has been given information in accordance with regulation 18A in the 12 months before the date on which the trustees or managers of the scheme give information under this regulation—

(i) a statement that the member has been given information about—

(aa) the flexible benefits that may be provided to the member;

(bb) the member's opportunity to transfer those benefits, and

(cc) the options available to the member under the scheme rules, and

(ii) that listed in paragraphs 1 to 9 of Schedule 9A, and

(b) in any other case—

(i) a statement of the options available to the member under the scheme rules, and

(ii) where the member has an opportunity to transfer flexible benefits, that listed in Part 3 of Schedule 7 and in Schedule 9A.".

(4) In paragraph (4) for "10" substitute "20".

Amendment of regulation 20

8.—(1) Regulation 20 (second information on accessing benefits) is amended in accordance with paragraphs (2) and (3).

(**16**) Regulation 19 was amended by regulation 73(4) of S.R. 2014 No. 204