STATUTORY RULES OF NORTHERN IRELAND

2005 No. 92

PENSIONS

The Occupational and Personal Pension Schemes (General Levy) Regulations (Northern Ireland) 2005

Made - - - -	*11th March 2005*
Coming into operation	*1st April 2005*

The Department for Social Development, in exercise of the powers conferred by sections 164(1) and (4), 170 and 177(2) to (4) of the Pension Schemes (Northen Ireland) Act 1993(**1**), and now vested in it(**2**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational and Personal Pension Schemes (General Levy) Regulations (Northern Ireland) 2005 and shall come into operation on 1st April 2005.

(2) In these Regulations –

"the Act" means the Pension Schemes (Northern Ireland) Act 1993;

"the Order" means the Pensions (Northern Ireland) Order 2005(**3**);

"the 1997 Regulations" means the Occupational and Personal Pension Schemes (Levy) Regulations (Northern Ireland) 1997(**4**);

"employer", in relation to an occupational pension scheme, means the employer of persons in the description of employment to which the scheme relates;

"the general levy" means the levy imposed under section 170 of the Act by regulation 2(1) or (2);

"managers" has the meaning given by Article 2(2) of the Order;

"member" –

(**1**) 1993 c. 49; section 164 was substituted by Article 151 of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and section 170 was substituted by Article 161 of that Order and is amended by paragraph 3 of Schedule 1 to, and paragraph 23 of Schedule 10 to, and Schedule 11 to, the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

(**2**) *See* Article 8(b) of S.R. 1999 No. 481

(**3**) S.I. 2005/255 (N.I. 1)

(**4**) S.R. 1997 No. 142; relevant amending regulations are S.R. 1998 No. 85

(a) in relation to an occupational pension scheme, has the meaning given by Article 121(1) of the Pensions (Northern Ireland) Order 1995(**5**); and

(b) in relation to a personal pension scheme, means a member of the scheme, including a member who has pension credit rights under the scheme,

but does not include a person the only entitlement in respect of whom is to benefits payable on his death;

"pension credit rights" has the meaning given by section 97B of the Act(**6**);

"the reference day" has the meaning given in regulation 4;

"registrable scheme" has the meaning given by Article 55(5) of the Order and regulations made under that Article, and "registrable occupational pension scheme" and "registrable personal pension scheme" are to be construed accordingly;

"the Regulatory Authority" means the Pensions Regulator;

"scheme year", in relation to a scheme, means –

(a) a year specified for the purpose of the scheme in any document comprising the scheme or, if there is none, a period of 12 months beginning on 1st April or on such other date as the trustees select; or

(b) such other period (if any) exceeding 6 months but not exceeding 18 months as is selected by the trustees –

(i) in connection with the commencement or termination of the scheme, or

(ii) in connection with a variation of the date on which the year or period referred to in paragraph (a) is to begin;

"trustees", in the case of a scheme which is not set up under a trust, means the managers of the scheme;

"unallocated assets", in relation to a scheme, means any assets of the scheme which have not been specifically allocated for the provision of benefits to or in respect of members (whether generally or individually).

(3) These Regulations do not apply to any scheme which is a Republic of Ireland scheme within the meaning of the Occupational Pension Schemes (Republic of Ireland Schemes Exemption) Regulations (Northern Ireland) 2000(**7**).

(4) Subject to paragraph (5), the Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

(5) For the purposes of these Regulations, notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

The general levy

2.—(1) The trustees of each registrable occupational pension scheme are liable to pay a levy to the Department for the purpose of meeting the expenditure referred to in section 170(1) of the Act, except for expenditure of the Regulatory Authority in connection with its functions in relation to schemes within paragraph (2).

(**5**) S.I. 1995/3213 (N.I. 22); the definition of "member" was amended by paragraph 50(2) of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**6**) Section 97B was inserted by Article 34 of the Welfare Reform and Pensions (Northern Ireland) Order 1999
(**7**) S.R. 2000 No. 382
(**8**) 1954 c. 33 (N.I.)

(2) The trustees of each registrable personal pension scheme are liable to pay a levy to the Department for the purpose of meeting the expenditure referred to in section 170(1) of the Act, except for expenditure of the Regulatory Authority in connection with its functions in relation to schemes within paragraph (1).

(3) Subject to paragraph (4), the general levy is payable in respect of each financial year.

(4) No levy is payable under paragraph (1) or (2) in relation to a scheme in respect of the financial year beginning with 1st April 2005 if the scheme became a registrable scheme (within the meaning of regulation 1(2) of the 1997 Regulations (**9**)) in the financial year beginning with 1st April 2004.

(5) The general levy payable in respect of the financial year in which the scheme in relation to which the levy is payable becomes registrable is reduced to the appropriate fraction of the amount that would be payable if the scheme were registrable for the whole of the financial year.

(6) In paragraph (5) "the appropriate fraction" means the fraction the numerator of which is the number of days in the financial year when the scheme is a registrable scheme, and the denominator of which is 365 or, if the financial year ends in a leap year, 366.

(7) Until the coming into operation of Article 216(3) of the Order (categories of pension schemes) –

(a) paragraph (1) applies as if after "occupational pension scheme" there were inserted "(other than one which is approved under section 591(2)(h) of the Income and Corporation Taxes Act 1988)(**10**)", and

(b) paragraph (2) applies as if after "personal pension scheme" there were inserted "and every occupational pension scheme approved under section 591(2)(h) of the Income and Corporation Taxes Act 1988".

Payment of the general levy

3.—(1) The general levy is to be sent to the Regulatory Authority which is to collect and recover it on behalf of the Department.

(2) The general levy in respect of a financial year is payable in advance on the first day of that year, unless paragraph (4) applies.

(3) No additional levy or refund of levy is payable in respect of any change taking place during the financial year for which the general levy is payable (including a scheme ceasing to be a registrable scheme), unless regulation 7 applies.

(4) The general levy payable in respect of the financial year in which the scheme in relation to which the levy is payable becomes registrable is payable in arrears on the first day of the following financial year.

The reference day

4.—(1) The amount of the general levy payable for a financial year in respect of a scheme is calculated by reference to the number of the scheme's members on the reference day.

(2) The general rule is that the reference day for a scheme is the last day of the scheme year which ended before the beginning of the previous financial year.

(3) But if the scheme –

(a) is established too late to have such a scheme year, or

(b) has only one member on the day that is the reference day in accordance with paragraph (2),

(**9**) The definition of "registrable scheme" was amended by regulation 2 of S.R. 1998 No. 85
(**10**) 1988 c. 1

the reference day is the date on which the scheme becomes a registrable scheme.

Amount of the general levy: occupational pension schemes

5. The amount of the general levy payable for a financial year by virtue of regulation 2(1) in respect of a scheme with the number of members on the reference day that is specified in column 1 of the following Table is –

(a) the amount specified for such a scheme in column 2 of the Table (where M is the number of the scheme's members on the reference day); or

(b) if no amount is so specified or an amount which is greater is specified for such a scheme in column 3 of the Table, the amount specified for such a scheme in column 3.

TABLE

Column 1 *Number of members on the reference day*	*Column 2* *Amount of levy calculated by reference to number of members (M)*	*Column 3* *Minimum amount of levy*
2 to 11		£24
12 to 99	£2·50 × M	
100 to 999	£1·80 × M	£250
1,000 to 4,999	£1·40 × M	£1,800
5,000 to 9,999	£1·06 × M	£7,000
10,000 or more	£0·74 × M	£10,600

Amount of the general levy: personal pension schemes

6. The amount of the general levy payable for a financial year by virtue of regulation 2(2) in respect of a scheme with the number of members on the reference day that is specified in column 1 of the following Table is –

(a) the amount specified for such a scheme in column 2 of the Table (where M is the number of the scheme's members on the reference day), or

(b) if no amount is so specified or an amount which is greater is specified for such a scheme in column 3 of the Table, the amount specified for such a scheme in column 3.

TABLE

Column 1 *Number of members on the reference day*	*Column 2* *Amount of levy calculated by reference to number of members (M)*	*Column 3* *Minimum amount of levy*
2 to 11		£10·40
12 to 99	£1·00 × M	
100 to 999	£0·70 × M	£100
1,000 to 4,999	£0·60 × M	£700
5,000 to 9,999	£0·40 × M	£3,000