STATUTORY RULES OF NORTHERN IRELAND

2002 No. 279

PENSIONS

The Occupational Pension Schemes (Member-nominated Trustees and Directors) (Amendment) Regulations (Northern Ireland) 2002

Made - - - - 10th September 2002

Coming into operation 6th October 2002

The Department for Social Development, in exercise of the powers conferred by Articles 17(1)(c), 19(1)(c), 21(4) and (5) and 166(3) of the Pensions (Northern Ireland) Order 1995(**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 Pension Schemes (Member-nominated Trustees and Directors) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 6th October 2002.

(2) In these Regulations any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations (Northern Ireland) 1996(**3**).

Amendment of regulation 9

2.—(1) Regulation 9(2)(**4**) (proposals by the employer for alternative arrangements under Article 17(**5**)) shall be amended in accordance with paragraphs (2) and (3).

(2) In sub-paragraph (a) –

(a) at the end of head (ii) the word "or" shall be omitted, and

(b) for head (iii) there shall be substituted the following heads –

(**1**) S.I. 1995/3213 (N.I. 22)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) S.R. 1996 No. 431; relevant amending regulations are S.R. 1997 No. 160 and S.R. 1999 No. 486
(**4**) Regulation 9(2) was amended by paragraph 4(7) of the Schedule to S.R. 1997 No. 160
(**5**) Article 17 was amended by paragraph 35 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)); *see also* regulation 19 of, and Schedule 3 to, S.R. 1996 No. 431

"(iii) except where head (iv) applies, any time not less than 10 years after the date applicable under head (i) or, if such a notice as is mentioned in head (ii) has been given, after the date mentioned in that head, or

(iv) any time not less than 4 years after –

(aa) the date Article 16(**6**) first applies to the scheme, where this occurs on or after 6th October 2002, or

(bb) the date mentioned in head (ii) if such a notice as is mentioned in that head is given on or after 6th October 2002;".

(3) For sub-paragraph (c) there shall be substituted the following sub-paragraphs –

"(c) in the case of a second or subsequent notice under paragraph (1)(a) which is given in respect of a scheme to which Article 16 applies –

(i) except where head (ii) applies, any time after the expiry of the period of 10 years beginning with –

(aa) the date on which the last such notice was given to the trustees of the scheme;

(bb) the date which is the last permitted notice time falling within sub-paragraph (b)(i), or

(cc) in a case where the approval of alternative arrangements for the scheme has ceased to have effect by virtue of regulation 20(1)(d)(ii), the date on which it did so,

whichever is the latest, or

(ii) where the latest of the following dates –

(aa) the date on which the last such notice was given to the trustees of the scheme;

(bb) the date which is the last permitted notice time falling within sub-paragraph (b)(i), or

(cc) in a case where the approval of alternative arrangements for the scheme has ceased to have effect by virtue of regulation 20(1)(d)(ii), the date on which it did so,

occurs on or after 6th October 2002, any time after the expiry of the period of 4 years beginning with that latest date;

(d) at any other time provided that the trustees of the scheme have consented to the employer giving the notice under paragraph (1)(a) at that time.".

Amendment of regulation 15

3.—(1) Regulation 15(2)(**7**) (proposals by the employer for alternative arrangements under Article 19) shall be amended in accordance with paragraphs (2) and (3).

(2) In sub-paragraph (a) –

(a) at the end of head (ii) the word "or" shall be omitted, and

(b) for head (iii) there shall be substituted the following heads –

(**6**) Article 16 was amended by paragraph 34 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999; *see also* regulation 19 of, and Schedule 3 to, S.R. 1996 No. 431

(**7**) Regulation 15(2) was amended by paragraph 4(8) of the Schedule to S.R. 1997 No. 160