STATUTORY RULES OF NORTHERN IRELAND

2002 No. 268

PENSIONS

The Stakeholder Pension Schemes (Amendment No. 2) Regulations (Northern Ireland) 2002

Made - - - -	*9th August 2002*
Coming into operation	*9th September 2002*

The Department for Social Development, in exercise of the powers conferred by Articles 3(1)(b) and 73(4) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**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 Stakeholder Pension Schemes (Amendment No. 2) Regulations (Northern Ireland) 2002 and shall come into operation on 9th September 2002.

(2) In these Regulations any reference to a numbered regulation is a reference to the regulation bearing that number in the Stakeholder Pension Schemes Regulations (Northern Ireland) 2000(**3**).

Amendment of regulation 1

2. In regulation 1(4) (citation, commencement and interpretation) for "regulations 4(3) and 11(4)" there shall be substituted "regulation 4(3)".

Amendment of regulation 11

3.—(1) Regulation 11(**4**) (requirement for manager of schemes not established under a trust to appoint a reporting accountant) shall be amended in accordance with paragraphs (2) to (6).

(2) For paragraph (4) there shall be substituted the following paragraph –

> "(4) A person is eligible for appointment as the reporting accountant only if he is eligible under Article 28 of the Companies (Northern Ireland) Order 1990 (eligibility for appointment)(**5**) for appointment as a company auditor.".

(**1**) S.I. 1999/3147 (N.I. 11)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) S.R. 2000 No. 262; relevant amending regulations are S.R. 2001 No. 119 and S.R. 2002 No. 216
(**4**) Regulation 11 was amended by regulation 7 of S.R. 2001 No. 119
(**5**) S.I. 1990/593 (N.I. 5)

(3) In paragraph (6) for "within one month of his receiving" there shall be substituted "by the end of one month beginning with the date he received".

(4) In paragraph (7) the words "(including where he resigns solely or partly because he is required to do so by paragraph (7A))" shall be omitted.

(5) In paragraph (7A)(**6**) –

(a) for "not satisfying the conditions" there shall be substituted "not or no longer being a person who satisfies the condition";

(b) for sub-paragraph (c) there shall be substituted the following sub-paragraph –

"(c) he shall resign (with immediate effect) by notice in writing immediately he becomes aware that he is ineligible;";

(c) in sub-paragraph (e) the words –

(i) "notwithstanding sub-paragraph (c),";

(ii) "are or", and

(iii) ", or should reasonably be or become aware,",

shall be omitted.

(6) For paragraphs (8) and (9)(**7**) there shall be substituted the following paragraphs –

"(8) Except in cases falling within paragraph (9), where the reporting accountant is removed by the trustees or manager or resigns or dies, the trustees or manager shall appoint, in accordance with this regulation, another reporting accountant –

(a) as soon as is required in order to ensure that the provisions of regulation 12(2)(b) and (8) are complied with, and

(b) in any event, by the end of 3 months beginning with the date of that removal, resignation or death.

(9) Where under paragraph (7A) the reporting accountant resigns with immediate effect or is removed, the trustees or manager shall appoint, in accordance with this regulation, another reporting accountant –

(a) as soon as is required in order to ensure that the provisions of regulation 12(2)(b) and (8) are complied with, and

(b) in any event, by the end of one month beginning with the date of that resignation or removal.".

Amendment of regulation 12

4. For regulation 12(**8**) (requirement for annual declaration) there shall be substituted the following regulation –

"**Requirement for declaration by trustees or manager**

12.—(1) For the purposes of Article 3(1)(b), it shall be a condition of a scheme being a stakeholder pension scheme that the requirements of this regulation are complied with.

(2) Subject to paragraph (11), the trustees or manager of the scheme shall, no later than the end of 6 months beginning with each reporting date –

(**6**) Paragraph (7A) was inserted by regulation 7(8) of S.R. 2001 No. 119
(**7**) Paragraph (9) was inserted by regulation 7(10) of S.R. 2001 No. 119
(**8**) Regulation 12 was amended by regulation 8 of S.R. 2001 No. 119 and regulation 2(3) of S.R. 2002 No. 216

(a) make a declaration in writing signed by the trustees or manager containing the statements set out in paragraph (5) in relation to the reporting period or, in so far as they are unable to make those statements, containing a statement explaining why they are unable to do so, and

(b) obtain from the reporting accountant the statement specified in paragraph (7) or, in so far as the reporting accountant is unable to make that statement, a statement from the reporting accountant explaining why he is unable to do so.

(3) Subject to paragraph (10), in this regulation "reporting date" means –

(a) in the case of the first reporting date, a date chosen by the trustees or manager that is no later than the last day of the period of 12 months beginning with the date on which the scheme is registered under Article 4, and

(b) in the case of each subsequent reporting date, a date chosen by the trustees or manager that is no later than the last day of the period of 12 months beginning with the date immediately following the previous reporting date.

(4) Subject to paragraph (10), in this regulation "reporting period" means –

(a) in the case of the first reporting period, the period beginning on the date of registration of the scheme under Article 4 and ending on the first reporting date;

(b) in the case of subsequent reporting periods, the period beginning on the date immediately following the previous reporting date and ending on the reporting date.

(5) The statements specified in paragraph (2)(a) shall be –

(a) a statement that in the opinion of the trustees or manager there are systems and controls in place which provide reasonable assurance that –

(i) regulations 13 and 14(**9**) have been complied with in relation to the scheme;

(ii) transactions for the purposes of the scheme in securities, property or other assets have occurred at a fair market value;

(iii) the value of members' rights has been determined in accordance with the provisions in the instruments establishing the scheme, and

(iv) adequate records have been maintained for the purposes of providing to members the statement required by regulation 18(2)(**10**);

(b) a statement describing the process that the trustees or manager have or has undertaken in order to arrive at the opinion expressed in the statement described in sub-paragraph (a);

(c) a statement that in the opinion of the trustees or manager there are systems and controls in place which provide reasonable assurance that the scheme has complied with the conditions in Article 3(1), apart from those conditions that are covered by the statement in sub-paragraph (a), and

(d) a statement which explains that –

(i) regulations 13 and 14 impose limits on the amount of charges and deductions which may be made by a stakeholder pension scheme and on the manner in which charges may be made by such a scheme, and

(ii) regulation 18(2) requires a stakeholder pension scheme to provide an annual benefit statement to each member.

(**9**) Regulation 13 was amended by regulation 9, and regulation 14 was amended by regulation 10, of S.R. 2001 No. 119

(**10**) Regulation 18(2) was substituted by regulation 13(2) of S.R. 2001 No. 119