STATUTORY RULES OF NORTHERN IRELAND

2000 No. 69

PENSIONS

The Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2000

Made - - - -	*9th March 2000*
Coming into operation	*3rd April 2000*

The Department for Social Development, in exercise of the powers conferred by Articles 49(8) and (9)(*b*), 59(1) and 86(1) 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 (Miscellaneous Amendments) Regulations (Northern Ireland) 2000 and shall come into operation on 3rd April 2000.

(2) In these Regulations—

"the Minimum Funding Requirement Regulations" means the Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations (Northern Ireland) 1996(**3**);

"the Scheme Administration Regulations" means the Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997(**4**).

Amendment of the Scheme Administration Regulations

2.—(1) The Scheme Administration Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 16(**5**) (prescribed time in which an employer must make payments to trustees or managers) for "Article 49(8)(*b*)" there shall be substituted "Article 49(8)".

(3) After regulation 16 there shall be inserted the following regulation—

(**1**) S.I. 1995/3213 (N.I. 22); Article 49(8) to (13) is substituted for Article 49(8) by Article 11(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**2**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**3**) S.R. 1996 No. 570; relevant amending regulations are S.R. 1999 No. 486
(**4**) S.R. 1997 No. 94; relevant amending regulations are S.R. 1997 No. 160 and S.R. 1999 No. 486
(**5**) Regulation 16 was amended by paragraph 16(4) of the Schedule to S.R. 1997 No. 160

"**Time limits for giving notice to the Authority and to the member and circumstances in which such notice need not be given**

16A.—(1) Subject to paragraph (2), where an amount corresponding to any contribution payable on behalf of an active member of an occupational pension scheme is deducted from that member's earnings in respect of any employment and is not paid to the trustees or managers of the scheme within the period of 19 days commencing on the day following the end of the month in which the deduction is made, the trustees or managers of the scheme shall give notice of such default—

(a) to the Authority before the end of the period of 30 days commencing with the day following the 19th day of that period, unless payment has been made before the end of the period of 10 days commencing with the day following that 19th day and the default is only the first or second default by that employer under Article 49(8) in the period of 12 months ending with that 19th day; and

(b) to the member before the end of the period of 90 days commencing with the day following that 19th day, unless payment has been made before the end of the period of 60 days commencing with the day following that 19th day.

(2) No notice need be given under paragraph (1)—

(a) where the scheme is exempt from the requirement to secure the preparation, maintenance and revision of a payment schedule for the purposes of Article 85 by virtue of regulation 17(**6**);

(b) where the scheme is exempt from the requirement to secure the preparation, maintenance and revision of a schedule of contributions for the purposes of Article 58(1)—

(i) by virtue of any of sub-paragraphs (*a*) to (*e*), (*g*) or (*h*) of regulation 28(1) of the Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations (Northern Ireland) 1996; or

(ii) by virtue of being a scheme the only benefits provided by which are death benefits, and under the provisions of which no member has accrued rights; or

(c) in respect of a failure to make a payment of any voluntary contribution to the trustees or managers of the scheme.".

(4) After regulation 21(3)(**7**) (circumstances where notice of non-payment of any amount payable to a scheme need not be given) there shall be added—

"(4) Where, under Article 49(9)(*b*), there is a requirement on the trustees or managers to give notice of a failure to pay within a prescribed period an amount corresponding to any contribution payable on behalf of an active member which has been deducted from the member's earnings, the trustees or managers shall not be required to give notice of a failure to pay such amount on or before the due date for the purposes of paragraph (1) of Article 86, in a case to which that paragraph would otherwise apply.".

Amendment of the Minimum Funding Requirement Regulations

3. In regulation 23 of the Minimum Funding Requirement Regulations(**8**) (failure to pay contributions due under schedule of contributions)—

(a) in paragraph (1), for " A notice" there shall be substituted "Subject to paragraph (4), a notice";

(**6**) Regulation 17 was amended by paragraph 16(5) of the Schedule to S.R. 1997 No. 160
(**7**) Regulation 21(3) was inserted by regulation 11(5) of S.R. 1999 No. 486
(**8**) Regulation 23 was amended by regulation 6(3) of S.R. 1999 No. 486