STATUTORY RULES OF NORTHERN IRELAND

1997 No. 101

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation) (Provision of Information and Administrative Expenses etc.) Regulations (Northern Ireland) 1997

Made - - - - 25th February 1997

Coming into operation 5th May 1997

The Department of Health and Social Services, being the Northern Ireland Department designated for the purposes of Article 164(3)(*b*) of the Pensions (Northern Ireland) Order 1995(**1**) in exercise of the powers conferred by Article 164 and 166(3) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Provision of Information and Administrative Expenses etc.) Regulations (Northern Ireland) 1997 and shall come into operation on 5th May 1997.

Interpretation

2. In these Regulations—

"the Financial Services Act" means the Financial Services Act 1986(**2**);

"the Pensions Order" means the Pensions (Northern Ireland) Order 1995;

"the Taxes Act" means the Income and Corporation Taxes Act 1988(**3**);

"personal pension scheme" has the meaning given by section 1 of the Pension Schemes (Northern Ireland) Act 1993(**4**);

"the Scheme" means the scheme having effect under the Health Service and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(**5**).

(**1**) S.I.1995/3213 (N.I. 22)
(**2**) 1986 c. 60
(**3**) 1988 c. 1
(**4**) 1993 c. 49
(**5**) S.R. 1995 No. 95

Application of the Regulations

3.—(1) Subject to paragraph (2), these Regulations shall apply in respect of an individual who is or has been eligible to be an active member of the Scheme but who—

(a) opted out of membership of the Scheme; or

(b) elected not to become a member of the Scheme,

and who has instead made contributions to a personal pension scheme.

(2) These Regulations shall apply to the individual referred to in paragraph (1) only where a question arises as to whether or not he has suffered loss as a result of a contravention which is actionable under section 62 of the Financial Services Act (actions for damages in respect of contravention of rules etc.).

Provision of information in prescribed circumstances

4. For the purposes of Article 164(1) of the Pensions Order, (provision of information by the Department to a prescribed person and the imposition by it on that person of reasonable fees incurred in respect of administrative expenses), the prescribed circumstances are that the individual in respect of whom the information relates—

(a) has requested in writing that the Scheme provide him with such information; or

(b) has consented in writing to the Scheme providing such information to a prescribed person.

Provision of information to prescribed persons

5. For the purposes of Article 164(1) of the Pensions Order (provision of information by the Department to a prescribed person and the imposition by it on that person of reasonable fees incurred in respect of administrative expenses), the prescribed persons are:—

(a) a person who is or has been an authorised person within the meaning of the Financial Services Act ("an authorised person");

(b) an appointed representative within the meaning of section 44 of the Financial Services Act ("an appointed representative");

(c) a recognised self-regulating organisation within the meaning of the Financial Services Act;

(d) a recognised professional body within the meaning of the Financial Services Act;

(e) the Securities and Investments Board(**6**);

(f) the Investors Compensation Scheme Limited(**7**);

(g) a professional indemnity insurer of an authorised person or an appointed representative;

(h) The Chartered Accountants Compensation Scheme Limited;

(i) a person or body arbitrating or adjudicating in, or investigating or considering, a complaint or dispute referred to them by such an individual as is mentioned in Article 164(1) of the Pensions Order and which involves that individual and an authorised person or an appointed representative; and

(j) a person or body appointed to act on behalf of any of the above.

(**6**) The Securities and Investments Board is a designated agency within the meaning of section 114 of the Financial Services Act 1986 (c. 60)

(**7**) The Investors Compensation Scheme Limited was established under section 54 of the Financial Services Act 1986 (c. 60)