1992 No. 304

SOCIAL SECURITY

The Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1992

Made . . . . . 6th July 1992

Coming into operation in accordance with regulation 1(1)

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 2(5), 41(1), 53C(4)(*a*)(ii), 58A(1) and (3), 58E(1), (3) and (4), 69J(3) and 70ZA(1), (2) and (4) of the Social Security Pensions (Northern Ireland) Order 1975(**a**), Article 4 of, and paragraph 9(3)(*b*) and (4) of Schedule 1 to the Social Security (Northern Ireland) Order 1986(**b**) 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 (Miscellaneous Amendments) Regulations (Northern Ireland) 1992 and shall come into operation for the purposes of—

(*a*) this regulation and regulations 2, 3 and 25 to 33 on 20th July 1992, and

(*b*) regulations 4 to 24, and 34 to 36 on 28th September 1992.

(2) In these regulations—

"the Occupational Pension Schemes Disclosure Regulations" means the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1986(**c**);

"the Personal Pension Schemes Disclosure Regulations" means the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(**d**);

(**a**) S.I. 1975/1503 (N.I. 15); Article 53C was inserted by paragraph 2 of Schedule 1 to the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and paragraph (4)(*a*) of that Article was substituted by paragraph 9 of Schedule 4 to the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)); Articles 58A and 58E were inserted by Schedule 2 to the Social Security (Northern Ireland) Order 1985; Article 58A has effect, as modified in relation to personal pension schemes, by virtue of Schedule 2 to the Personal and Occupational Pension Schemes (Modification of Enactments) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 294); Article 69J was inserted by Article 15 of the Social Security (Northern Ireland) Order 1990 and Article 70ZA was inserted by paragraph 11 of Schedule 4 to the said Order; *see also* Article 2(3) of the Order and paragraph 10 of Schedule 3 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

(**b**) S.I. 1986/1888 (N.I. 18)

(**c**) S.R. 1986 No. 225; relevant amending regulations are S.R. 1986 No. 319, S.R. 1987 No. 283, S.R. 1988 No. 109 and S.R. 1989 No. 372

(**d**) S.R. 1987 No. 288; relevant amending regulations are S.R. 1988 No. 107

"the Protected Rights Regulations" means the Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1987(**a**);

"the Levy Regulations" means the Occupational and Personal Pension Schemes (Levy) Regulations (Northern Ireland) 1990(**b**);

"the Register Regulations" means the Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 1990(**c**);

"the Preservation of Benefit Regulations" means the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991(**d**);

Amendment of regulation 31 of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985

2. In regulation 31 of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1985(**e**) (commutation of pension) in paragraphs 1(*c*) and (2) for "£104" in each place where it occurs, there shall be substituted "£260".

Amendment of regulation 3 of the Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1985

3. In regulation 3 of the Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1985(*f*) (conditions on which policies of insurance and annuity contracts may be commuted) in paragraph (1)(*a*) for "£104" there shall be substituted "£260".

Amendment of regulation 1 of the Occupational Pension Schemes Disclosure Regulations

4. In regulation 1(2) of the Occupational Pension Schemes Disclosure Regulations (interpretation)—

(*a*) after the definition of "employer" there shall be inserted the following definition—

" "excluded person" means a person whose present address is not known to the trustees and in respect of whom correspondence sent by the trustees to his last known address has been returned, but who is not—

(*a*) employed in employment to which the scheme relates; or

(*b*) entitled to receive a pension or other periodic payment under the scheme;";

(**a**) S.R. 1987 No. 295
(**b**) S.R. 1990 No. 423
(**c**) S.R. 1990 No. 422
(**d**) S.R. 1991 No. 37
(**e**) S.R. 1985 No. 259; relevant amending regulations are S.R. 1987 No. 292
(**f**) S.R. 1985 No. 356; relevant amending regulations are S.R. 1987 No. 292

(*b*) for the definition of "scheme year" there shall be substituted the following definition—

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

(*a*) a year specified for the purposes of the scheme in any document comprising the scheme or, if none, a period of 12 months commencing on and including 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 respect of the scheme year in which the scheme commences or terminates, or

(ii) in connection with a variation of the date on which the scheme year is to commence;";

(*c*) the definition of "self-investment" shall be omitted.

Amendment of regulation 2 of the Occupational Pension Schemes Disclosure Regulations

5. In regulation 2 of the Occupational Pension Schemes Disclosure Regulations (meaning of "member" and "prospective member" in relation to a scheme), for paragraphs (2) and (3) there shall be substituted the following paragraphs—

"(2) There are to be regarded as members of an occupational pension scheme any persons who—

(*a*) are in pensionable service under the scheme;

(*b*) have rights under the scheme by virtue of such pensionable service; or

(*c*) have rights under the scheme by virtue of having been allowed transfer credits under the scheme.

(3) There are to be regarded as prospective members of an occupational pension scheme—

(*a*) any persons who are able, at their own option, to become members of the scheme, and

(*b*) any persons who, under the terms of their contracts of service and the scheme rules, will become so able if they continue in the same employment for a sufficiently long period.".

Amendment of regulation 3 of the Occupational Pension Schemes Disclosure Regulations

6. In regulation 3 of the Occupational Pension Schemes Disclosure Regulations (schemes to which, persons in relation to whom and trade unions in relation to which regulations 4 to 9 do not apply)—

(*a*) in sub-paragraph (1)(*c*) from "it has" to "it relates and" shall be omitted;

(*b*) after paragraph (1) there shall be inserted the following paragraph—

"(1A) None of the requirements of regulations 4 to 9 shall apply to a scheme unless it—

(*a*) has been approved for the purposes of section 590 or section 591 (other than subsection (2)(*g*)) of the Income and Corporation Taxes Act 1988(**a**) (conditions for approval of retirement benefit schemes and discretionary approval); or

(*b*) has been the subject of an application for such approval which has not been determined; or

(*c*) is a public service pension scheme.".

Amendment of regulation 4 of the Occupational Pension Schemes Disclosure Regulations

7. In regulation 4 of the Occupational Pension Schemes Disclosure Regulations (constitution of scheme), the following paragraphs shall be added after paragraph (5)—

"(6) Nothing in this regulation shall require the disclosure of any provision in relation to a member, or prospective member, that is not relevant to his rights under the scheme.

(7) Where any statutory provision has been set out in a document which is required to be disclosed by paragraph (1), or has been incorporated in such a document by reference, that provision shall be disclosed either—

(*a*) by giving a reference to it and to the statutory provision in which it is contained; or

(*b*) by setting out its text.".

Amendment of regulation 5 of the Occupational Pension Schemes Disclosure Regulations

8. In regulation 5 of the Occupational Pension Schemes Disclosure Regulations (basic information about the scheme)—

(*a*) for paragraph (2) there shall be substituted the following paragraph—

"(2) The information specified in Schedule 1 shall be given as of course to every member of the scheme within 13 weeks of his becoming a member and the information specified in paragraphs 18 to 20 of Schedule 1 shall be given as of course to every member of the scheme on 28th September 1992 by 31st December 1992.";

(*b*) in paragraph (3)—

(i) for "within 3 years" there shall be substituted "within one year";

(ii) for "after he or, as the case may be, that trade union requests it" there shall be substituted "and in any event within one month of the date of receipt by the trustees of the request";

(*c*) in paragraph (5) after "All members of and beneficiaries under the scheme" there shall be inserted "except an excluded person";

(**a**) 1988 c. 1

(*d*) for paragraph (6) there shall be substituted the following paragraph—

"(6) The trustees shall—

(*a*) where it is practicable for them to do so, draw to the attention of all members of the scheme any change in relation to the scheme which will result in a material alteration in the information referred to in paragraphs 1 to 16B and 18 to 20 of Schedule 1 before that change takes effect; and

(*b*) where it has not been practicable for them to draw to the attention of any member of the scheme any change in accordance with paragraph (*a*) and a change has taken effect which has resulted in a material alteration in the information referred to in those paragraphs of Schedule 1, draw it to the attention of that member not later than one month after that change has taken effect.".

Amendment of regulation 6 of the Occupational Pension Schemes Disclosure Regulations

9. In regulation 6 of the Occupational Pension Schemes Disclosure Regulations (information to be made available to individuals)—

(*a*) in paragraph (1) after "paragraphs (2) to (11)" there shall be inserted "and paragraphs (13) to (16)";

(*b*) in paragraph (2) for "paragraphs 1 to 3" there shall be substituted "paragraphs 1 to 3 and 5" and for "as soon as practicable" there shall be substituted "within one month";

(*c*) in paragraph (3) for "paragraph 1" there shall be substituted "paragraphs 1 and 5" and for "as soon as practicable" there shall be substituted "within one month";

(*d*) in paragraphs (4), (4B), (5)(*a*) and (*b*), (6)(*a*) and (*b*), (7) and (9) after "as soon as practicable" there shall be inserted "and, in any event, within 2 months";

(*e*) in paragraph (10) after "as soon as practicable" to the end there shall be substituted "and, in any event, within one month, inform all members of and beneficiaries under the scheme except an excluded person that they have done so and state the name and address of a person to whom any further enquiries about the scheme should be sent.";

(*f*) in paragraph (11)—

(i) after "as soon as practicable" there shall be inserted "and, in any event, within 3 months";

(ii) in sub-paragraph (*a*) after "to every beneficiary and to every member who is entitled to payment of benefits" and after "to all other members" there shall in both cases be inserted "except an excluded person";

(*g*) after paragraph (12) there shall be added the following paragraphs—

"(13) The information mentioned in paragraph 13 of Schedule 2(**a**) shall be furnished to any member to whom the paragraph refers

(**a**) Paragraphs 13 to 17 of Schedule 2 added by regulation 14(*g*) of these regulations