1990 No. 422

SOCIAL SECURITY

The Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 1990

Made . . . . . *30th November 1990*

Coming into operation . . *1st January 1991*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 69J of the Social Security Pensions (Northern Ireland) Order 1975(**a**) and Article 55 of 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 Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 1990 and shall come into operation on 1st January 1991.

(2) In these regulations—

"active member" means—

(*a*) a member of a registrable scheme by or in respect of whom contributions are payable to the scheme; or

(*b*) in the case of a registrable scheme which is an occupational pension scheme, a member whose employment in the United Kingdom qualifies him for benefits under the scheme (whether or not contributions are currently payable to the scheme by or in respect of him) other than only benefits payable on his death while in that employment;

"address of the scheme" means the place in the United Kingdom, or if more than one, the principal place, at which the management of the registrable scheme is conducted;

"closed scheme" means a registrable scheme to which no new members may be admitted, but to which contributions are payable by or in respect of, and benefits accrue to, existing members;

"employment in the United Kingdom" means—

(*a*) the employment of members in the United Kingdom; or

(*b*) the employment of members elsewhere in circumstances where—

(**a**) S.I. 1975/1503 (N.I. 15); Article 69J was inserted by Article 15(1) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)). *See also* Article 2(3)

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

(i) they are liable to make primary Class 1 contributions within the meaning of section 1(2) of the Social Security Act 1975(**a**) or section 1(2) of the Social Security (Northern Ireland) Act 1975(**b**) (outline of contributory system), or

(ii) would be so liable but for the fact that their income falls below the lower earnings limit within the meaning of section 4 of the Social Security Act 1975 or, as the case may be, section 4 of the Social Security (Northern Ireland) Act 1975 (incidence of Class 1 contributions);

"insured scheme" means a registrable scheme the benefits of which are secured by one or more policies of insurance or annuity contracts and which is managed by the insurance company which issued the policy or contract;

"open scheme" means a registrable scheme which has active members and to which new members may be admitted;

"paid-up or frozen scheme" means a registrable scheme under which benefits continue to be payable to existing members and to which—

(*a*) no new members may be admitted;

(*b*) no further contributions are payable by or in respect of existing members; and

(*c*) no further benefits accrue to existing members although benefits which have already accrued to them may be increased;

"personal pension scheme" includes a self-employed pension arrangement within the meaning of regulation 2D(3) of the Occupational Pension Schemes (Transfer Values) Regulations 1985(**c**) or regulation 2D(3) of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985(**d**);

"register" means the register of occupational and personal pension schemes compiled and maintained under regulation 3 of the Register Regulations;

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

"registrable scheme" means an occupational or personal pension scheme—

(*a*) which either—

(i) is established in the United Kingdom, or

(ii) has a place at which its management is conducted in the United Kingdom and has a representative appointed to carry out the functions of a trustee or manager in the United Kingdom;

(a) 1975 c. 14
(b) 1975. c. 15
(c) S.I. 1985/1931; relevant amending regulations are S.I. 1988/1016
(d) S.R. 1985 No. 358; relevant amending regulations are S.R. 1988 No. 214
(e) S.I. 1990/2278