1987 No. 288

SOCIAL SECURITY

The Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987

Made	*10th July 1987*
Coming into operation . .	*27th July 1987*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 58A(1) and (3) of the Social Security Pensions (Northern Ireland) Order 1975(**a**) 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 Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987 and shall come into operation on 27th July 1987.

(2) In these regulations—

"beneficiary", in relation to a scheme, means a person, other than a member of the scheme, who is entitled to payment of benefits under the scheme;

"linked long-term insurance policy" means any contract under which the benefits payable to the policy holder are wholly or partly to be determined by reference to the value of, or the income from, property of any description (whether or not specified in the contract) or by reference to fluctuations in, or in any index of, the value of property of any description (whether or not so specified);

"member" means member of a scheme;

"the Order" means the Social Security (Northern Ireland) Order 1986(**b**);

"scheme" means personal pension scheme;

"scheme year", in relation to a scheme, means whichever of the following periods the trustees of the scheme select—

(*a*) a year specified for the purposes of the scheme—

(i) in any document comprising the scheme or which is included among the documents comprising it, or

(ii) in the rules of the scheme;

(*b*) a calendar year;

(a) S.I. 1975/1503 (N.I. 15); Article 58A was inserted by Schedule 2 to the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and has effect, as modified in relation to personal pension schemes by regulation 2(8) of, and Schedule 2 to, the Personal and Occupational Pension Schemes (Modification of Enactments) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 294)

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

(*c*) the 12 months ending with 31st March;

(*d*) the 12 months ending with 5th April,

and also includes, in a case where the trustees have selected a period (''new scheme year'') to replace a previously selected period (''old scheme year''), a period exceeding 12 months but not exceeding 24 months between the last old scheme year and the first new scheme year;

''trustees'', in relation to a scheme which is not set up or established under a trust, means the managers of the scheme;

and other expressions have the same meaning as in the Order.

Schemes to which regulations 3 to 6 do not apply

2. None of the requirements of regulations 3 to 6 shall apply to a scheme comprised in an annuity contract or trust scheme which is for the time being approved by the Commissioners of Inland Revenue under section 226 or 226A of the Income and Corporation Taxes Act 1970(**a**).

Constitution of scheme

3.—(1) Subject to the provisions of regulation 2, the trustees of any scheme shall make provision, in the manner specified in paragraphs (2) and (3), for the disclosure to persons in the categories specified in paragraph (4), of—

(*a*) the contents—

(i) of the trust deed constituting the scheme, if it is constituted by such a deed, and

(ii) of any document constituting the scheme, if it is not constituted by a trust deed,

and, if the rules of the scheme are not set out in any trust deed or other document the contents of which fall to be disclosed under head (i) or (ii), the contents of the rules; and

(*b*) the contents of any document which amends or supplements or wholly or partly supersedes a document the contents of which fall to be disclosed under sub-paragraph (*a*) or this sub-paragraph.

(2) A copy of the contents of any of the documents of which disclosure is required by paragraph (1) shall be made available free of charge for inspection on request (not being a request made by a person within 12 months of the last occasion on which a copy of the contents of the same document was made available for inspection by the same person) by any person in the categories specified in paragraph (4), within a reasonable time after the request is made, at a place which is reasonable having regard to the circumstances of the request.

(3) A copy of any of the documents of which disclosure is required by paragraph (1) shall be furnished, on request, on payment of a reasonable charge, to any person in the categories specified in paragraph (4), within a reasonable time after the request is made, so however that in the case of a document which is publicly available the trustees of the scheme may, instead

(a) 1970 c. 10; section 226A was inserted by paragraph 1 of Schedule 2 to the Finance Act 1971 (c. 68)

of furnishing a copy, advise the person who has requested it where copies may be obtained.

(4) The categories of persons mentioned in paragraphs (1) to (3) are—

(*a*) in relation to any appropriate scheme(**a**)—

(i) members of the scheme,

(ii) spouses of members,

(iii) beneficiaries under the scheme; and

(*b*) in relation to any other scheme—

(i) members of the scheme,

(ii) beneficiaries under the scheme.

Basic information about the scheme

4.—(1) Subject to the provisions of regulation 2 and paragraph (4), the trustees of any scheme shall furnish in writing the information specified in Schedule 1 to persons in the categories specified in paragraphs (2) and (3).

(2) The information specified in Schedule 1 shall be furnished, as of course, to every member of the scheme within 13 weeks of his becoming a member.

(3) The information specified in Schedule 1 shall—

(*a*) in relation to an appropriate scheme, be given to—

(i) members of the scheme,

(ii) spouses of members,

(iii) beneficiaries under the scheme; and

(*b*) in relation to any other scheme, be given to—

(i) members of the scheme,

(ii) beneficiaries under the scheme,

on request (not being a request made by a person within 3 years of the last occasion on which the same person was furnished with information in accordance with paragraph (2) or this paragraph) as soon as practicable after he requests it.

(4) Where different information is applicable to different members and beneficiaries, nothing in this regulation shall be construed as requiring the trustees of the scheme to disclose information in relation to a member or beneficiary that is not relevant to his rights under the scheme.

(5) Any member who is entitled to be furnished with information specified in Schedule 1, in relation to any scheme, shall be notified by its trustees of any material alteration in the information specified in paragraph 1, 2, 4 or 8 of Schedule 1 within one month of the occurrence of the alteration.

(6) Any member who is entitled to be furnished with information specified in Schedule 1, in relation to any scheme, shall, except in the circumstances mentioned in paragraph (7), be notified by its trustees of any intended material alteration in the information specified in paragraph 3, 6, 7, 10, 11, 12 or 13 of Schedule 1 not less than 3 months before the alteration is intended to take effect.

(a) *See* paragraph 2 of Schedule 9 to the Social Security (Northern Ireland) Order 1986

(7) Where any intended material alteration in the information specified in those paragraphs of Schedule 1 mentioned in paragraph (6)—

(*a*) is consequential on events over which the trustees of the scheme had no control; and

(*b*) it is not possible for them to comply with the requirements of paragraph (6) within the 3 month period mentioned in that paragraph,

they shall comply with those requirements as soon as reasonably practicable after the intention is formed to make the alteration.

(8) When any information is provided in accordance with the foregoing provisions of this regulation, it shall be accompanied by a written statement that further information about the scheme is available, giving the address to which enquiries about it should be sent.

Information to be made available to individuals

5.—(1) Subject to the provisions of regulation 2, the trustees of any scheme shall furnish in writing the information specified in Schedule 2, to the persons in the categories and in the circumstances specified in paragraphs (2) to (8).

(2) The information mentioned in paragraphs 1 and 2 of Schedule 2 shall be furnished, as of course, to each member of the scheme at least once in every period of 12 months after the date of his becoming a member of it.

(3) Where the scheme is not an appropriate scheme, the information mentioned in paragraph 3 of Schedule 2 shall be sent, as of course, to each member who has no protected rights under the scheme, not less than 4 months before the last date on which he may make contributions to the scheme, so however that where—

(*a*) his expected date of retirement is earlier or later than the last date on which he may make contributions to the scheme; and

(*b*) he has given the trustees not less than 5 months' prior notice in writing of that expected date,

that information shall be sent not less than 4 months before that expected date.

(4) Where the scheme is, or has been, an appropriate scheme and members have protected rights under it, the information mentioned in paragraph 4 of Schedule 2 shall be sent, as of course, to each member with such rights—

(*a*) not less than 4 months, but not more than 6 months, before he attains pensionable age; and

(*b*) not less than 4 months before the member attains the age of 75 years if effect has not been given to his protected rights by the beginning of the sixth month before the member attains the age of 75 years.

(5) Where a member of, or a beneficiary under, a scheme has died and rights or options are available to a person in consequence, the information mentioned in paragraphs 5 and 6 of Schedule 2 shall be furnished—

(*a*) as of course to that person, if he is at least 18 years old and his address is known to the trustees, as soon as practicable after the trustees receive notification of the death; and

(*b*) on request (not being a request made within 3 years of the last occasion on which information was furnished under this paragraph to

the same person in the same capacity) to any person who is a personal representative of the deceased person or who is authorised to act on behalf of the person to whom rights or options under the scheme are available in consequence of the death, as soon as practicable after he requests it.

(6) Where a member who is an earner gives notice in accordance with Article 3(10) of the Order, the trustees shall, within 3 months of their becoming aware of the giving of the notice, furnish the member who gave it with the information mentioned in paragraphs 1, 2 and 11 of Schedule 2.

(7) Where the trustees of the scheme give notice in accordance with Article 3(10) of the Order, they shall, within 4 weeks of the date of the giving of the notice, furnish the member in respect of whom the notice was given with the information mentioned in paragraphs 1, 2 and 11 of Schedule 2.

(8) Where the scheme is not an appropriate scheme and it has been decided to wind it up or otherwise to cause it to cease accepting contributions or to cause it to cease to manage the contributions already paid to it, the trustees of the scheme shall—

(*a*) inform each member of that decision as soon as practicable, and in any event not more than 4 weeks after it was made;

(*b*) furnish each member as soon as practicable, and in any event not more than 4 months after the decision was made, with the information mentioned in paragraphs 1, 2 and 7 of Schedule 2; and

(*c*) where the scheme is unable to meet in full its liabilities to its members, furnish each member as soon as practicable, and in any event not more than 4 months after the decision was made, with the information mentioned in paragraph 8 of Schedule 2.

(9) Where the Occupational Pensions Board have determined that any scheme should cease be an appropriate scheme, the trustees of the scheme shall—

(*a*) inform each member of that determination as soon as practicable, and in any event not more than 4 weeks after it was communicated to the trustees by the Occupational Pensions Board;

(*b*) furnish each member as soon as practicable, and in any event not more than 4 months after the determination was so communicated to the trustees, with the information mentioned in paragraphs 1, 2, 9, 10 and 11 of Schedule 2; and

(*c*) where the scheme is unable to meet in full its liabilities to its members, furnish each member as soon as practicable, and in any event not more than 4 months after the decision was made, with the information mentioned in paragraph 8 of Schedule 2.

(10) When any information is provided in accordance with the foregoing provisions of this regulation, it shall be accompanied by a written statement that further information about the scheme is available, giving the address to which enquiries about it should be sent.

Availability of other information

6.—(1) Subject to the provisions of regulation 2, the trustees of any scheme shall, in relation to, and not more than one year after the end of, each