1986 No. 225

SOCIAL SECURITY

The Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1986

Made	*18th July 1986*
Coming into operation	*1st November 1986*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 2(5), 58A(1), (3) and (4), 58E(1), (3) and (4) and 71(4) of, and paragraph 14(3) of Schedule 1A to, 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 Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1986 and shall come into operation on 1st November 1986.

(2) In these regulations—

"the Pensions Order" means the Social Security Pensions (Northern Ireland) Order 1975;

"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;

"connected company", in relation to a company, means another company where one of the companies is a subsidiary (within the meaning of Article 4 of the Companies (Northern Ireland) Order 1986(**b**)) of the other, or where both companies are subsidiaries of a third company;

"employer", in relation to a member or prospective member of a scheme, has the meaning assigned to it by regulation 2(4) and (5) of the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1984(**c**);

"funded", in relation to benefits under a scheme, means provided by setting aside resources (other than assets at the disposal of the employer of any person who is employed in relevant employment) in advance which are related to the intended rate or amount of the benefits;

"independent trade union" has the meaning assigned to it by Article 2(2) of the Industrial Relations (Northern Ireland) Order 1976(**d**);

"money purchase benefit" means any benefit which is calculated by reference to a payment or payments made by the member, or by any other person in respect of him, not being a benefit the rate or amount of which is calculated by reference to the member's average salary over the period of service on which that benefit is based;

(**a**) S.I. 1975/1503 (N.I. 15); Articles 58A and 58E were inserted by Article 5 of, and Schedule 2 to, the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)), and Schedule 1A was inserted by Article 4 of, and paragraph 3 of Schedule 1 to, that Order

(**b**) S.I. 1986/1032 (N.I. 6)

(**c**) S.R. 1984 No. 332; to which there are amendments not relevant to these regulations

(**d**) S.I. 1976/1043 (N.I. 16)

"normal pension age", "pensionable service" and "relevant employment" are to be construed in accordance with Schedule 3 to the Pensions Order;

"request" means request in writing;

"scheme" means an occupational 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;

(*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;

"self-investment", in relation to a scheme, means investment of all or part of its fund in the business of—

(*a*) the employer of any person who is employed in relevant employment; or

(*b*) if that employer is a company, a connected company;

"tax-approved scheme" means a scheme which is—

(*a*) approved by the Commissioners of Inland Revenue for the purposes of Chapter II of Part II of the Finance Act 1970(**a**);

(*b*) a statutory scheme as defined in section 26(1) of the Finance Act 1970; or

(*c*) a scheme to which section 36 of the Finance Act 1980(**b**) applies;

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

"unfunded scheme" means a scheme whose benefits are not funded.

(3) Any reference in these regulations—

(*a*) to a numbered Article is a reference to the Article of the Pensions Order bearing that number;

(*b*) to Schedule 1A is a reference to Schedule 1A to the Pensions Order.

Meaning of "member" and "prospective member" in relation to a scheme

2.—(1) The provisions of this regulation shall apply for the purposes of Article 58A(2) and of these regulations.

(2) Any person is to be regarded as a member of a scheme during, or at any time after, a period when his service in relevant employment is or was such that at the time when it is or was given it either—

(*a*) qualifies or qualified him for benefits (in the form of a pension or otherwise, payable on the termination of his service otherwise than by his death, or on his retirement or his death thereafter) under the scheme which in the opinion of the Occupational Pensions Board are or were referable to that period; or

---

(**a**) 1970 c. 24
(**b**) 1980 c. 48

(*b*) is or was certain so to qualify him subsequently if it continues or continued for a sufficiently long time and the rules of the scheme and the terms of his contract of service remain or remained unaltered during that time.

(3) There are to be regarded as prospective members of a scheme any persons in relevant employment who are not members but—

(*a*) who, by virtue of the terms of their contracts of service, are able to become members at their own option or the option of any other person;

(*b*) who, by virtue of the terms of their contracts of service, will become so able, if their service in relevant employment continues for a sufficiently long time and the terms of their contracts of service remain unaltered during that time; or

(*c*) who, by virtue of the rules of the scheme or the terms of their contracts of service, will become members in any event, if their service in relevant employment continues for a sufficiently long time and the rules of the scheme or, as the case may be, the terms of their contracts of service remain unaltered during that time.

Schemes to which, persons in relation to whom and trade unions in relation to which regulations 4 to 9 do not apply

3.—(1) None of the requirements of regulations 4 to 9 shall apply to a scheme—

(*a*) whose members (excluding persons whose entitlement to benefits under the scheme has been extinguished) are fewer than 2; or

(*b*) which provides benefits only in the event of the death of a person who is, immediately before his death, employed in relevant employment.

(2) None of the requirements of regulations 4 to 9 shall impose on the trustees of a scheme any duty in relation to—

(*a*) any person if his entitlement to benefits under the scheme has been extinguished;

(*b*) any member or prospective member if no person who employs him in relevant employment has informed the trustees that he is a member or prospective member; or

(*c*) any independent trade union recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme if no person who employs any such member or prospective member in relevant employment has informed the trustees that that trade union is so recognised.

Constitution of scheme

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

(*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; and

(*c*) if the name and address of every person who employs any member of the scheme in relevant employment is not set out in any trust deed or other document the contents of which fall to be disclosed under sub-paragraph (*a*) or (*b*), the contents of a document setting out the name and address of every such person.

(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 or trade union 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 or the same trade union) by any person or trade union 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 and of the person who or trade union which made it.

(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 or trade union 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 may, instead of furnishing a copy, advise the person who or trade union which has requested it where copies may be obtained.

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

(*a*) members and prospective members of the scheme;

(*b*) spouses of members and prospective members;

(*c*) beneficiaries under the scheme;

(*d*) independent trade unions recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme.

Basic information about the scheme

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

(2) The information specified in Schedule 1 shall be given as of course to every person who becomes a member of the scheme on or after 1st November 1987, within 13 weeks of his becoming a member.

(3) The information specified in Schedule 1 shall be given to—

(*a*) any member or prospective member of or beneficiary under the scheme;

(*b*) the spouse of any member or prospective member; or

(*c*) any independent trade union that is recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme,

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

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

(5) All members of and beneficiaries under the scheme shall be notified by the trustees of any material alteration in the information specified in paragraph 17 of Schedule 1 within one month of the occurrence of the alteration.

(6) The trustees shall take reasonable steps to draw to the attention of all members of the scheme who are employed in relevant employment any material alteration in the information specified in paragraphs 1 to 16 of Schedule 1.

(7) When any information specified in Schedule 1 is provided, 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

6.—(1) Subject to the provisions of regulation 3, the trustees of any scheme shall furnish in writing the information specified in Schedule 2 to the persons, and in the circumstances, specified in paragraphs (2) to (11).

(2) Where benefit under the scheme has become, on or after 1st November 1986, or is about to become, payable to a person, the information mentioned in paragraphs 1 to 3 of Schedule 2 shall be furnished to him as of course before or as soon as practicable after the benefit becomes payable.

(3) Where the amount of benefit payable to a person is or is about to be altered otherwise than in accordance with a provision such as is mentioned in paragraph 3 of Schedule 2, the information (as altered) that is mentioned in paragraph 1 of that Schedule shall be furnished to him as of course before or as soon as practicable after the alteration takes place.

(4) Except in relation to money purchase benefits, the information mentioned in paragraph 4 of Schedule 2 shall be furnished to any member on request (not being a request made within a year of the last occasion on which any such information as is mentioned in that paragraph was furnished to him) as soon as practicable after he requests it.

(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) The information mentioned in paragraph 7 of Schedule 2 shall be furnished as of course to any person to whom it applies or is expected to apply, as soon as practicable after he or his employer has notified the trustees that his pensionable service is to terminate.

(7) The information mentioned in paragraphs 8 and 9 of Schedule 2 shall be furnished on request (not being a request made less than 12 months after the last occasion on which such information was furnished to the same member) to any member as soon as practicable after he requests it.

(8) The information mentioned in paragraphs 10 and 11 of Schedule 2 shall be furnished on request (not being a request made less than 12 months after the last occasion on which such information was furnished to the same person) to any member or prospective member as soon as practicable after he requests it.

(9) The information mentioned in paragraph 12 of Schedule 2 shall be furnished on request (not being a request made—

(*a*) after such information has already been furnished to the same person, in a case where—