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## STATUTORY INSTRUMENTS

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# 2005 No. 255

## The Pensions (Northern Ireland) Order 2005

### PART II

#### THE PENSIONS REGULATOR

##### *Provision of false or misleading information*

##### **Offences of providing false or misleading information**

**75.**—(1) Any person who knowingly or recklessly provides the Regulator with information which is false or misleading in a material particular is guilty of an offence if the information—

- (a) is provided in purported compliance with a requirement under—
  - (i) Article 57 (the register: duties of trustees or managers),
  - (ii) Article 59 (duty of trustees or managers to provide scheme return),
  - [<sup>F1</sup>(<sup>ii</sup>a) Article 64 (duty to notify the Regulator of certain events),]
  - (iii) Article 67 (provision of information), <sup>F2</sup> ...
  - [<sup>F3</sup>(<sup>iii</sup>a) Article 67A (interviews),]
  - (iv) Article 70 (inspection of premises: powers of inspectors), [<sup>F4</sup>[<sup>F5</sup>or]
  - (v) regulations under section 11 of the Pensions (No. 2) Act (Northern Ireland) 2008 (information to be given to the Pensions Regulator); ]
  - [<sup>F6</sup>(<sup>iv</sup>a) regulations under Article 200B(8)(d) (duty of trustees or managers to provide statement of strategy), or]
- (b) is provided in applying for registration of a pension scheme under Article 4 of the 1999 Order (register of stakeholder pension schemes), or
- (c) is provided otherwise than as mentioned in sub-paragraph (a) or (b) but in circumstances in which the person providing the information intends, or could reasonably be expected to know, that it would be used by the Regulator for the purpose of exercising its functions [<sup>F7</sup>under—
  - (i) the 1995 Order,
  - (ii) this Order,
  - (iii) the Pensions (No. 2) Act (Northern Ireland) 2008,
  - <sup>F8</sup>(iv) Schedule 18 to the Pensions Act (Northern Ireland) 2015, <sup>F9</sup> ...
  - (v) Part 2 of the Pension Schemes Act 2021][<sup>F8</sup>, or
  - (vi) the Pension Schemes Act (Northern Ireland) 2021.]

(2) Any person guilty of an offence under paragraph (1) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;

**Changes to legislation:** *The Pensions (Northern Ireland) Order 2005, Section 75 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years, or both.

- F1** Art. 75(1)(a)(iia) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 7(2)**; S.R. 2021/271, art. 2(3)(e) (with arts. 4, 8)
- F2** Word in art. 75(1)(a)(iii) repealed (30.6.2012) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 48(b), 118(1), **Sch. 10 Pt. 1** (with s. 73); S.R. 2012/266, art. 2(b), Sch. Pt. 2
- F3** Art. 75(1)(a)(iiia) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 21(2)**; S.R. 2021/271, art. 2(4)(d)
- F4** Word in art. 75(1)(a)(iv) omitted (11.2.2021 for specified purposes) by virtue of Pension Schemes Act 2021 (c. 1), s. 131(2)(d)(3)(c), **Sch. 11 para. 10(a)**
- F5** Art. 75(1)(a)(v) and word added (30.6.2012) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), ss. 48(a), 118(1) (with s. 73); S.R. 2012/266, art. 2(b), Sch. Pt. 2
- F6** Art. 75(1)(a)(iva) inserted (11.2.2021 for specified purposes) by Pension Schemes Act 2021 (c. 1), s. 131(2)(d)(3)(c), **Sch. 11 para. 10(b)**
- F7** Words in art. 75(1)(c) substituted (1.10.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(2)(b), **Sch. 8 para. 21(3)**; S.R. 2021/271, art. 2(4)(d); S.R. 2022/197, art. 3(e)
- F8** Art. 75(1)(c)(iv) and word added (16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 3 para. 13(b)**; S.R. 2022/110, art. 2(a)(b)
- F9** Word in art. 75(1)(c)(iv) repealed (16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 3 para. 13(a)**; S.R. 2022/110, art. 2(a)(b)

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 6 para. 21(2)(c)-(cc) substituted for (b)(c) by [2008 c. 13 \(N.I.\) Sch. 6 para. 11](#)
- art. 2(4)(b)(viii)-(x) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 21\(3\)\(b\)](#)
- art. 19(1A) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 24\(3\)](#)
- art. 19(10A) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 24\(5\)](#)
- art. 34(1)-(1B) substituted for art. 34(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 25](#)
- art. 34(7)(da) inserted by [2021 c. 1 Sch. 8 para. 3\(2\)](#)
- art. 39(1)-(1B) substituted for art. 39(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 26\(2\)](#)
- art. 48(1)-(1B) substituted for art. 48(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 27](#)
- art. 75(1)(a)(iib) inserted by [2021 c. 1 Sch. 8 para. 8\(2\)](#)
- art. 110(1)-(1B) substituted for art. 110(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 29](#)
- art. 191(5) added by [2008 c. 13 \(N.I.\) Sch. 9 para. 6](#)
- art. 267(4)(f) and word inserted by [2021 c. 1 Sch. 6 para. 20\(b\)](#)