

## 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 to 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

scheme year which commences on or after 1st October 1987, make available copies of a document or a series of documents which contains information, consisting of or including the information specified in Schedule 3 (so far as it applies to the scheme), to scheme members in the circumstances mentioned in paragraphs (3) and (4).

(2) The trustees shall take reasonable steps to draw to the attention of scheme members the availability of any such document or series of documents as is mentioned in paragraph (1).

(3) A copy of any such document or series of documents as is mentioned in paragraph (1), being neither the latest nor one which relates to a scheme year which ended more than 5 years previously, shall be made available free of charge for inspection on request (not being a request made by a person within 3 years of the last occasion on which a copy of the same document or series of documents was made available for inspection by the same person) by any scheme member within a reasonable time after the request is made, at a place which is reasonable having regard to the circumstances of the request.

(4) A copy of the latest such document or series of documents as is mentioned in paragraph (1) shall be furnished free of charge on request (not being a second or subsequent request by the same person for a copy of the same document or series of documents) to any scheme member as soon as practicable after he requests it.

#### *Service of documents by post*

7.—(1) Any information or document, which these regulations require the trustees of a scheme to furnish to any person, may be furnished by sending it by ordinary post to that person to his last address known to the trustees.

(2) Any request for information or a document, or any notification, made by any person to the trustees of a scheme, for the purpose of these regulations, may be made or given by sending it by ordinary post to the trustees, to their last address known to that person.

Sealed with the Official Seal of the Department of Health and Social Services on 10th July 1987.

(L.S.)

*A. N. Burns*

Assistant Secretary

## BASIC INFORMATION ABOUT THE SCHEME

1. The address to which enquiries about the scheme generally, or about an individual's entitlement to benefit, should be sent.
2. The names and addresses of the trustees of the scheme.
3. The conditions of membership.
4. How and where copies of the contents of the documents (relating to the constitution of the scheme) of which disclosure is required by regulation 3(1) may be purchased and inspected.
5. Whether the scheme is an appropriate scheme and, if it is not, whether an application for the scheme to be certified as such a scheme is under consideration by the Occupational Pensions Board.
6. How contributions by members and their employers and (if the scheme is an appropriate scheme) minimum contributions by the Department, are paid to the scheme.
7. A summary of the conditions of the scheme which govern how a member's accrued rights may be transferred, converted to an annuity or annuities, or commuted to a lump sum.
8. A summary of the scheme's investment policy.
9. Illustrative estimates of the cash equivalents which would be paid on the transfer of protected rights to another scheme at the end of each of the first 5 years of membership, stating the assumptions made, so however that, where a scheme is established by a person to whose business Chapter V of Part I of the Financial Services Act 1986(a) applies, those estimates may be prepared in accordance with rules made under that Chapter of that Part of that Act, and where a scheme is established by a person who is a member of a self-regulating organisation, which is recognised for the purposes of Chapter III of Part I of the Financial Services Act 1986, those estimates may be prepared in accordance with rules which are binding on that person as a member of that organisation.
10. The basis on which any part—
  - (a) of any payment or payments that are made to the scheme by or on behalf of a member;
  - (b) of any income or capital gain arising from the investment of payments such as are mentioned in sub-paragraph (a); or
  - (c) of the value of rights under the scheme,may be used—
  - (i) to defray the administrative expenses of the scheme;
  - (ii) to pay commission; or
  - (iii) in any other way which does not result in the provision of benefits for or in respect of members,

so however that, where a scheme is established by a person to whose business Chapter V of Part I of the Financial Services Act 1986 applies, the information required to be specified may be specified in accordance with rules made under that Chapter of that Part of that Act, and where a scheme is established by a person who is a member of a self-regulating organisation, which is recognised for the purposes of Chapter III of Part I of the Financial Services Act 1986, the information required to be specified may be specified in accordance with rules which are binding on that person as a member of that organisation.

11. Which of the benefits, if any, are such that fulfilment of the obligation to pay them, to or in respect of particular members, is guaranteed by means of one or more insurance policies which are specifically allocated to the provision of benefits payable to, or in respect of, those members.

12. The arrangements that have been made to enable the scheme to meet its obligations in respect of members' protected rights in the event of the scheme's resources proving insufficient to do so and the names and addresses of the persons with whom they have been so made.

13. The arrangements that would be made, in accordance with legislation, to enable the scheme to meet its obligations in respect of members' protected rights in the event of the scheme's resources proving insufficient to do so and the names and addresses of the persons with whom they would be so made.



## INFORMATION TO BE MADE AVAILABLE TO INDIVIDUALS

1. The amount of contributions (before the making of any deductions) credited to the member under the scheme during the 12 months preceding a specified date, and, where the scheme was for the whole or any part of that period an appropriate scheme, the amount of the minimum contributions paid by the Department in respect of the member in that period which is attributable to—

- (a) Article 5(1)(a) of the Order; and
- (b) Article 5(1)(b) of that Order.

2.—(1) As at a specified date—

- (a) the value of the member's protected rights under the scheme, and
- (b) the value of the member's accrued rights (other than his protected rights) under the scheme.

(2) Where the cash equivalent (calculated, at the date specified for the purposes of sub-paragraph (1), in accordance with regulations 3 and 4 of the Personal Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1987(a)) in respect of the transfer of the member's rights mentioned in sub-paragraph (1) (a) or (b) or both would be different from the values to be specified under that sub-paragraph, that cash equivalent.

3. The options (if any) available to the member.

4. The options available to the member, including those in respect of any accrued rights which are not protected rights.

5. The rights and options (if any) available on the death of a member or beneficiary, and the procedures for exercising them, including, where the scheme is an appropriate scheme, the contingent option conferred by regulation 10(12) of the Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1987(b) for the purposes of that regulation.

6. The provisions (or, as the case may be, a statement that there are no provisions) under which any pension payable to a survivor of a member or beneficiary may or will be increased, and the extent to which such increases are dependent on the exercise of a discretion.

7. The options available to a member for preserving, transferring or otherwise disposing of his accrued rights under the scheme.

8. An account of the amount by which the member's—

- (a) protected rights; and
- (b) accrued rights other than his protected rights,

have been reduced, and of the arrangements which have been made by the scheme, or are open to the member, to restore the value of his accrued rights under the scheme.

9. When a scheme has ceased to be an appropriate scheme, the date on which it did so.

10. Whether arrangements for the preservation or transfer of the member's protected rights have been, or are to be, proposed to the Occupational Pensions Board and an explanation of the intended effect of any such proposed arrangements.

11. The options available to the member in respect of his protected rights.

## OTHER INFORMATION

1. To the extent that any scheme is comprised in an arrangement for the issue of insurance policies (other than linked long-term insurance policies) or annuity contracts, a statement of the rates of bonus payment declared by the scheme in the scheme year to which the information relates (in this Schedule called "the year") and in each of the 4 scheme years (other than any throughout which the scheme did not exist) immediately preceding the year.

2. To the extent that any scheme is comprised in an arrangement for the issue of linked long-term insurance policies—

(a) a statement which—

(i) describes the property to which the scheme is linked, as at a specified date, according to the descriptions specified in Schedule 13 to the Insurance Companies Regulations 1981(a), and

(ii) specifies the proportion of the scheme's resources invested, on that date, in property of each such description;

(b) a statement specifying any changes, since the end of the last scheme year (if any), of the descriptions mentioned in sub-paragraph (a), of the property to which the scheme is linked; and

(c) a statement of the returns on the investment of the scheme's resources during the year and during each of the 4 scheme years (other than any throughout which the scheme did not exist) immediately preceding the year.

3. In the case of any scheme which is comprised in an arrangement to invest the scheme's resources in an interest-bearing account or accounts, a statement of the rates of interest which have accrued to the resources so invested in the year and in each of the 4 scheme years (other than any throughout which the scheme did not exist) immediately preceding the year.

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations are made under Article 58A(1) and (3) of the Social Security Pensions (Northern Ireland) Order 1975 as modified with effect from 27th July 1987 in relation to personal pension schemes by the Personal and Occupational Pension Schemes (Modification of Enactments) Regulations (Northern Ireland) 1987. They specify the information that is to be made available to certain persons, in certain circumstances, by the trustees or managers ("trustees") of personal pension schemes.

Regulation 2 provides for the conditions on which a personal pension scheme is excepted from these regulations.

Regulation 3 provides for the trustees to make available documents containing information about the constitution of the scheme for inspection by specified persons and for copies to be furnished on request on payment of a reasonable charge.

Regulation 4 and Schedule 1 provide for certain basic information about the scheme to be given by the trustees to every member on joining the scheme and to members and other specified persons on request, and for material alterations to be drawn to the attention of members.

Regulation 5 and Schedule 2 provide for the trustees to make information about individual benefit entitlement available to specified persons in specified circumstances.

Regulation 6 and Schedule 3 provide for the trustees to make available a document or a series of documents, containing other specified information in relation to the scheme, for inspection by members on request and free of charge (subject to certain exceptions), and for the trustees to furnish the latest such document or series of documents to scheme members on request and free of charge.

Regulation 7 relates to the service of documents by post.