

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

(b) which either—

(i) is a scheme in respect of which a person has applied for, or received, the approval of the Board of Inland Revenue for the purposes of section 590 or section 591 (other than subsection (2)(g)) of the Income and Corporation Taxes Act 1988(a) (conditions for approval of retirement benefit schemes and discretionary approval), or for the purposes of Chapter IV of Part XIV of that Act (personal pension schemes), or

(ii) is a scheme which is a public service pension scheme; and

(c) is not a scheme which—

(i) has fewer than 2 active members, or

(ii) only provides benefits on the death of a member while in employment;

“registrar” means the registrar of occupational and personal pension schemes appointed under regulation 2 of the Register Regulations;

“scheme administrator” means the person in the United Kingdom having the management of the scheme;

“self-administered scheme” means a registrable scheme which is an occupational pension scheme and which is not an insured scheme; and

“trustees”, in the case of a registrable scheme which is not set up under a trust or which is established outside the United Kingdom, means the person who is treated as the administrator of the scheme for the purposes of Chapter I or Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988.

(3) Without prejudice to any other method of service authorised under section 24 of the Interpretation Act (Northern Ireland) 1954(b), service of a notice under regulation 2(1) may be effected by sending the notice by ordinary post to the trustees.

Information required in respect of a registrable scheme

2.—(1) Subject to paragraph (3), it is the duty of the trustees of a registrable scheme to provide the registrar with the following information—

(a) the name and address of the scheme;

(b) the names of the trustees of the scheme;

(c) the name of the scheme administrator;

(d) whether the scheme is an open, closed or paid-up or frozen scheme;

(e) the name (and, if there has been a change of name, the previous name) and address of every employer of earners in employment to which the scheme relates or has at any time since 6th April 1975 related;

(f) the number of active members;

(g) whether the scheme is self-administered or insured and, if the latter, the name and address of the insurance company with which the benefits are secured;

(a) 1988 c. 1

(b) 1954 c. 33 (N.I.)

(h) the year in which the scheme commenced; and

(i) any reference number assigned to the scheme by the Inland Revenue, and, upon written notice served by the registrar on the trustees, with such other information incidental to that specified in sub-paragraphs (a) to (i) as the registrar may reasonably require for the purposes of the register.

(2) Information required for the registration of a registrable scheme shall be provided to the registrar—

(a) in the case of a scheme which is established before 1st May 1991, not later than 31st July 1991; and

(b) in any other case, within 3 months of the date on which the scheme commenced.

(3) If it is not practicable for the trustees to supply all of the information required by paragraph (1) by the dates specified in paragraph (2), the trustees shall supply—

(a) as much of that information as it is practicable to supply, within the time allowed by paragraph (2); and

(b) the remainder of that information, as soon thereafter as it is practicable to do so.

Notification of changes

3. The trustees of a registrable scheme shall be under a duty to notify the registrar of any change in the information provided to the registrar under regulation 2(1) (except a change in the number of active members of the scheme) within 6 months of the occurrence of that change.

Offences and penalties

4.—(1) Any person who—

(a) has a duty under regulation 2 or 3 to provide information to the registrar; and

(b) without reasonable cause fails to provide that information in accordance with the provisions of these regulations,

is guilty of an offence.

(2) For an offence under this regulation a person is liable on summary conviction to a fine not exceeding £400.

Sealed with the Official Seal of the Department of Health and Social Services on 30th November 1990.

(L.S.)

C. Davie

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

The Register of Occupational and Personal Pension Schemes Regulations 1990 (S.I. 1990/2278) provide for the establishment of a register of occupational and personal pension schemes for the United Kingdom and for the appointment of the Occupational Pensions Board to be the registrar of such schemes.

Regulation 2 of these regulations imposes a duty on the trustees of a registrable scheme to supply information to the registrar and lays down the time-limits within which it must be supplied. Provision is made by paragraph (3) for cases where it is not practicable to provide all of the required information at the time specified.

Regulation 3 of these regulations imposes a duty on the trustees of a registrable scheme to notify the registrar of changes in the information supplied under regulation 2.

Regulation 4 of these regulations makes it an offence punishable by a £400 fine for a person to breach these regulations by failing, without reasonable cause, to provide information to the registrar.

Article 69J of the Social Security Pensions (Northern Ireland) Order 1975 is one of the enabling powers under which these regulations are made. It was inserted by Article 15(1) of the Social Security (Northern Ireland) Order 1990 and came into operation on 16th August 1990 by virtue of Article 2(a) of the Social Security (1990 Order) (Commencement No. 1) Order (Northern Ireland) 1990 (S.R. 1990 No. 307 (C. 13)).