

---

STATUTORY RULES OF NORTHERN IRELAND

---

**1997 No. 102**

**PENSIONS**

**The Register of Occupational and Personal Pension  
Schemes Regulations (Northern Ireland) 1997**

*Made - - - - 25th February 1997*

*Coming into operation 1st April 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 2(2) and (2A), 164(1) and (2), 177(2) to (4) and 178(1) of the Pension Schemes (Northern Ireland) Act 1993(1) 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) 1997 and shall come into operation on 1st April 1997.

(2) In these Regulations—

“address of the scheme” means the place in the United Kingdom, or if more than one, the principal place, at which the management of a registrable scheme is conducted;

“closed scheme” means a registrable scheme to which no new members may be admitted, but to which contributions are or may be payable by, or in respect of, and under which benefits accrue to, existing members;

“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;

“member” means—

- (a) in relation to an occupational pension scheme, any person who—
  - (i) is in pensionable service under the scheme;

---

(1) 1993 c. 49; section 2(2A) was inserted by paragraph 13 of Schedule 1 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and section 164 was substituted by Article 151(1) of that Order

- (ii) has rights under the scheme by virtue of his pensionable service under the scheme; or
- (iii) has rights under the scheme by virtue of having been allowed transfer credits under the scheme;
- (b) in relation to a personal pension scheme or a scheme treated as such, a member of the scheme,

other than a member in respect of whom entitlement under the scheme is only for benefits payable on his death;

“open scheme” means a registrable scheme which has members who are in pensionable service under the scheme and to which new members may be admitted;

“register” means the register of occupational and personal pension schemes compiled and maintained under regulation 3 of the Register of Occupational and Personal Pension Schemes Regulations 1997(2);

“registrable scheme” means an occupational or a personal pension scheme—

- (a) which—
  - (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 in the United Kingdom;
- (b) which—
  - (i) is a scheme in respect of which a person has applied for, or received, the approval of the Commissioners of Inland Revenue for the purposes of section 590 or 591 (other than subsection (2)(g)) of the Taxes Act (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) which—
  - (i) has more than one member; and
  - (ii) provides benefits which are not solely payable on the death of a member;

and, for the purposes of these Regulations, an occupational pension scheme which is a retirement benefits scheme approved under section 591(2)(h) of the Taxes Act (discretionary approval) shall be treated as a personal pension scheme;

“Registrar” means the Registrar of Occupational and Personal Pension Schemes appointed under regulation 2 of the Register of Occupational and Personal Pension Schemes Regulations 1997;

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

“scheme year” in relation to a registrable scheme means—

- (a) a year specified for the purposes of the scheme in any document comprising the scheme or, if none is so specified, a period of 12 months commencing on 1st April or on such other date as the trustees select; or
- (b) such other period (if any) exceeding 6 months but not exceeding 18 months as is selected by the trustees—

- (i) in connection with the commencement or termination of the scheme; or
- (ii) in connection with a variation of the date on which the year or period referred to in paragraph (a) is to commence;

“the Taxes Act” means the Income and Corporation Taxes Act 1988<sup>(3)</sup>;

“total membership” means the number of members—

- (a) on the day on which the scheme becomes a registrable scheme; then
- (b) at the end of the second scheme year; then
- (c) at the end of each subsequent scheme year;

“trustees”, in the case of a scheme which is not set up under a trust, means the managers of the scheme, except in relation to a scheme which is established outside the United Kingdom, and in such a case “trustees” means the person treated by the Commissioners of Inland Revenue for the time being as the administrator of the scheme for the purposes of Chapter I or Chapter IV of Part XIV of the Taxes Act (retirement benefit schemes or personal pension schemes).

(3) Subject to paragraphs (4) and (5), the Interpretation Act (Northern Ireland) 1954<sup>(4)</sup> shall apply to these Regulations as it applies to a Measure of the Assembly.

(4) For the purposes of these Regulations, and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

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

### **Information required in respect of registrable schemes**

2.—(1) It is the duty of the trustees of a registrable scheme to provide the Registrar with the following information in accordance with paragraph (2)(a)—

- (a) the name and address of the scheme;
- (b) the names of the trustees of the scheme;
- (c) the address to which communications for the attention of the trustees are to be directed if other than that specified in sub-paragraph (a);
- (d) the name of the scheme administrator;
- (e) whether the scheme is an open, closed or frozen scheme;
- (f) 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;
- (g) the total membership;
- (h) whether the scheme provides—
  - (i) money purchase benefits;
  - (ii) benefits other than money purchase benefits; or
  - (iii) a combination of the benefits specified under heads (i) and (ii),

and for the purposes of this regulation, benefits derived from transfer credits, or from a member’s voluntary contributions, or which are payable on a member’s death shall be disregarded;

---

(3) 1988 c. 1  
(4) 1954 c. 33 (N.I.)

- (i) whether scheme benefits, or any of them, are secured by a contract of insurance or annuity contract, and if so, the name and address of the insurer with which the benefits are secured;
  - (j) the date the scheme became registrable; and
  - (k) any reference number assigned to the scheme by the Board of Inland Revenue.
- (2) It is the duty of the trustees of a registrable scheme to provide the Registrar—
- (a) within 3 months of the date upon which the scheme becomes a registrable scheme, where that date is on or after the date of the coming into operation of these Regulations, with the information specified in paragraph (1); and
  - (b) within 3 months of the receipt of a written notice served by the Registrar on the trustees on or after the date of the coming into operation of these Regulations, with such information incidental to that specified in paragraph (1) as the Registrar may reasonably require for the purposes of the register.

### **Notification of changes**

3.—(1) Except in relation to the information specified in regulation 2(1)(g), it is the duty of the trustees of a registrable scheme to notify the Registrar—

- (a) of any change in the information provided to the Registrar under regulation 2, or which is treated as so provided by virtue of regulation 6(1); and
- (b) of the date of any change such as is referred to in sub-paragraph (a),

within 12 months of the occurrence of that change, or of the date of the coming into operation of these Regulations, whichever is the later.

(2) The trustees of a registrable scheme shall notify the Registrar of any change in the total membership within 12 months of the change.

### **Availability of information held on the register**

4. The Registrar shall make available to the Pensions Compensation Board<sup>(5)</sup>, and to the Occupational Pensions Regulatory Authority<sup>(6)</sup>, the information received under regulations 2 and 3.

### **Offences and penalties**

5. Where any person, without reasonable cause, fails to comply with any duty imposed under regulation 2, 3 or 6(2) or (3) he is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Transitional provisions**

6.—(1) Subject to any specific transitional provision, anything done under, or for the purposes of the Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 1990<sup>(7)</sup> (“the 1990 Regulations”) has effect as if done under or for the purposes of the corresponding provision of these Regulations.

(2) Where the trustees of a scheme which became a registrable scheme before 1st April 1997 have not provided the Registrar with the information specified in regulation 2(1) of the 1990 Regulations

---

<sup>(5)</sup> The Pensions Compensation Board is established under section 78(1) of the Pensions Act 1995 (c. 26)

<sup>(6)</sup> The Occupational Pensions Regulatory Authority is established under section 1(1) of the Pensions Act 1995

<sup>(7)</sup> S.R. 1990 No. 422, amended by S.R. 1992 No. 304

before that date, it is the duty of the trustees to provide the Registrar with the information specified in regulation 2(1)(a) to (f) and (i) of the 1990 Regulations by 30th June 1997.

(3) Where a scheme became a registrable scheme before 1st April 1997, it is the duty of the trustees to provide the Registrar with the information specified in regulation 2(1)(c) and (g) to (j) of these Regulations by 30th June 1997.

### **Revocations**

7.—(1) The Register of Occupational and Personal Pension Schemes Regulations (Northern Ireland) 1990 are hereby revoked.

(2) In the Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1992<sup>(8)</sup> the following provisions are hereby revoked—

- (a) in regulation 1(2), the definition of “the Register Regulations”; and
- (b) regulations 32 and 33.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland  
on

L.S.

25th February 1997.

*John O'Neill*  
Assistant Secretary

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

---

## EXPLANATORY NOTE

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

The Register of Occupational and Personal Pension Schemes Regulations 1997 ([S.I. 1997/371](#)) provide that there shall continue to be a register of occupational and personal pension schemes for the United Kingdom and for the appointment of the Occupational Pensions Regulatory Authority as the Registrar of such schemes.

These Regulations, which replace the Register of Occupational and Personal Pension Schemes Regulations 1990, make provision relating to information to be provided to, and by, the Registrar.

Regulation 1 provides for the citation, commencement and interpretation of the Regulations.

Regulation 2 imposes a duty on the trustees of a scheme to supply information to the Registrar and specifies time limits within which such information must be supplied.

Regulation 3 requires notification to the Registrar of any change in the information supplied under regulation 2.

Regulation 4 provides for the Registrar to make information available to the Pensions Compensation Board and the Occupational Pensions Regulatory Authority.

Regulation 5 makes it an offence, punishable on summary conviction by a fine not exceeding level 5 on the standard scale (currently £5,000), for a person to breach these Regulations by failing, without reasonable cause, to provide information to the Registrar or to notify the Registrar of a change in the information provided.

Regulation 6 makes transitional provisions.

Regulation 7 makes revocations.

Sections 2(2A) and 164(1) and (2) of the Pension Schemes (Northern Ireland) Act 1993, some of the enabling provisions under which these Regulations are made, were inserted and substituted respectively by paragraph 13 of Schedule 1 to, and Article 151(1) of, the Pensions (Northern Ireland) Order 1995 (“the Order”).

The Pensions (1995 Order) (Commencement No. 4) Order (Northern Ireland) 1996 ([S.R. 1996 No. 307 \(C. 18\)](#)) provides for the coming into operation of Article 151 of the Order, for the purpose of authorising the making of regulations, on 23rd July 1996. The Pensions (1995 Order) (Commencement No. 5) Order (Northern Ireland) 1996 ([S.R. 1996 No. 534 \(C. 25\)](#)) provides for the coming into operation of paragraph 13 of Schedule 1 to the Order, for the purpose only of authorising the making of regulations, on 19th November 1996.