
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 581

The Occupational Pension Schemes (Cross-border Activities) Regulations (Northern Ireland) 2005

Revocation of approval in relation to particular European employer

13.—(1) In this regulation “notified”, in relation to a requirement, means a requirement which was included in information which was received by the Regulator from the competent authority in the host member State in pursuance of Article 20(5) or (8) of the Directive and was forwarded by the Regulator—

- (a) in accordance with Article 266(1) (notification of legal requirements of host member State outside the United Kingdom) to the person who gave the notice of intention, or
- (b) in accordance with Article 266(2) to the trustees or managers of the scheme,

as the case may be.

(2) Where the Regulator has granted approvals under Article 265 to the trustees or managers of a scheme in relation to one or more specified European employers it may revoke any or all of those approvals where it is satisfied by the trustees or managers of the scheme that—

- (a) the scheme does not have any European members who have any accrued European rights, and
- (b) there are not in relation to the scheme any survivors of a European member of the scheme who have any accrued European rights.

(3) Where the Regulator has granted approvals under Article 265 to the trustees or managers of a scheme in relation to more than one specified European employer it may decide under paragraph (4) or (5) to revoke those approvals in relation to one or more such European employers.

(4) Where the Regulator has granted approvals under Article 265 to the trustees or managers of a scheme in relation to one or more specified European employers and those European employers are all located in the same host member State, the criteria to be applied by the Regulator in reaching any decision relating to the revocation of any such approval are the seriousness, frequency and persistence of any failure—

- (a) by the trustees or managers of the scheme to ensure that the scheme is operated in a way which is consistent with, or
- (b) by the scheme to comply with,

any of the requirements described in paragraph (5).

(5) The requirements for the purposes of paragraph (4) for the purposes of any decision by the Regulator relating to the revocation of an approval are—

- (a) the notified requirements of the social and labour law of that host member State,
- (b) the notified information requirements imposed by that host member State in pursuance of Article 20(7) of the Directive, or
- (c) the conditions described in regulation 12(2).

(6) Where the Regulator has granted approvals under Article 265 to the trustees or managers of a scheme in relation to more than one specified European employer and not all of those European employers are located in the same host member State, the criteria to be applied by the Regulator in reaching any decision relating to the revocation of any such approval are the seriousness, frequency and persistence of any failure—

- (a) by the trustees or managers of the scheme to ensure that the scheme is operated in a way which is consistent with, or
- (b) by the scheme to comply with,

any of the requirements described in paragraph (7).

(7) The requirements for the purposes of paragraph (6) for the purposes of any decision by the Regulator relating to the revocation of an approval are—

- (a) the notified requirements of the social and labour law of any of the host member States,
- (b) the notified information requirements imposed by any of those host member States in pursuance of Article 20(7) of the Directive, or
- (c) the conditions described in regulation 12(2).