

2006 No. 140

PENSIONS

**The Pension Protection Fund (Provision of Information)
(Amendment) Regulations (Northern Ireland) 2006**

Made - - - - - *16th March 2006*

Coming into operation - - - - - *6th April 2006*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 172, 185(1) and 287(2) and (3) of the Pensions (Northern Ireland) Order 2005(a).

Citation and commencement

1. These Regulations may be cited as the Pension Protection Fund (Provision of Information) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 6th April 2006.

Amendment of the Pension Protection Fund (Provision of Information) Regulations

2.—(1) The Pension Protection Fund (Provision of Information) Regulations (Northern Ireland) 2005(b) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 3 (information to be provided by the Board)—

(a) in paragraph (2) for “within the period of 28 days beginning with its receipt of that notice” there shall be substituted “within the period specified in paragraph (12)”;

(b) after paragraph (2) there shall be inserted the following paragraphs—

“(2A) This paragraph applies where the Board receives a notice under Article 104(2) from an insolvency practitioner that an insolvency event has occurred in relation to an employer, and—

(a) the scheme to which the notice relates is not an eligible scheme; or

(b) the section of the segregated scheme to which the notice relates is not an eligible section.

(2B) Where paragraph (2A) applies, the Board shall, within the period specified in paragraph (12), inform—

(a) the Regulator;

(b) the trustees or managers of that scheme or section of a segregated scheme; and

(c) that insolvency practitioner,

(a) S.I. 2005/255 (N.I. 1); Part III is modified in its application to partially guaranteed schemes, hybrid schemes and multi-employer schemes by, respectively, S.R. 2005 Nos. 55, 84 and 91 (as amended by S.R. 2005 Nos. 194 and 357)
(b) S.R. 2005 No.129; relevant amending Regulations are S.R. 2005 No. 381

that the scheme is not an eligible scheme or, as the case may be, the section is not an eligible section.”; and

(c) after paragraph (8)(a) there shall be added the following paragraphs—

“(9) Where the Board receives—

- (a) an application under Article 113(1) (applications and notifications for the purposes of Article 112) from the trustees or managers; or
- (b) a notice under Article 113(4) from the Regulator,

it shall provide the information described in paragraph (10) to the persons specified in paragraph (11) within the period specified in paragraph (12).

(10) The information to be provided under paragraph (9) is—

- (a) where the scheme is not an eligible scheme, that the scheme is not such a scheme;
- (b) where the scheme is an eligible scheme, that the scheme is such a scheme and the date on which the assessment period began;
- (c) where the section of the segregated scheme to which the application or, as the case may be, the notice relates is not an eligible section, that the section of the segregated scheme is not such a section; or
- (d) where the section of the segregated scheme to which the application or, as the case may be, the notice relates is an eligible section, that the section of the segregated scheme is such a section and the date on which the assessment period began.

(11) The persons specified in this paragraph are—

- (a) the Regulator;
- (b) the trustees or managers of that scheme or section of a segregated scheme;
- (c) the employer who is the employer in relation to that scheme or section of a segregated scheme; and
- (d) the insolvency practitioner in relation to that employer.

(12) The Board shall provide the information specified in paragraph (3) or (10) within the period of 28 days beginning with—

- (a) the date on which it receives the notice under Article 104(2);
- (b) the date on which it receives the application under Article 113(1);
- (c) the date on which it receives the notice under Article 113(4);
- (d) where the Board requires the—
 - (i) Regulator,
 - (ii) insolvency practitioner, or
 - (iii) trustees or managers,

to produce a document or provide information in connection with a notice given under Article 104(2) or 113(4) or, as the case may be, an application under Article 113(1), the date on which the document is produced to, or the information is received by, either the Board or a person authorised by the Board for the purposes of Article 173(2)(b) (notices requiring provision of information); or

- (e) where a person is required to produce a document or provide information in connection with a notice given under Article 173(1), the date on which the document is produced to, or the information is received by, either the Board or a person authorised by the Board for the purposes of Article 173(2)(b).

(13) This regulation does not impose any duty on the Board to provide any information to the trustees or managers of a scheme where the address of the trustees or managers has not been provided by the person who referred the notice or application to the Board.”.

(a) Paragraph (8) was added by regulation 22(3) of S.R. 2005 No. 381

(3) In the Table in paragraph 1(2) of Schedule 1 (information to be provided by the Board), in the first column of the last entry, after “party to matrimonial” there shall be inserted “or civil partnership”.

(4) In Schedule 2 (information to be provided by trustees or managers)—

(a) in paragraph 1(1), in the definition of “notification date”, after “regulation 3(3)(b)” there shall be inserted “or (10)(b) or (d)”; and

(b) in the Table in paragraph 1(2)—

(i) in the second column of the first entry the word “and” after paragraph (c) shall be omitted and after paragraph (d) there shall be added the following paragraphs—

“(e) if applicable, the date he left the employment of the employer in relation to that scheme; and

(f) a statement containing a brief description of his illness or injury.”, and

(ii) after the first entry there shall be inserted the following entry—

“The Board.	The number of ill health pensions awarded each year for the previous six years immediately before the assessment date.	The period of 28 days beginning on the notification date.”.
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(5) In the Table in Schedule 3 (information to be provided by members and beneficiaries) for the second entry there shall be substituted the following entry—

“Any member whose marriage ends in divorce or whose civil partnership is dissolved.	Notification of the divorce or dissolution of the civil partnership and a copy of the decree of divorce or dissolution of civil partnership.	The period of 28 days beginning on the day on which the decree became absolute or the civil partnership was dissolved.”.
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Sealed with the Official Seal of the Department for Social Development on 16th March 2006.



John O'Neill

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations further amends the Pension Protection Fund (Provision of Information) Regulations (Northern Ireland) 2005 to—

make provision as to the information to be provided by the Board of the Pension Protection Fund (“the Board”) in connection with a notice under Article 104(2) of the Pensions (Northern Ireland) Order 2005 (“the Order”) where the occupational pension scheme or section of a segregated scheme is not an eligible scheme or section, the information to be provided by the Board in connection with an application or notice under Article 113(1) or (4) respectively of the Order and requiring the Board to provide the information within the period of 28 days beginning with the date on which it receives the application, notice or all the information or documents requested (if any) (paragraph (2));

make provision for information to be provided by the Board, upon request, to a member who is a party to, or contemplating, civil partnership proceedings (paragraph (3));

require the trustees or managers of a scheme to provide the Board with information relating to each member of the scheme who is entitled to a reviewable ill health pension if the decision to award that ill health pension was made within the previous three years immediately before the assessment date (paragraph (4)); and

make provision regarding the information to be provided by members or beneficiaries to the Board where that member’s civil partnership is dissolved (paragraph (5)).

As these Regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain, the requirement to consult under Article 289(1) of the Order does not apply by virtue of paragraph (2)(e) of that Article.

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