
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 48

The Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006

Restriction on decision-making pending completion of consultation

Consultation required before decisions to make listed changes affecting schemes

6.—(1) No person falling within regulation 3(1) may decide to make a listed change that affects an occupational or personal pension scheme unless such consultation as is required by regulation 7(3) has been carried out.

(2) For the purposes of these Regulations, a change affecting an occupational or personal pension scheme is a “listed change” if—

- (a) in relation to an occupational pension scheme, it is listed in regulation 8, or
- (b) in relation to a personal pension scheme, it is listed in regulation 9,

and it is not excluded by virtue of regulation 10.

(3) Paragraph (1) does not require consultation to be carried out in any of the four cases described in paragraphs (4) to (7).

(4) The first case is where the active or prospective members of the scheme to whom the listed change relates were notified before 6th April 2006 of the proposal to make the change.

(5) The second case is where, in relation to an occupational pension scheme—

- (a) consultation has already been carried out under these Regulations in respect of a proposal to prevent the future accrual of benefits, as described in regulation 8(1)(c), and
- (b) there is a further proposal as a result of that consultation to make a decision to reduce the rate of such accrual, as described in regulation 8(3)(d).

(6) The third case is where, in relation to an occupational pension scheme—

- (a) consultation has already been carried out under these Regulations in respect of a proposal to remove the liability to make employer contributions, as described in regulation 8(1)(d), and
- (b) there is a further proposal as a result of that consultation to make a decision to reduce such contributions, as described in regulation 8(2).

(7) The fourth case is where, in relation to a personal pension scheme—

- (a) consultation has already been carried out under these Regulations in respect of a proposal to cease employer contributions, as described in regulation 9(a), and
- (b) there is a further proposal as a result of that consultation to make a decision to reduce such contributions, as described in regulation 9(b).

Notifications to employers and duty to consult

7.—(1) Any person falling within regulation 3(1) who proposes to make a listed change affecting an occupational or personal pension scheme must give written notice of that change to each employer in relation to the scheme.

(2) Paragraph (1) does not apply—

- (a) in any of the four cases described in regulation 6(4) to (7), or
- (b) where the person proposing the change is a relevant employer in relation to—
 - (i) an occupational pension scheme which is not a multi-employer scheme, or
 - (ii) a personal pension scheme.

(3) If his employees appear to him to include affected members—

- (a) any employer notified under paragraph (1) who is a relevant employer, and
- (b) any relevant employer falling within paragraph (2)(b),

must consult about the listed change in accordance with regulations 11 to 16.

(4) For the purposes of these Regulations “affected members”, in relation to a proposal to make a listed change affecting an occupational or personal pension scheme, means the active or prospective members of the scheme to whom the listed change relates.

Listed changes: occupational pension schemes

8.—(1) Listed changes that affect occupational pension schemes are—

- (a) to increase the normal pension age specified in the scheme rules for members or members of a particular description;
- (b) to prevent new members, or new members of a particular description, from being admitted to the scheme;
- (c) to prevent the future accrual of benefits under the scheme for or in respect of members or members of a particular description;
- (d) to remove the liability to make employer contributions towards the scheme in respect of members or members of a particular description;
- (e) to introduce member contributions in any circumstances in which no such contributions were previously payable;
- (f) to make any increase in member contributions by or on behalf of members or members of a particular description;
- (g) to make any change specified in paragraph (2) or (3).

(2) A listed change affecting only money purchase benefits is to make any reduction in the amount of employer contributions towards the scheme in respect of members or members of a particular description.

(3) Listed changes affecting only benefits which are not money purchase benefits are—

- (a) to change to money purchase benefits some or all of the benefits that may be provided under the scheme to or in respect of members or members of a particular description;
- (b) to change, in whole or in part, the basis for determining the rate of future accrual of benefits under the scheme for or in respect of members or members of a particular description;
- (c) to modify the scheme under Article 208(2) of the Order (matters requiring agreement of the employer) so as to reduce the rate of future accrual of benefits under the scheme for or in respect of members or members of a particular description;

- (d) to make any other reduction in the rate of future accrual of benefit under the scheme for or in respect of members or members of a particular description.
- (4) “Normal pension age” has the meaning given by section 175 of the Pension Schemes Act.

Listed changes: personal pension schemes

- 9. Listed changes that affect personal pension schemes are—
 - (a) to cease employer contributions towards the scheme in respect of members or members of a particular description;
 - (b) to make any reduction in the amount of employer contributions towards the scheme in respect of members or members of a particular description;
 - (c) to make any increase in member contributions by or on behalf of members or members of a particular description.

Listed changes: exclusions

- 10.—(1) For the purposes of regulations 8 and 9, no account is to be taken of any change which—
 - (a) is made for the purposes of complying with a statutory provision;
 - (b) is made for the purposes of complying with a determination made by the Regulator, or
 - (c) has no lasting effect on a person’s rights to be admitted to a scheme or on the benefits that may be provided under it.
- (2) No change which is—
 - (a) a regulated modification within the meaning of the subsisting rights provisions, and
 - (b) subject to the requirements of those provisions,falls within regulation 8.
- (3) “Subsisting rights provisions” has the meaning given by Article 67 of the 1995 Order⁽¹⁾.

(1) S.I.1995/3213 (N.I. 22); Article 67 is substituted by Article 239 of the Pensions (Northern Ireland) Order 2005