

---

DRAFT STATUTORY INSTRUMENTS

---

**2005 No.**

**The Pensions (Northern Ireland) Order 2005**

**PART IV  
SCHEME FUNDING**

*Scheme funding*

**Matters requiring agreement of the employer**

**208.**—(1) The trustees or managers must obtain the agreement of the employer to—

- (a) any decision as to the methods and assumptions to be used in calculating the scheme's technical provisions (see Article 201(4));
- (b) any matter to be included in the statement of funding principles (see Article 202);
- (c) any provisions of a recovery plan (see Article 205);
- (d) any matter to be included in the schedule of contributions (see Article 206).

(2) If it appears to the trustees or managers that it is not otherwise possible to obtain the employer's agreement within the prescribed time to any such matter, they may (if the employer agrees) by resolution modify the scheme as regards the future accrual of benefits.

(3) No modification may be made under paragraph (2) that on taking effect would or might adversely affect any subsisting right of—

- (a) any member of the scheme, or
- (b) any survivor of a member of the scheme.

For this purpose "subsisting right" and "survivor" have the meanings given by Article 67A of the 1995 Order.

(4) Any such modification must be—

- (a) recorded in writing by the trustees or managers, and
- (b) notified to the active members within one month of the modification taking effect.

(5) If the trustees or managers are unable to reach agreement with the employer within the prescribed time on any such matter as is mentioned in paragraph (1), they must report the failure in writing to the Regulator within a reasonable period.

(6) Where paragraph (1), (4) or (5) is not complied with, Article 10 of the 1995 Order (civil penalties) applies to a trustee or manager who has failed to take all reasonable steps to secure compliance.