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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

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

**PART II**

**THE PENSIONS REGULATOR**

*Register of schemes*

**Registrable information**

**55.**—(1) For the purposes of this Article and Articles 56 to 60 “registrable information”, in relation to an occupational or personal pension scheme, means information within paragraph (2).

(2) That information is—

- (a) the name of the scheme;
- (b) the address of the scheme;
- (c) the full names and addresses of each of the trustees or managers of the scheme;
- (d) the status of the scheme with respect to the following matters—
  - (i) whether new members may be admitted to the scheme;
  - (ii) whether further benefits may accrue to, or in respect of, members under the scheme;
  - (iii) whether further contributions may be paid towards the scheme;
  - (iv) whether any members of the scheme are active members;
- (e) the categories of benefits under the scheme;
- (f) in the case of an occupational pension scheme—
  - (i) the name and address of each relevant employer, and
  - (ii) any other name by which any relevant employer has been known at any time on or after the relevant date;
- (g) in the case of an occupational pension scheme, the number of members of the scheme on the later of—
  - (i) the last day of the scheme year which ended most recently, and
  - (ii) the day on which the scheme became a registrable scheme; and
- (h) such other information as may be prescribed.

(3) Regulations may make provision about the interpretation of any of the descriptions in paragraph (2).

(4) For the purposes of paragraph (2)(f)—

“relevant employer” means any person—

- (a) who is, or
- (b) who, at any time on or after 6th April 1975, has been,

the employer in relation to the scheme;

“relevant date”, in relation to a relevant employer, means—

- (a) 6th April 1975, or
- (b) if later, the date on which the relevant employer first became the employer in relation to the scheme.

(5) In this Article and Articles 57 to 60 “registrable scheme” means an occupational pension scheme, or a personal pension scheme, of a prescribed description.

**The register: inspection, provision of information and reports etc.**

**56.**—(1) Regulations may provide—

- (a) for—
  - (i) information recorded in the register,
  - (ii) extracts from the register, or
  - (iii) copies of the register or of extracts from it,to be provided to prescribed persons in prescribed circumstances, and
- (b) for the inspection of—
  - (i) the register,
  - (ii) extracts from the register, or
  - (iii) copies of the register or of extracts from it,by prescribed persons in prescribed circumstances.

(2) Regulations under paragraph (1) may, in particular—

- (a) confer functions on—
  - (i) the Department, or
  - (ii) a person authorised by the Department for the purposes of the regulations;
- (b) make provision with respect to the disclosure of information obtained by virtue of the regulations.

(3) Regulations which contain any provision made by virtue of paragraph (2)(b) may, in particular, modify Article 77 (restricted information).

(4) The Department may direct the Regulator to submit to it statistical and other reports concerning—

- (a) information recorded in the register, and
- (b) the operation of the Regulator’s functions in relation to the register.

(5) A direction under paragraph (4) may specify—

- (a) the form in which, and
- (b) the times at which,

reports required by the direction are to be submitted.

(6) The Department may publish any report submitted to it by virtue of a direction under paragraph (4) in such manner as it considers appropriate.

(7) In this Article “the register” means the register of occupational and personal pension schemes compiled and maintained under section 59 of the Pensions Act 2004 (c. 35).

### **The register: duties of trustees or managers**

- 57.**—(1) Paragraph (2) applies where—
- (a) a registrable scheme is established, or
  - (b) an occupational or personal pension scheme otherwise becomes a registrable scheme.
- (2) The trustees or managers of the scheme must, before the end of the initial notification period—
- (a) notify the Regulator that the scheme is a registrable scheme, and
  - (b) provide to the Regulator all the registrable information with respect to the scheme.
- (3) In paragraph (2), the “initial notification period” means the period of three months beginning with—
- (a) the date on which the scheme is established, or
  - (b) if later, the date on which it becomes a registrable scheme.
- (4) Where there is a change in any registrable information in respect of a registrable scheme, the trustees or managers of the scheme must as soon as reasonably practicable, notify the Regulator—
- (a) of that fact, and
  - (b) of the new registrable information.
- (5) Where a registrable scheme—
- (a) ceases to be a registrable scheme, or
  - (b) is wound up (otherwise than under Article 145(2) (effect of Board assuming responsibility for scheme)),
- the trustees or managers of the scheme must as soon as reasonably practicable, notify the Regulator of that fact.
- (6) If paragraph (2), (4) or (5) is not complied with, Article 10 of the 1995 Order (civil penalties) applies to any trustee or manager who has failed to take all reasonable steps to secure compliance.

### **Duty of the Regulator to issue scheme return notices**

- 58.**—(1) The Regulator must issue scheme return notices in accordance with this Article requiring scheme returns to be provided in respect of registrable schemes.
- (2) In respect of each registrable scheme, the Regulator—
- (a) must issue the first scheme return notice in accordance with paragraph (3), and
  - (b) must issue subsequent scheme return notices in accordance with paragraph (4).
- (3) The return date specified in a scheme return notice issued in respect of a scheme under paragraph (2)(a)—
- (a) must fall within the period of three years beginning with—
    - (i) the date on which the Regulator receives a notice under Article 57(2)(a) in respect of the scheme, or
    - (ii) if earlier, the date on which the Regulator first becomes aware that the scheme is a registrable scheme, and
  - (b) if the trustees or managers have complied with sub-paragraph (b) of Article 57(2), must fall after the end of the period of one year beginning with the date on which they provided the information required by that sub-paragraph to the Regulator.
- (4) The return date specified in a scheme return notice issued in respect of a scheme under paragraph (2)(b) must fall—
- (a) within the period of three years, but

(b) after the end of the period of one year,  
beginning with the return date specified in the previous scheme return notice issued in respect of the scheme.

### **Duty of trustees or managers to provide scheme return**

**59.**—(1) The trustees or managers of a registrable scheme in respect of which a scheme return notice is issued must, on or before the return date, provide a scheme return to the Regulator.

(2) If a scheme return in respect of a scheme is not provided in compliance with paragraph (1), Article 10 of the 1995 Order (civil penalties) applies to any trustee or manager of the scheme who has failed to take all reasonable steps to secure compliance.

### **Scheme returns: supplementary**

**60.**—(1) This Article has effect for the purposes of Articles 58 and 59.

(2) In those Articles and this Article, in relation to a scheme return notice—

“return date” means the date specified under paragraph (3)(b) in the scheme return notice;

“scheme return” means a document in the form (if any) specified in the scheme return notice, containing the information required by the notice.

(3) A scheme return notice must specify—

(a) the descriptions of information required by it, and

(b) the return date,

and may specify the form in which that information is to be provided.

(4) A scheme return notice in respect of a registrable scheme—

(a) must require all registrable information in relation to the scheme, and

(b) may require other information which the Regulator reasonably requires for the purposes of the exercise of its functions in relation to the scheme.

(5) The return date specified in a scheme return notice must fall after the end of the period of 28 days beginning with the date on which the notice is issued.

(6) A scheme return notice must be in writing and is treated as issued in respect of a registrable scheme when it is sent to the trustees or managers of the scheme.