STATUTORY RULES OF NORTHERN IRELAND

1996 No. 570

The Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations (Northern Ireland) 1996

Schedules of contributions and certification

Time limits for preparing and revising schedules of contributions

15.—(1) A schedule of contributions for a scheme shall be prepared before the end of the period of 12 weeks beginning with the signing of the first minimum funding valuation for the scheme.

(2) The schedule of contributions shall be revised before the end of the period of 12 weeks beginning with the signing of each subsequent minimum funding valuation for the scheme.

(3) An agreement for the purposes of Article 58(4)(*a*) as to the matters to be shown in the schedule of contributions shall be made before the end of the period of 8 weeks beginning with the signing of the last preceding minimum funding valuation for the scheme.

Periods covered by schedules of contributions

16.—(1) Subject to paragraph (2), a schedule of contributions for a scheme which is prepared under Article 58(3)(*a*) or revised under Article 58(3)(*c*) shall show the rates of contributions payable towards the scheme during the period of 5 years beginning with the date on which the rates of contributions shown in the schedule are certified; and that is the period by reference to which the actuary shall be of the opinion that the rates are adequate as mentioned in Article 58(6)(*a*) or (*b*), if he is to certify them.

(2) Where at any time during the transitional period a minimum funding valuation for a scheme shows that on the effective date the minimum funding requirement is not met, then the period referred to in paragraph (1) which applies for the schedule which shall be prepared, or revised, following that valuation by virtue of Article 58(3)(*a*) or (*c*) is extended so as to end with the expiry of the period of 10 years beginning with the commencement date.

(3) The period which is applicable to the schedule of contributions for a scheme by virtue of paragraphs (1) and (2) (subject to any alteration under regulation 25) is in these Regulations referred to as the "schedule period".

(4) A schedule of contributions which is revised under Article 58(3)(*b*) shall show the rates of contributions payable towards the scheme during the remainder of the schedule period which is current on the date on which the revised rates are certified; and that is the period by reference to which the actuary shall be of the opinion that the rates are adequate as mentioned in Article 58(6)(*a*) or (*b*), if he is to certify them.

(5) Where Article 58(4)(*b*) applies (matters to be shown in the schedule of contributions where agreement is not reached about those matters), the period mentioned in Article 58(4)(*b*)(i) (the period during or at the end of which the minimum funding requirement must be met) is—

(a) in the cases mentioned in paragraph (1), the schedule period, and

(b) in the case mentioned in paragraph (4), the remainder of the current period there mentioned.

Content and certification of schedules of contributions

17.—(1) The schedule of contributions shall show separately—

(a) the rates and due dates of all contributions (other than voluntary contributions) payable by or on behalf of active members of the scheme;

(b) the rates and due dates of the contributions payable by or on behalf of each person who is an employer in relation to the scheme, and

(c) if separate contributions to cover expenses which are likely to fall due for payment by the trustees or managers in the schedule period are made to the scheme, the rates and due dates of those contributions.

(2) In any case where—

(a) Article 58(6)(*b*) applies, and

(b) the last minimum funding valuation for the scheme was not a serious shortfall valuation but showed that on the effective date of the valuation the value of the scheme assets was less than 98 per cent. of the amount of the scheme liabilities,

Article 58(6)(*b*) shall have effect with the addition at the end of

"and are such that the amount by which the value of the scheme assets falls short of the amount of the scheme liabilities will be reduced either—

(i) by additional contributions of equal or decreasing amounts made at not more than yearly intervals throughout that period, or

(ii) by increasing some or all of the contribution rates by a percentage which either remains the same throughout or decreases during that period".

(3) In any case where—

(a) Article 58(6)(*b*) applies, and

(b) the last minimum funding valuation for the scheme was a serious shortfall valuation,

Article 58(6)(*b*) shall have effect with the addition at the end of "and are such that they meet the uniform funding requirement specified in regulation 17 of the Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations (Northern Ireland) 1996".

(4) For the purposes of Article 58(6)(*b*) as it has effect by virtue of paragraph (3) of this regulation, the uniform funding requirement is that, subject to paragraph (5) of this regulation—

(a) during the schedule period there shall be made at intervals of not more than one year contribu tions of equal or decreasing amounts totalling in aggregate such amount as in the opinion of the actuary is necessary for the purpose of securing that the minimum funding requirement will be met by the end of that period, or

(b) during that period some or all of the contribution rates shall be increased by a percentage which either remains the same throughout or decreases during that period, so as to secure payments totalling in aggregate such an amount as is mentioned in sub-paragraph (*a*).

(5) In a case where the increase required to be secured by Article 60(2) is to be secured by making an appropriate payment under Article 60(2)(*a*), additional payments and contributions of amounts totalling in aggregate an amount equal to that increase, shall be made before the expiry of the period of one year mentioned in regulation 20(1)(*a*) (extended as mentioned in regulation 20(3) where that regulation applies).

(6) Schedule 2 makes further provision about schedules of contributions and their certification under Article 58.

Occasional and periodic certification of adequacy of contributions

18.—(1) The trustees or managers of a scheme to which Article 56 applies shall, not earlier than 21 days before and not later than 21 days after each anniversary of the relevant date of the last certificate under Article 58 of the rates of contributions shown in the schedule of contributions for the scheme, obtain a certificate prepared by the actuary of the scheme—

(a) stating whether or not in his opinion the contributions payable towards the scheme are adequate for the purpose of securing—

(i) in a case where it appears to him that the minimum funding requirement is met, that it will continue to be met throughout the remainder of the schedule period which is current on the relevant date of the certificate, or

(ii) otherwise, that it will be met by the end of that period, and

(b) indicating any relevant changes since that valuation was prepared.

(2) Schedule 3 makes further provision about certificates under this regulation.

Records

19.—(1) The trustees or managers of a scheme to which Article 56 applies shall keep records of all contributions made to the scheme by any person, showing separately—

(a) the aggregate amounts of contributions paid by or on behalf of active members of the scheme (whether by deduction from their earnings or otherwise) and the dates on which they are paid, distinguishing voluntary contributions from other contributions, and showing the amounts of voluntary contributions paid by each member, and

(b) the aggregate amounts of contributions paid by or on behalf of each person who is an employer in relation to the scheme and the dates on which they are paid.

(2) Such trustees or managers shall also keep a separate record of all contributions and payments made to secure any increase required to be secured by Article 60(2).

(3) Such trustees or managers shall also keep records of any action taken by them to recover—

(a) the amount of any contributions which are not paid on the date on which they are due;

(b) the amount of any debt which has arisen under Article 60(5) (employer's failure to secure the increase required as a result of a serious shortfall valuation within the prescribed period), and

(c) the amount of any debt which has arisen under Article 75(1) (deficit on insolvency etc.).