



2001 CHAPTER 14

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

Special cases

Pension schemes

39.—(1) In this section “pension scheme” means an occupational pension scheme (within the meaning of the Pension Schemes (Northern Ireland) Act 1993 (c. 49)) established under a trust and subject to the law of Northern Ireland.

(2) Part I does not apply in so far as it imposes a duty of care in relation to—

- (a) the functions described in paragraphs 1 and 2 of Schedule 1, or
- (b) the functions described in paragraph 3 of that Schedule to the extent that they relate to trustees—
 - (i) authorising a person to exercise their functions with respect to investment, or
 - (ii) appointing a person to act as their nominee or custodian.

(3) Nothing in Part II or III applies to the trustees of any pension scheme.

(4) Part IV applies to the trustees of a pension scheme subject to the restrictions in subsections (5) to (8).

(5) The trustees of a pension scheme may not under Part IV authorise any person to exercise any functions relating to investment as their agent.

(6) The trustees of a pension scheme may not under Part IV authorise a person who is—

- (a) an employer in relation to the scheme, or
 - (b) an associate of or connected with such an employer,
- to exercise any of their functions as their agent.
- (7) For the purposes of subsection (6)—
- (a) “employer”, in relation to a scheme, has the same meaning as in Part II of the [Pensions \(Northern Ireland\) Order 1995 \(NI 22\)](#);
 - (b) Articles 4 and 7 of the [Insolvency \(Northern Ireland\) Order 1989 \(NI 19\)](#) apply for the purpose of determining whether a person is an associate of or connected with an employer.
- (8) Sections 16 to 20 (powers to appoint nominees and custodians) do not apply to the trustees of a pension scheme.