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## STATUTORY INSTRUMENTS

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# 1995 No. 3213

## The Pensions (Northern Ireland) Order 1995

### PART II

#### OCCUPATIONAL PENSIONS

##### *Functions of trustees or managers*

#### **Provision of documents for members**

- 41.**—(1) Regulations may require the trustees or managers of an occupational pension scheme—
- (a) to obtain at prescribed times the documents mentioned in paragraph (2), and
  - (b) to make copies of them, and of the documents mentioned in paragraph (3), available to the persons mentioned in paragraph (4).
- (2) The documents referred to in paragraph (1)(a) are—
- (a) the accounts audited by the auditor of the scheme,
  - (b) the auditor's statement about contributions under the scheme,
- Sub-para. (c) rep. by 2005 NI 1*
- [<sup>F1</sup>(3) The documents referred to in paragraph (1)(b) are—
- (a) any statement of funding principles prepared or revised under Article 202 of the Pensions (Northern Ireland) Order 2005,
  - (b) any valuation or report prepared by the actuary under Article 203 of that Order,
  - (c) any certificate given by the actuary under Article 204 or 206 of that Order.]
- (4) The persons referred to in paragraph (1)(b) are—
- (a) members and prospective members of the scheme,
  - (b) spouses[<sup>F2</sup> or civil partners] of members and of prospective members,
  - (c) persons within the application of the scheme and qualifying or prospectively qualifying for its benefits,
  - (d) independent trade unions recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme.
- [<sup>F3</sup>(5) Regulations may in the case of occupational pension schemes provide for—
- (a) prescribed persons,
  - (b) persons with prescribed qualifications or experience, or
  - (c) persons approved by the Department,
- to act for the purposes of paragraph (2) instead of scheme auditors or actuaries.

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**Changes to legislation:** *The Pensions (Northern Ireland) Order 1995, Section 41 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(5A) Regulations may impose duties on the trustees or managers of an occupational pension scheme to disclose information to, and make documents available to, a person acting under paragraph (5).

(5B) If any duty imposed under paragraph (5A) is not complied with,<sup>F1</sup> Article 10 applies to any trustee, and] to any manager, who has failed to take all such steps as are reasonable to secure compliance.]

(6) Regulations shall make provision for referring to an industrial tribunal any question whether an organisation is such a trade union as is mentioned in paragraph (4)(d) and may make provision as to the form and content of any such document as is referred to in paragraph (2).

**F1** 2005 NI 1

**F2** SR 2005/434

**F3** 2000 c. 4 (NI)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Instrument amended by [1998 c. 11 s.23 Sch.5 Pt.IV Ch.II para.72](#)
- power to am. (prosp.) by [1998 c. 47 s.87](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 para. 18(15)(16) repealed by [2012 c. 3 \(N.I.\) Sch. 2 para. 4\(b\)](#)
- Sch. 2 Pt. 3 para. 18(8) repealed by [2008 c. 1 \(N.I.\) Sch. 6 Pt. 1](#) (Amendment could not be applied - affected provision not available on [legislation.gov.uk](#))
- Sch. 2 Pt. 3 para. 18(18) repealed by [2008 c. 1 \(N.I.\) Sch. 6 Pt. 1](#) (Amendment could not be applied - affected provision not available on [legislation.gov.uk](#))
- art. 37(1A)(a) word inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 7\(a\)](#)
- art. 37(1A)(b) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 7\(b\)](#)
- art. 51(5A)-(5C) inserted by [2016 c. 1 \(N.I.\) s. 43\(1\)](#)
- art. 51(7A) inserted by [2016 c. 1 \(N.I.\) s. 41\(1\)\(b\)](#)
- art. 51(9)(10) inserted by [2016 c. 1 \(N.I.\) s. 42\(3\)](#) (This amending provision is itself amended by S.I. 2019/193, reg. 7)
- art. 67A(3)(aa)-(ac) inserted by [2016 c. 1 \(N.I.\) s. 45\(3\)](#)
- art. 67A(9)(b)(viii)-(x) inserted by [2016 c. 1 \(N.I.\) s. 45\(6\)\(b\)](#)
- art. 73(2)(2A) substituted for art. 73(2) by [2016 c. 1 \(N.I.\) Sch. 2 para. 11](#)
- art. 75(1)-(1B) substituted for art. 75(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 12](#)
- art. 167(3)(aa) inserted by [2016 c. 1 \(N.I.\) s. 43\(2\)](#)