STATUTORY INSTRUMENTS

2005 No. 255

The Pensions (Northern Ireland) Order 2005

PART IX

MISCELLANEOUS AND SUPPLEMENTARY

Electronic working

Notification and documents in electronic form

277.—(1) This Article applies where —

(a) section 24 of the Interpretation Act (Northern Ireland) 1954 (c. 33) authorises the giving or sending of a notification or other document by its delivery to a particular person ("the recipient"), and

(b) the notification or other document is transmitted to the recipient—

(i) by means of an electronic communications network, or

(ii) by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.

(2) The transmission has effect for the purposes of this Order as a delivery of the notification or other document to the recipient, but only if the requirements imposed by or under this Article are complied with.

(3) Where the recipient is a relevant authority—

(a) it must have indicated its willingness to receive the notification or other document in a manner mentioned in paragraph (1)(b),

(b) the transmission must be made in such manner, and satisfy such other conditions, as it may require, and

(c) the notification or other document must take such form as it may require.

(4) Where the person making the transmission is a relevant authority, it may (subject to paragraph (5)) determine—

(a) the manner in which the transmission is made, and

(b) the form in which the notification or other document is transmitted.

(5) Where the recipient is a person other than a relevant authority—

(a) the recipient, or

(b) the person on whose behalf the recipient receives the notification or other document,

must have indicated to the person making the transmission the recipient's willingness to receive notifications or documents transmitted in the form and manner used.

(6) An indication given to any person for the purposes of paragraph (5)—

(a) must be given to that person in such manner as he may require,

(b) may be a general indication or one that is limited to notifications or documents of a particular description,

(c) must state the address to be used and must be accompanied by such other information as that person requires for the making of the transmission, and

(d) may be modified or withdrawn at any time by a notice given to that person in such manner as he may require.

(7) An indication, requirement or determination given, imposed or made by a relevant authority for the purposes of this Article is to be given, imposed or made by being published in such manner as it considers appropriate for bringing it to the attention of the persons who, in its opinion, are likely to be affected by it.

(8) Where both the recipient and the person making the transmission are relevant authorities—

(a) paragraphs (3) and (4) do not apply, and

(b) the recipient must have indicated to the person making the transmission the recipient's willingness to receive notifications or documents transmitted in the form and manner used.

(9) In this Article "notification" includes notice; and references in this Article to sending a document to a person include references to making an application to him.

(10) In this Article, "relevant authority" means the Regulator, the Board or the Department.

(11) In this Article and Article 278, "electronic communications network" has the same meaning as in the Communications Act 2003 (c. 21).

Modifications etc. (not altering text)

C1 Art. 277 modified by 2008 c. 13 (N.I.) s. 113A (as inserted (30.6.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), **ss. 33(1)**, 34(3); S.R. 2012/265, art. 2(1)(f))

C2 Art. 277 applied (6.4.2022) by The Occupational Pension Schemes (Master Trusts) Regulations (Northern Ireland) 2022 (revoked) 2022 (S.R. 2022/121), regs. 1, **2(2)**

C3 Art. 277 applied (3.10.2022) by The Occupational Pension Schemes (Master Trusts) (No. 2) Regulations (Northern Ireland) 2022 (S.R. 2022/234), regs. 1, **2(2)**

C4 Art. 277 applied (1.4.2023) by The Occupational Pension Schemes (Master Trusts) Regulations (Northern Ireland) 2023 (S.R. 2023/59), regs. 1, **2(2)**

C5 Art. 277 applied (29.9.2023) by The Occupational Pension Schemes (Master Trusts) (No. 2) Regulations (Northern Ireland) 2023 (S.R. 2023/148), regs. 1, **2(2)**

C6 Art. 277 applied (27.3.2024) by The Occupational Pension Schemes (Master Trusts) Regulations (Northern Ireland) 2024 (S.R. 2024/78), regs. 1, **2(2)**

Timing and location of things done electronically

278.—(1) The Department may by order make provision specifying, for the purposes of any statutory provision contained in, or made under, this Order, the manner of determining—

(a) the times at which things done under that statutory provision by means of electronic communications networks are done, and

(b) the places at which such things are so done, and at which things transmitted by means of such networks are received.

(2) The provision made under paragraph (1) may include provision as to the country or territory in which an electronic address is to be treated as located.

(3) An order made by the Department may also make provision about the manner of proving in any legal proceedings—

(a) that something done by means of an electronic communications network satisfies the requirements of a statutory provision contained in, or made under, this Order for the doing of that thing, and

(b) the matters mentioned in paragraph (1)(a) and (b).

(4) An order under this Article may provide for such presumptions to apply (whether conclusive or not) as the Department considers appropriate.

Modifications etc. (not altering text)

C7 Art. 278 modified by 2008 c. 13 (N.I.) s. 113A (as inserted (30.6.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), **ss. 33(1)**, 34(3); S.R. 2012/265, art. 2(1)(f))

Changes to legislation:
The Pensions (Northern Ireland) Order 2005, Cross Heading: Electronic working is up to date with all changes known to be in force on or before 26 August 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.
View outstanding changes

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. 6 para. 21(2)(c)-(cc) substituted for (b)(c) by 2008 c. 13 (N.I.) Sch. 6 para. 11
- art. 2(4)(b)(viii)-(x) inserted by 2016 c. 1 (N.I.) Sch. 2 para. 21(3)(b)
- art. 19(1A) inserted by 2016 c. 1 (N.I.) Sch. 2 para. 24(3)
- art. 19(10A) inserted by 2016 c. 1 (N.I.) Sch. 2 para. 24(5)
- art. 34(1)-(1B) substituted for art. 34(1) by 2016 c. 1 (N.I.) Sch. 2 para. 25
- art. 34(7)(da) inserted by 2021 c. 1 Sch. 8 para. 3(2)
- art. 39(1)-(1B) substituted for art. 39(1) by 2016 c. 1 (N.I.) Sch. 2 para. 26(2)
- art. 48(1)-(1B) substituted for art. 48(1) by 2016 c. 1 (N.I.) Sch. 2 para. 27
- art. 75(1)(a)(iib) inserted by 2021 c. 1 Sch. 8 para. 8(2)
- art. 110(1)-(1B) substituted for art. 110(1) by 2016 c. 1 (N.I.) Sch. 2 para. 29
- art. 191(5) added by 2008 c. 13 (N.I.) Sch. 9 para. 6
- art. 267(4)(f) and word inserted by 2021 c. 1 Sch. 6 para. 20(b)