

SCHEDULE 3

Modifications of the Pensions (Northern Ireland) Order 1995 and These Regulations

Cases where the employer is sole trustee

2.—(1) Where a person who is not a company to which Article 18 applies is the sole trustee of, and the sole employer in relation to, a trust scheme these Regulations shall have effect with the following modifications.

(2) In regulation 7(2) for sub-paragraph (d) there shall be substituted the following sub-paragraph—

“(d) if before the expiry of the period of 6 months beginning with the date mentioned in sub-paragraph (a), (b) or (c) the employer duly gives notice under paragraph 2 of Schedule 1 that he is proposing alternative arrangements, but the alternative arrangements are not approved, during the period of 6 months beginning with the date with which the approval period expires.”.

(3) In regulation 9—

(a) in paragraph (1)—

(i) in sub-paragraph (a) for the words from “to the trustees” to the end there shall be substituted “under Schedule 1 at a permitted notice time to the eligible members of the scheme of his proposals for alternative arrangements under Article 17(1), and”, and

(ii) sub-paragraph (b)(ii) and the word “and” immediately preceding it shall be omitted;

(b) in paragraph (2)—

(i) in sub-paragraph (a)(i) for “one month” there shall be substituted “6 months”;

(ii) in sub-paragraph (a)(ii) and (b)(i) for “one month” there shall be substituted “6 months” and for “to the employer” there shall be substituted “to the eligible members”, and

(iii) in sub-paragraph (c)(i) the words “to the trustees of the scheme” shall be omitted, and

(c) for paragraph (3) there shall be substituted the following paragraph—

“(3) In paragraph (1) the “approval period”, in relation to alternative arrangements, means—

(a) where notice of those arrangements is given under paragraph (2)(a)(iii) or (c), the period of 6 months beginning with the date on which that notice is given, and

(b) otherwise, the period within which notice of those arrangements may be given under paragraph (1)(a).”.

(4) In regulation 10(2)(b)(i) for the words from “the date” to the end there shall be substituted “the date on which the arrangements are approved, and”.

(5) In regulation 20—

(a) in paragraph (1)(d), for the words from “the date” to the end there shall be substituted “the date following the date on which the arrangements are approved;”;

(b) in paragraph (1)(g), in head (ii) for “the employer” there shall be substituted “the eligible members”, and for “with the opt-out failure date” there shall be substituted “of the approval period”;

(c) in paragraph (3) the words “to the employer and, in the case of rules,” shall be omitted, and

(d) paragraph (4)(a) shall be omitted.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (6) In regulation 23(3) the words “and the trustees of the scheme” shall be omitted.
- (7) In Schedule 4—
 - (a) in paragraphs 3(1) and 5 for “to the trustees of an Article 16 scheme” there shall be substituted “to the eligible members of the scheme”, and
 - (b) in paragraph 5(c) for “to the trustees” there shall be substituted “to the eligible members”.