
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 493

The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996

Part II

Certification of Employments

Information to be included in an election

- 6.—(1) An election shall include the following particulars—
- (a) the name and address of the employer;
 - (b) the name by which the scheme to which the election relates is known;
 - (c) a description of the employments to which the contracting-out certificate is intended to relate and, if the certificate is not intended to be in relation to all earners in those employments, the categories or descriptions of the earners intended to be included in the certificate;
 - (d) the date from which it is desired that the certificate shall have effect;
 - (e) the names and addresses of the trustees and administrator of the scheme to which the election relates, and
 - (f) the person to whom notices were given under regulation 3(1)(b), (c) and (d).
- (2) The employer shall also confirm in writing—
- (a) that he has, in accordance with regulation 3(1), given the earners mentioned in regulation 3(1)(a) notice of the intention to make the election, and
 - (b) how that notice was given and its date of expiry;
 - (c) that the scheme is not one which is excluded from contracting out under these Regulations;
 - (d) unless the scheme is one to which regulation 27 applies (modification applying to public service pension schemes), that the restrictions imposed under Article 40 of the Order (restrictions on employer-related investments) apply to the scheme and the scheme complies with those restrictions;
 - (e) in the case of a scheme to which Article 47 of the Order (professional advisers) applies, that the scheme complies with the requirement, under paragraph (1)(b) of that Article, to have an actuary;
 - (f) in the case of a trust scheme—
 - (i) that any fund manager to whom any discretion to make any decisions about investments has been delegated in accordance with Article 34 of the Order (power of investment and delegation) is capable of giving proper advice within the meaning of Article 36(6) of the Order;

- (ii) that the requirements of Article 49 of the Order (other responsibilities of trustees, employers, etc.) and any regulations made under that provision to keep any money received by the trustees in a separate account and to keep proper books and records are complied with;
 - (g) in the case of a scheme to which Article 56 of the Order (minimum funding requirement) applies, that the requirements of Article 57(1) and (2) and 58 of the Order and any regulations made under those provisions to obtain actuarial valuations and certificates are complied with.
- (3) In the case of a scheme which is electing to contract out under section 5(2) of the Act⁽¹⁾ (salary related contracted-out scheme) the employer shall also provide—
- (a) unless the scheme is one to which regulation 18(2) applies (public service pension scheme), written confirmation or evidence that the actuary is satisfied that the resources of the scheme are sufficient to meet the requirement prescribed in regulation 18 (requirement as to resources of the scheme) or, as the case may be, the transitional requirements as to resources prescribed in regulations 72 and 73, and
 - (b) a certificate signed by the actuary that the scheme satisfies the statutory standard in relation to any earner's service after the principal appointed day in accordance with section 8A of the Act.
- (4) In the case of a scheme which is electing to contract out under section 5(3) of the Act⁽²⁾ (money purchase contracted-out scheme) the employer shall also provide confirmation in writing—
- (a) that he will comply with obligations concerning minimum payments in accordance with section 4(1)(a)(ii) of the Act⁽³⁾ and regulations made under sections 4(3) and 5(3) of the Act, and
 - (b) that the requirements of regulation 30(1)(b) and (c) are satisfied.

(1) Section 5(2) was substituted by Article 133(3) of the Pensions (Northern Ireland) Order 1995
(2) Section 5(3) was amended by Article 133(4) of the Pensions (Northern Ireland) Order 1995 and is amended by paragraph 17 of Schedule 3 to that Order
(3) Section 4(1)(a) was amended by Article 133(2) of the Pensions (Northern Ireland) Order 1995