
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 143

PENSIONS

The Occupational Pension Schemes (Prohibition of Trustees) Regulations (Northern Ireland) 1997

Made - - - - *10th March 1997*

Coming into operation *6th April 1997*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 3(2) of the Pensions (Northern Ireland) Order 1995(1) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Prohibition of Trustees) Regulations (Northern Ireland) 1997 and shall come into operation on 6th April 1997.

(2) In these Regulations any reference to a numbered Article is a reference to the Article of the Pensions (Northern Ireland) Order 1995 bearing that number.

Circumstances in which the Authority may prohibit a person from being a trustee

2. If—

- (a) a company is, or prior to dissolution was, prohibited under paragraph (2) of Article 3 from being a trustee of a scheme by reason of circumstances falling within sub-paragraphs (a) or (b) of that paragraph; and
- (b) the Authority are satisfied that the acts or defaults giving rise to those circumstances were committed with the consent or connivance of, or attributable to any neglect on the part of, an individual who at the time of those acts or defaults was a director of the company,

the Authority (except where Article 3(2) applies) may by order prohibit from being a trustee of a particular trust scheme—

- (i) the individual concerned;
- (ii) any company of which the individual concerned is a director;
- (iii) any company which has as a director, a company of which the individual concerned is a director;

Status: This is the original version (as it was originally made).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

- (iv) any company which is subject to a power of appointment to a directorship, in favour of a company of which the individual concerned is a director;
- (v) any company which automatically has as a director, any director or other nominee of another company of which latter company the individual concerned is a director.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

10th March 1997.

John O'Neill
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations specify circumstances, in addition to those set out in Article 3(2)(a) to (d) of the Pensions (Northern Ireland) Order 1995 (“the Order”), in which the Occupational Pensions Regulatory Authority may by order prohibit a person from being a trustee of a particular occupational pension trust scheme.

The Pensions (1995 Order) (Commencement No. 5) Order (Northern Ireland) 1996 ([S.R. 1996 No. 534 \(C. 25\)](#)) provides for the coming into operation of Article 3(2) of the Order on 19th November 1996 for the purpose only of authorising the making of regulations. As the Regulations are made before the end of a period of six months from the commencement of that Article, the requirement for consultation under Article 117(1) of the Order does not apply by virtue of paragraph (2)(c) of that Article.