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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 349**

**PENSIONS**

**The Personal Pension Schemes (Payments by Employers) Regulations (Northern Ireland) 2000**

*Made - - - - 17th November 2000*

*Coming into operation 6th April 2001*

The Department for Social Development, in exercise of the powers conferred by sections 107A(4) (b) to (7) and (15)(b), 109(1) and (3), 177(2) to (4) and 178(1) of the Pension Schemes (Northern Ireland) Act 1993(1), and now vested in it(2), 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 Personal Pension Schemes (Payments by Employers) Regulations (Northern Ireland) 2000 and shall come into operation on 6th April 2001.

(2) In these Regulations—

“scheme” means a personal pension scheme;

“stakeholder pension scheme” has the meaning given by Article 3 of the Welfare Reform and Pensions (Northern Ireland) Order 1999(3) (meaning of “stakeholder pension scheme”);

“statement year” has the meaning given by regulation 18(3) of the Stakeholder Pension Schemes Regulations (Northern Ireland) 2000(4) (disclosure of information to members);

“trustees or managers”, in relation to a scheme, means—

(a) in the case of a scheme established under a trust, the trustees of the scheme, and

(b) in any other case, the managers of the scheme.

(3) Subject to paragraphs (4) and (5), the Interpretation Act (Northern Ireland) 1954(5) shall apply to these Regulations as it applies to an Act of the Assembly.

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(1) 1993 c. 49; section 107A is inserted by Article 10 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and section 178(1) was amended by Parts III and IV of Schedule 5 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

(2) See Article 8(b) of S.R. 1999 No. 481

(3) S.I. 1999/3147 (N.I. 11)

(4) S.R. 2000 No. 262

(5) 1954 c. 33 (N.I.)

(4) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

(5) Without prejudice to any other method of service authorised under section 24 of the Interpretation Act (Northern Ireland) 1954, the requirement to send any document under these Regulations may be met by sending it by ordinary post.

(6) In these Regulations any reference to a numbered section is a reference to the section of the Pension Schemes (Northern Ireland) Act 1993 bearing that number.

### **Record of direct payment arrangements**

2. For the purposes of section 107A(4)(b) (record of direct payment arrangements must satisfy prescribed requirements) the prescribed requirements are that the record contains separate entries for the rates of contributions payable under the direct payment arrangements—

- (a) on the employer's own account in respect of the employee, and
- (b) on behalf of the employee out of deductions from the employee's earnings.

### **Prescribed time in which an employer is to make a record of direct payment arrangements available to trustees or managers**

3. For the purposes of section 107A(5) (employer must within the prescribed period send a copy of the record to the trustees or managers) the prescribed period after the preparation or any revision of the record within which the employer must send a copy of the record or, as the case may be, of the revised record to the trustees or managers of the scheme is such period which is likely to result in the copy of that record being available to the trustees or managers of the scheme no later than the date upon which the first contribution payable by reference to that record falls due for payment.

### **Time limits for giving notice to the Regulatory Authority and to the employee that any contribution which is payable has not been paid and the circumstances in which such notice need not be given**

4.—(1) Subject to paragraph (2), for the purposes of section 107A(6) (except in prescribed circumstances notice to be given by the trustees or managers to the Regulatory Authority<sup>(6)</sup> and to the employee within a prescribed period that any contribution which is payable has not been paid on or before its due date) the prescribed period within which the trustees or managers of the scheme must, where any contribution shown by the record to be payable under the direct payment arrangements has not been paid on or before its due date, give notice of that fact—

- (a) to the Regulatory Authority, is the period of 30 days beginning with the day following that due date, and
- (b) to the employee, is the period of 90 days beginning with the day following that due date, unless payment has been made before the end of the period of 60 days beginning with the day following that due date.

(2) The prescribed circumstances in which the trustees or managers of the scheme need not give notice to the Regulatory Authority or the employee or both the Regulatory Authority and the employee that any contribution referred to in paragraph (1) has not been paid on or before its due date are when the Regulatory Authority have informed the trustees or managers—

- (a) that the Regulatory Authority or the employee or both the Regulatory Authority and the employee need not be notified that any future contribution shown by the record to be

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(6) The definition of “the Regulatory Authority” was inserted into section 176(1) of the Pension Schemes (Northern Ireland) Act 1993 by paragraph 36(a)(ii) of Schedule 1 to the Pensions (Northern Ireland) Order 1995

payable under the direct payment arrangements has not been paid on or before its due date, and

- (b) when, if at all, they must resume giving notice in accordance with section 107A(6) to the Regulatory Authority or the employee or both the Regulatory Authority and the employee that any future contribution shown by the record to be payable under the direct payment arrangements has not been paid on or before its due date.

### **Prescribed period for the purpose of calculating the due date for the payment of any contribution on behalf of an employee**

5. For the purposes of section 107A(15)(b) (meaning of “due date” where a contribution payable under the direct payment arrangements falls to be paid on behalf of the employee) the prescribed period is the period of 19 days beginning with the day following the last day of the month in which the deduction was made from the employee’s earnings.

### **The issue of payment statements to an employee**

6.—(1) For the purposes of section 107A(7) (trustees or managers to send the employee a statement of payments made during a prescribed period before the end of prescribed intervals) the prescribed period for which the statement must set out the amounts and dates of the payments made under the direct payment arrangements is the period specified in paragraph (2) or (3), as the case may be.

(2) Where the scheme is not a stakeholder pension scheme the prescribed period is—

(a) in the case of the first such statement, the period beginning with—

- (i) 6th April 2001, or the date the employee joins the scheme, whichever is later, in the case of an employee who is or becomes a member of a scheme during the period from 6th April 2001 to 5th April 2002, or
- (ii) the date the employee joins the scheme, in the case of an employee who becomes a member of a scheme on or after 6th April 2002,

and ending with the date of the last payment which appears on that statement, and

(b) in the case of the second or any subsequent such statement (the relevant statement), a period of not more than 12 months beginning with the day following the date of the last payment which appeared on the statement immediately preceding the relevant statement.

(3) Where the scheme is a stakeholder pension scheme the prescribed period is the period which is the statement year in relation to that scheme.

(4) For the purposes of paragraph (2)(a) the date of the last payment referred to in that paragraph must be no later than—

- (a) 5th April 2003, where paragraph (2)(a)(i) applies, or
- (b) 12 months after the date the employee joined the scheme, where paragraph (2)(a)(ii) applies.

(5) The prescribed intervals before the end of which the trustees or managers must send the employee the statement referred to in paragraph (1) are those specified in paragraph (6) or (7), as the case may be.

(6) Where the scheme is not a stakeholder pension scheme the prescribed intervals are—

(a) in the case of the first such statement—

- (i) the period beginning with 6th April 2001 and ending with 5th April 2003, where paragraph (2)(a)(i) applies, or

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- (ii) the period of 12 months beginning with the date the employee joined the scheme, where paragraph (2)(a)(ii) applies, and
  - (b) in the case of—
    - (i) the second such statement, the period of 12 months beginning with the next anniversary of the date the employee joined the scheme following the date the trustees or managers sent the employee the first statement, and
    - (ii) the third or any subsequent such statement, the period of 12 months beginning with the anniversary of the date the employee joined the scheme.
- (7) Where the scheme is a stakeholder pension scheme the prescribed interval is 3 months after the end of the statement year to which that statement relates.

### **Revocation**

7. Regulation 5A of the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(7) is hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 17th November 2000.

L.S.

*John O'Neill*  
Senior Officer of the  
Department for Social Development

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations make provision concerning the monitoring of employers' payments to personal pension schemes under section 107A of the Pension Schemes (Northern Ireland) Act 1993.

Regulation 1 provides for citation, commencement and interpretation.

Regulation 2 sets out the prescribed requirements for the contents of the record of direct payment arrangements.

Regulation 3 specifies the period within which the employer must send a copy of the record of direct payment arrangements to the trustees or managers of the scheme.

Regulation 4 specifies the time limits within which the trustees or managers of the scheme must give notice to the Occupational Pensions Regulatory Authority and to the employee that any contribution which is payable by the employer under the direct payment arrangements has not been paid and the circumstances in which such notice need not be given.

Regulation 5 specifies the period to be used for the purpose of calculating the due date for the payment by the employer of any contribution paid on behalf of an employee.

Regulation 6 provides for the period which a payment statement sent to an employee by the trustees or managers of a scheme must cover, and the frequency with which such statements must be sent to the employee.

Regulation 7 revokes regulation 5A of the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987.

Section 107A(4)(b) to (7) and 15(b) of the Pension Schemes (Northern Ireland) Act 1993, one of the enabling provisions under which these Regulations are made, is inserted by Article 10 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 ("the 1999 Order").

The Welfare Reform and Pensions (1999 Order) (Commencement No. 6 and Transitional and Savings Provisions) Order (Northern Ireland) 2000 ([S.R. 2000 No. 332 \(C. 14\)](#)) provides for the coming into operation of Article 10 of the 1999 Order, in so far as it is not already in operation, on 6th April 2001.