

2012 No. 331

PENSIONS

**The Occupational Pension Schemes (Disclosure of Information)
(Amendment) Regulations (Northern Ireland) 2012**

Made - - - - - *5th September 2012*

Coming into operation - *1st October 2012*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 109(1), (2)(e) and (3) and 177(2) to (4) of the Pension Schemes (Northern Ireland) Act 1993(a) and now vested in it(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Disclosure of Information) (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 1st October 2012.

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Occupational Pension Schemes (Disclosure of Information) Regulations

2.—(1) The Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997(d) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation) after the definition of “independent trade union” insert—

““jobholder information” means the information specified in regulation 3 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010(e);”.

(a) 1993 c. 49; section 109(1) was amended by section 48(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and section 109(2)(e) was added by paragraph 13 of Schedule 10 to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

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

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

(d) S.R. 1997 No. 98; relevant amending provisions are S.R. 1997 No. 544, S.R. 1999 No. 486, S.R. 2005 No. 170, S.R. 2008 No. 116, S.R. 2010 No. 373 and S.R. 2012 Nos. 120 and 124

(e) S.R. 2010 No. 122

- (3) In regulation 4 (basic information about the scheme) for paragraph (2)(a) substitute—
- “(2) The information specified in Schedule 1(b) shall be given as of course, where practicable, to every prospective member, and where such information has not already been given to a person, it shall be given—
- (a) where the trustees of the scheme have received jobholder information in relation to that person, to that person within one month of the scheme’s receiving that information; or
 - (b) where no jobholder information has been received, to that person within 2 months of that person’s becoming a member of the scheme.
- (2A) To the extent that any information specified in Schedule 1 has not previously been given to a member who was a deferred member of the scheme on 5th April 1997, such information shall be given to that member within 2 months of that member’s becoming a pensioner member.”.
- (4) In Schedule 1 (basic information about the scheme) for paragraph 2 substitute—
- “2. How persons who are eligible to be members of the scheme are admitted to it.”.

Revocations

3. The following regulations are revoked—
- (a) regulation 8 of the Personal and Occupational Pension Schemes (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1997(c);
 - (b) regulation 3(4)(a) of the Occupational, Personal and Stakeholder Pension Schemes (Disclosure of Information) (Amendment) Regulations (Northern Ireland) 2010(d).

Sealed with the Official Seal of the Department for Social Development on 5th September 2012

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

(a) Regulation 4(2) was amended by regulation 8 of S.R. 1997 No. 544 and regulation 3(4)(a) of S.R. 2010 No. 373
(b) Schedule 1 was amended by regulation 13(4) of S.R. 1999 No. 486, regulation 20(3) of S.R. 2005 No. 170, regulation 6(2) of S.R. 2008 No. 116, regulation 8(3) of S.R. 2012 No. 120 and Article 18(4) of S.R. 2012 No. 124
(c) S.R. 1997 No. 544
(d) S.R. 2010 No. 373

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997 to take account of the introduction of automatic enrolment of employees into a pension scheme by employers, which is provided for in Part 1 of the Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.)).

The requirement for the trustees of the scheme to provide basic scheme information to all prospective members, or new members within 2 months of their becoming members is amended in the case of individuals in relation to whom the trustees have received jobholder information from the employer. The basic scheme information, if not already provided to an individual, must be given to that individual within one month of the scheme's receiving the jobholder information.

The list of the information that must be provided to individuals as part of the basic scheme information is amended so that the scheme must set out how persons who are eligible to be members of the scheme are admitted to it.

The Regulations also make consequential revocations.

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