



STATUTORY INSTRUMENTS.

S.I. No. 630 of 2021

OCCUPATIONAL PENSION SCHEMES (DUTIES OF TRUSTEES IN
CONNECTION WITH BULK TRANSFER) (AMENDMENT)
REGULATIONS 2021

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I, HEATHER HUMPHREYS T.D., Minister for Social Protection in exercise of the powers conferred on me by section 5 (as amended by section 37 of the Social Welfare and Pensions Act 2007 (No. 8 of 2007), section 59D and section 59E (inserted by section 43 of the Pensions (Amendment) Act 2002 (No. 18 of 2002)) of the Pensions Act 1990 (No. 25 of 1990) (as adapted by the Employment Affairs and Social Protection (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 447 of 2020)), hereby make the following Regulations:

Citation and Construction

1. These Regulations may be cited as the Occupational Pension Schemes (Duties of Trustees in Connection with Bulk Transfer) (Amendment) Regulations 2021.
2. These Regulations and the Occupational Pension Schemes (Duties of Trustees In Connection With Bulk Transfer) Regulations 2009 shall be construed together as one and may be cited as the Occupational Pension Schemes (Duties of Trustees In Connection with Bulk Transfer) Regulations 2009 to 2021.

Amendment to regulations

3. The Occupational Pension Schemes (Duties of Trustees In Connection With Bulk Transfer) Regulations 2009 (S.I. No. 177 of 2009) are amended —
 - (a) in Regulation 4 in sub-article (1) —
 - (i) by the substitution of “not less than 1 month” for “not less than 2 months”,
 - (ii) by the substitution of “specified in paragraph (2).” for “specified in paragraph (2),”
 - (b) in Regulation 5 in sub-article (1) —
 - (i) in paragraph (a) by the substitution of “such observations are to be made.” for “such observations are to be made;”
 - (ii) by the deletion of paragraph (b).
 - (c) in Regulation 6 —
 - (i) in sub-article (1), by the substitution of “to whom it is addressed or by means of any electronic method.” for “to whom it is addressed,”

(ii) by inserting the following after sub-article (1):

“For the purposes of Regulation 6(1), where the transferring trustees are not in possession of and, following all reasonable steps, cannot ascertain an address for any transferring member or members of the transferring scheme, and cannot send the notification to such member or members by means of any electronic method, the trustees shall publish a notice in a national newspaper to the effect that a bulk transfer from the transferring scheme is proposed and detailing the name and contact details of the person to whom a request may be sent, within 7 days of the date of publication of the notice for information on the matters specified in regulation 4(2) or, as the case may be, regulation 4(7).”

(iii) in sub-article (2) —

- I. by the insertion of “or a notice in a national newspaper in accordance with paragraph (1A)” after “paragraph (1)”.
II. In sub-article (2), by the substitution of “under Regulation 4.” for “under Regulation 4.”.

GIVEN under my Official Seal,
25 November, 2021.

HEATHER HUMPHREYS T.D.,
Minister for Social Protection.

L.S.

EXPLANATORY NOTE

(This is not part of the Statutory Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Occupational Pension Schemes (Duties of Trustees In Connection With Bulk Transfer) Regulations 2009. The provisions in respect of consideration of member observations by trustees has been amended to allow for due consideration by trustees before a final decision is made. The means of notification has been broadened to allow for communication by electronic means and the means of notifying untraceable deferred members has been broadened to allow for publication in a national newspaper.

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