



STATUTORY INSTRUMENTS

S.I. No. 276 of 2008



PENSIONS ACT 1990 (REGISTRATION AND RENEWAL OF
REGISTRATION OF ADMINISTRATORS) REGULATIONS 2008

(Prn. A8/1060)

PENSIONS ACT 1990 (REGISTRATION AND RENEWAL OF
REGISTRATION OF ADMINISTRATORS) REGULATIONS 2008

The Minister for Social and Family Affairs, in exercise of the powers conferred on her by section 5(1) of the Pensions Act 1990 (No. 25 of 1990), hereby makes the following Regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the Pensions Act 1990 (Registration and Renewal of Registration of Administrators) Regulations 2008.

(2) These Regulations come into operation on 1st November 2008.

Definitions

2. In these Regulations “Act” means the Pensions Act 1990 (No. 25 of 1990).

Registration of Registered Administrator

3. The form set out in Schedule A—

(a) is prescribed for the purposes of section 64D of the Act,

(b) may be adapted for filing and use electronically, and

(c) shall only be used by a single applicant.

Renewal of Registration of Registered Administrator

4. The form set out in Schedule B—

(a) is prescribed for the purposes of section 64E of the Act,

(b) may be adapted for filing and use electronically, and

(c) shall only be used by a single registered administrator.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 22nd July, 2008.*

SCHEDULE A

Regulation 3.

THE PENSIONS BOARD

APPLICATION FOR REGISTRATION AS A REGISTERED
ADMINISTRATOR

IN ACCORDANCE WITH SECTION 64D OF THE PENSIONS ACT 1990

(which Act, in this form, and notes to it, is referred to as “the Act”)

(please refer to explanatory notes)

For Pensions Board use PBRA number:
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Part 1

APPLICANT'S DETAILS
Full name:
Principal business address:
Address in Ireland for service of notices and legal proceedings (if different from above):
Other address(es) (insert details of any other address at which applicant's business is carried on):
If you are a trustee of the scheme or trust RAC and are applying on behalf of all of the trustees of that scheme or trust RAC, insert full name and address of each trustee:
Where the applicant is a company (including a trustee company), insert the name of the director, manager or officer authorised to act on the company's behalf in completing this form and dealing with enquiries: Name: Position: Email address: Telephone: Fax: Other/mobile: Registered office address (if body corporate): Registered no. (if body corporate):Place of registration: Name and address of parent company: Authorised officer:Telephone: Fax: Email address:.....
Continuation sheet? YES/NO

Part 2

SCHEMES AND TRUST RACS FOR WHICH APPLICANT PROVIDES CORE ADMINISTRATION FUNCTIONS

An applicant may apply to be registered as the registered administrator to provide to one or more schemes or trust RACs any of the following categories of functions [note one]:

category I — the functions set out in section 64G (1)(a)-(c) inclusive;

category II — the functions set out in section 64G (1)(a) and section 64G (1)(c);

category III — the functions set out at section 64G (1)(b) and section 64G (1)(c).

[Above 'section' references are to sections of the Act]

In the attached Schedule, enter the name and details of each scheme and trust RAC in respect of which the applicant provides/intends to provide [note two] core administration functions, together with the PB number, the type of scheme, the scheme year or trust RAC year end date [note three] for each such scheme or trust RAC, the category of functions administered and the name of any outsource provider used.

Name of scheme or trust RAC	PB no.	Scheme type (DB/DC)	Scheme year/trust RAC year end date [note three]	Functions (categories I, II or III)	Outsourcing arrangement provider, if any YES/NO (If YES, Part 3 must be completed)

Continuation sheet? YES/NO

Part 3

OUTSOURCING ARRANGEMENTS

Where you have, or intend to enter into, an outsourcing arrangement with another person under which that person will provide any of the functions set out in category I, II or III above, you must complete this section in respect of each of the outsource providers.

Note: You remain liable for the performance of the core administration functions even where you have outsourced them to another person.

DETAILS OF OUTSOURCE ARRANGEMENT PROVIDER(S)
Full name: Business address: Authorised director, manager or officer: Email address: Telephone: Fax: Registered office address (if body corporate) if different from the above: Registered no. (if body corporate): Place of registration:
Full name: Business address: Authorised director, manager or officer: Email address: Telephone: Fax: Registered office address (if body corporate) if different from the above: Registered no. (if body corporate): Place of registration:
Full name: Business address: Authorised director, manager or officer: Email address: Telephone: Fax: Registered office address (if body corporate) if different from the above: Registered no. (if body corporate): Place of registration:
Continuation sheet? YES/NO

Part 4

CERTIFICATION

I, the undersigned, being the applicant or a director, manager or officer authorised by the applicant, certify that the applicant—

- (a) is competent and capable, and has adequate administrative systems and procedures in place to provide the category of administration functions for which registration as a registered administrator is applied for in respect of the schemes and trust RACs listed in Part 2,
- (b) shall not undertake core administration functions for any scheme or trust RAC unless he, she or it is satisfied that he, she or it is competent and has adequate systems and procedures in place to do so [note four], and
- (c) will maintain policies, administrative systems and procedures as are appropriate or required by the Pensions Board for the fulfilment of his, her or its duties under the Act,

and I further so certify that the applicant—

- (d) is NOT a former registered administrator whose registration has been terminated under section 64H of the Act less than 12 months prior to this application,
- (e) is NOT an undischarged bankrupt,
- (f) is NOT subject to a composition or arrangement with its creditors or has discharged its obligations under that composition or arrangement,
- (g) has NOT been convicted of an offence involving fraud or dishonesty,
- (h) is NOT a company that has a director who is prohibited under section 64F of the Act from being a registered administrator, and
- (i) is NOT a person who is for the time being subject to the restrictions imposed by section 150 of the Companies Act 1990.

I declare that the information given in this form is correct to the best of my knowledge.

SIGNED: **DATE:**

APPLICANT/AUTHORISED DIRECTOR, MANAGER OR OFFICER

Name (block capitals):	Position:
Address:	
Email address:	
Telephone:	

NOTES ON COMPLETION OF FORM OF APPLICATION FOR REGISTRATION

GENERAL

1. All sections of the form must be completed in full. “None” or “Not Applicable” should be entered where appropriate, but blank spaces or “to be advised” or similar responses may result in the application being rejected as incomplete.
2. Where there is insufficient space on the form a continuation sheet may be used as necessary, if adequately attached to the main form and bearing the name of the Applicant and date of application.
3. If the applicant is a body corporate, the form must be completed and signed by a duly authorised director, manager or officer of the applicant.
4. The application form is also available in electronic format from the website www.pensionsboard.ie.
5. This form should be submitted to: The Pensions Board, Registration Unit, Verschoyle House, 28/30 Lower Mount Street, Dublin 2 or electronically, subject to such requirements as the Board may stipulate.

Note one: The core administration functions that currently may be undertaken by a Registered Administrator are set out in section 64G(1)(a), (b) and (c) of the Act and are:

- (a) prepare on behalf of the trustees an annual report in the prescribed form and deliver it to the trustees not less than one month prior to the date by which the trustees are required by regulations under the Act to make the annual report available;
- (b) prepare on behalf of the trustees annual benefit statements for members and deliver them to the trustees not less than one month prior to the date by which the trustees are required by regulations under the Act to make such statements available;
- (c) keep accurate and sufficient records of members and of their entitlements to enable the registered administrator to discharge the duties specified in paragraphs (a) and (b).

Note two: Delete the inapplicable phrase as appropriate. Where the applicant is already in the business of providing “core administration functions” services to schemes or trust RACs prior to 1 November 2008 and intends to continue providing such services after 1 November 2008 then delete “intends to provide”. For new entrants to the registered administrator business post 1 November 2008 delete the word “provides” as the provision of such services is prohibited unless registration has been obtained.

Note three: The trustees of every scheme or trust RAC are required by section 55(1) of the Act and regulations to select a period for disclosure purposes. Insert in this column the end date of that period for each scheme and trust RAC.

Note four: This would for example require you, before taking on new business during the registration year, to be satisfied that you have appropriate systems and procedures in place and are competent to take on that new business.

For further information visit WWW.PENSIONSBOARD.IE

SCHEDULE B

Regulation 4.

THE PENSIONS BOARD

APPLICATION FOR RENEWAL OF REGISTRATION OF
REGISTERED ADMINISTRATOR

IN ACCORDANCE WITH SECTION 64E OF THE PENSIONS ACT 1990

(which Act, in this form, and notes to it, is referred to as “the Act”)

(please refer to explanatory notes)

**To be submitted to the Pensions Board not later than 30 days before the end
of the registration year of the registered administrator immediately preceding
the year for which renewal is sought**

For Pensions Board use PBRA number:
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Part 1

APPLICANT'S DETAILS
Full name:
Registered administrator (PBRA) number assigned by Pensions Board:
Principal business address:
Address in Ireland for service of notices and legal proceedings (if different from above):
Other address(es) (insert details of any other address at which applicant's business is carried on):
If you are a trustee of the scheme or trust RAC and are applying on behalf of all of the trustees of that scheme or trust RAC, insert full name and address of each trustee:
Where the applicant is a company (including a trustee company), insert the name of the director, manager or officer authorised to act on the company's behalf in completing this form and dealing with enquiries: Name: Position:
Email address:
Telephone: Fax: Other/mobile:
Registered office address (if body corporate):
Registered no. (if body corporate):Place of registration:
Name and address of parent company:
Authorised officer:Telephone: Fax:
Email address:
Continuation Sheet? YES/NO

Part 2

SCHEMES AND TRUST RACS FOR WHICH REGISTERED ADMINISTRATOR PROVIDES CORE ADMINISTRATION FUNCTIONS

A registered administrator may provide to one or more schemes or trust RACs any of the following Categories of functions [note one]:

category I — the functions set out in section 64G(1)(a)-(c) inclusive;

category II — the functions set out in section 64G(1)(a) and section 64G(1)(c);

category III — the functions set out at section 64G(1)(b) and section 64G(1)(c).

[Above ‘section’ references are to sections of the Act]

In the attached Schedule, enter the name and details of the scheme or trust RAC in respect of which the registered administrator provides core administration functions, together with the PB number, the type of scheme, the scheme year or trust RAC year end date [note two] for each such scheme or trust RAC, the category of functions administered and the name of any outsource provider used.

Name of scheme or trust RAC	PB no.	Scheme type(DB/DC)	Scheme year/Trust RAC year end date [note two]	Functions (categories I, II or III)	Outsourcing arrangement provider, if any YES/NO (If YES, Part 3 must be completed)

Continuation sheet? YES/NO

Part 3

OUTSOURCING ARRANGEMENTS

Where you have, or intend to enter into, an outsourcing arrangement with another person under which that person will provide any of the functions set out in category I, II or III above you must complete this section in respect of each of the outsource providers.

Note: you remain liable for the performance of the core administration functions even where you have outsourced them to another person.

DETAILS OF OUTSOURCE ARRANGEMENT PROVIDER(S)
Full name:
Business address:
Authorised director, manager or officer:.....
Email address: Telephone:
Fax:
Registered office address (if body corporate) if different from the above:
Registered no. (if body corporate): Place of registration:
Full name:
Business address:
Authorised director, manager or officer:
Email address: Telephone:
Fax:
Registered office address (if body corporate) if different from the above:
Registered no. (if body corporate): Place of registration:
Full name:
Business address:
Authorised director, manager or officer:
Email address: Telephone:
Fax:
Registered office address (if body corporate) if different from the above:
Registered no. (if body corporate): Place of registration:
Continuation sheet? YES/NO

Part 4

CERTIFICATION

I, the undersigned, being the applicant or a director, manager or officer authorised by the applicant, certify that the applicant—

- (a) is competent and capable, and has adequate administrative systems and procedures in place to provide the category of administration functions for which renewal of registration as a registered administrator is applied for in respect of the schemes and trust RACs listed in Part 2,
- (b) shall not undertake core administration functions for any scheme or trust RAC unless he, she or it is satisfied that he, she or it is competent and has adequate systems and procedures in place to do so [note three], and
- (c) will maintain policies, administrative systems and procedures as are appropriate or required by the Pensions Board for the fulfilment of his, her or its duties under the Act,

and I further so certify that the applicant:

- (d) is NOT a former registered administrator whose registration has been terminated under section 64H of the Act less than 12 months prior to this application,
- (e) is NOT an undischarged bankrupt,
- (f) is NOT subject to a composition or arrangement with its creditors or has discharged its obligations under that composition or arrangement,
- (g) has NOT been convicted of an offence involving fraud or dishonesty,
- (h) is NOT a company that has a director who is prohibited under section 64F of the Act from being a registered administrator, and
- (i) is NOT a person who is for the time being subject to the restrictions imposed by section 150 of the Companies Act 1990.

I declare that the information given in this form is correct to the best of my knowledge.

SIGNED: **DATE:**

APPLICANT/AUTHORISED DIRECTOR, MANAGER OR OFFICER

Name (block capitals):	Position:
Address:	
Email address:	Telephone:
Fax:	

NOTES ON COMPLETION OF FORM OF APPLICATION FOR RENEWAL OF REGISTRATION

GENERAL

1. All sections of the form must be completed in full. “None” or “Not Applicable” should be entered where appropriate, but blank spaces or “to be advised” or similar responses may result in the application being rejected as incomplete.

2. Where there is insufficient space on the form a continuation sheet may be used as necessary if adequately attached to the main form and bearing the name of the applicant and date of application.

3. If the applicant is a body corporate, the form must be completed and signed by a duly authorised director, manager or officer of the applicant.

4. The application form is also available in electronic format from the website www.pensionsboard.ie.

5. This form should be submitted to: The Pensions Board, Registration Unit, Verschoyle House, 28/30 Lower Mount Street, Dublin 2 or electronically, subject to such requirements as the Board may stipulate.

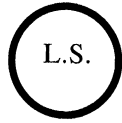
Note one: The core administration functions that currently may be undertaken by a registered administrator are set out in section 64G(1)(a), (b) and (c) of the Act and are—

- (a) prepare on behalf of the trustees an annual report in the prescribed form and deliver it to the trustees not less than one month prior to the date by which the trustees are required by regulations under the Act to make the annual report available,
- (b) prepare on behalf of the trustees annual benefit statements for members and deliver them to the trustees not less than one month prior to the date by which the trustees are required by regulations under the Act to make such statements available, and
- (c) keep accurate and sufficient records of members and of their entitlements to enable the registered administrator to discharge the duties specified in paragraphs (a) and (b).

Note two: The trustees of every scheme or trust RAC are required by section 55(1) of the Act and regulations to select a period for disclosure purposes. Insert in this column the end date of that period for each scheme and trust RAC.

Note three: This would for example require you, before taking on new business during the registration year, to be satisfied that you have appropriate systems and procedures in place and are competent to take on that new business.

For further information visit WWW.PENSIONSBOARD.IE



GIVEN under the Official Seal of the Minister for Social and Family
Affairs,
17 July 2008

MARY HANAFIN.
Minister for Social and Family Affairs.

EXPLANATORY NOTE

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

These Regulations prescribe the content of—

- the application form which must be completed and submitted to the Pensions Board by persons applying to be registered with the Board as a registered administrator; and
- the renewal form which must be completed and submitted to the Pensions Board by a registered administrator on an annual basis.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
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