



STATUTORY INSTRUMENTS.

S.I. No. 432 of 2011



TRUST RAC (REGULATORY OWN FUNDS AND TECHNICAL
PROVISIONS REQUIREMENT) REGULATIONS 2011

(Prn. A11/1503)

TRUST RAC (REGULATORY OWN FUNDS AND TECHNICAL PROVISIONS REQUIREMENT) REGULATIONS 2011

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by section 5 and sections 53G, 53I and 53J (inserted by section 35 of the Social Welfare and Pensions Act 2011 (No. 9 of 2011)) of the Pensions Act 1990 (No. 25 of 1990), hereby make the following regulations:

Citation and Commencement

1. These Regulations may be cited as Trust RAC (Regulatory Own Funds and Technical Provisions Requirement) Regulations 2011.

Definition

2. In these Regulations—

“Act of 1990” means the Pensions Act 1990 (No. 25 of 1990);

“Act of 2011” means the Social Welfare and Pensions Act 2011 (No. 9 of 2011);

“concentration of investment” has the same meaning as it has in the Occupational Pension Schemes (Funding Standard) Regulations 1993 (S.I. No. 419 of 1993) (amended by the Occupational Pension schemes (Funding Standard) (Amendment) Regulations 2009 (S.I. No. 62 of 2009)).

Technical Provisions requirement

3. (1) An actuary, when calculating the technical provisions requirement of a regulatory own funds trust RAC shall comply with the guidance specified in paragraph (2).

(2) In calculating whether the resources of the regulatory own funds trust RAC are sufficient to satisfy the technical provisions requirement, the actuary shall exclude any concentration of investment in excess of 10 per cent of the resources of the regulatory own funds trust RAC.

Regulatory own funds Trust RAC Technical Provisions requirement

4. For the purposes of section 53G (inserted by section 35 of the Act of 2011) of the Act of 1990 a regulatory own funds trust RAC technical provisions certificate shall be in the form set out in Schedule 1.

Amount of regulatory own funds Trust RAC requirement

5. (1) If the resources of a regulatory own funds trust RAC are invested in assets other than—

- (a) securities issued under section 54(1) of the Finance Act 1970 (No. 14 of 1970) and known as bonds,

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 23rd August, 2011.

(b) securities issued under the laws of a Member State (other than the State) that correspond to securities referred to in paragraph (a), or

(c) cash deposits with one or more credit institutions,

the percentage prescribed for the purposes of paragraph (a) of subsection (1) of section 53I (inserted by section 35 of the Act of 2011) of the Act of 1990 and to be applied to the proportion of the technical provisions referred to in subsection (3) of that section shall be 15 per cent.

(2) In calculating whether the resources of the regulatory own funds trust RAC are sufficient to satisfy the regulatory own funds requirement, the actuary shall exclude any concentration of investment in excess of 10 per cent of the resources of the regulatory own funds trust RAC.

Regulatory own funds certificate

6. For the purpose of section 53J (inserted by section 35 of the Act of 2011) of the Act of 1990 a regulatory own funds certificate shall be in the form set out in Schedule 2.

SCHEDULE 1

REGULATORY OWN FUNDS TRUST RAC TECHNICAL PROVISIONS CERTIFICATE

THIS CERTIFICATE HAS BEEN PREPARED UNDER THE PROVISIONS OF SECTION 53G OF THE PENSIONS ACT 1990 (“THE ACT”) FOR SUBMISSION TO THE PENSIONS BOARD BY THE TRUSTEES OF THE REGULATORY OWN FUNDS TRUST RAC

TRUST RAC NAME:

TRUST RAC COMMENCEMENT DATE: _____

PENSIONS BOARD REFERENCE NO.: _____

TECHNICAL PROVISIONS CERTIFICATION DATE: _____

PREVIOUS TECHNICAL PROVISIONS

CERTIFICATION DATE: _____

On the basis of information supplied to me and having regard to such financial and other assumptions as I consider to be appropriate, I am of the opinion that at the technical provisions certification date—

(1) the amount of the technical provisions of the regulatory own funds trust RAC calculated for the purposes of Part IVB of the Act, was []

(2) the amount of the resources of the regulatory own funds trust RAC for the purposes of Part IVB of the Act was []

I therefore certify that as at the regulatory own funds technical provisions certification date the regulatory own funds trust RAC

*does/does not hold sufficient resources to satisfy the technical provisions requirement as provided in paragraph (a) of subsection (1) of section 53H of the Act.

Signature: _____

Date: _____

Name: _____ Qualification: _____

Name of Actuary’s Employer/Firm: _____

Actuary Certificate No.: _____

*Please delete whichever is not applicable.

SCHEDULE 2

REGULATORY OWN FUNDS CERTIFICATE

THIS CERTIFICATE HAS BEEN PREPARED UNDER THE PROVISIONS OF SECTION 53J OF THE PENSIONS ACT 1990 (“THE ACT”) FOR SUBMISSION TO THE PENSIONS BOARD BY THE TRUSTEES OF THE REGULATORY OWN FUNDS TRUST RAC

TRUST RAC NAME:

TRUST RAC COMMENCEMENT DATE: _____

PENSIONS BOARD REFERENCE NO.: _____

REGULATORY OWN FUNDS

CERTIFICATION DATE: _____

PREVIOUS REGULATORY OWN

FUNDS CERTIFICATION DATE: _____

On the basis of information supplied to me and having regard to such financial and other assumptions as I consider to be appropriate, I am of the opinion that at the regulatory own funds certification date

(1) the amount of the technical provisions of the regulatory own funds trust RAC calculated for the purposes of paragraph (a) of subsection (1) of section 53H of the Act, was []

(2) the amount of the resources of the regulatory own funds trust RAC, calculated for the purposes of Part IVB of the Act, was [] of which

*no part was invested in assets other than securities issued under section 54(1) of the Finance Act 1970 (and known as bonds) or securities issued under the laws of a Member State (other than the State) that correspond to securities issued under section 54(1) of the Finance Act 1970 or cash deposits with one or more credit institutions

*[] was invested in assets other than securities issued under section 54(1) of the Finance Act 1970 (and known as bonds) or securities issued under the laws of a Member State (other than the State) that correspond to securities issued under section 54(1) of the Finance Act 1970 or cash deposits with one or more credit institutions and therefore the amount of the technical provisions to which the increased percentage prescribed under subsection (3) of section 53I shall apply is []

(3) *there was no capital at risk under the regulatory own funds trust RAC

(4) the amount of additional resources of the regulatory own funds trust RAC required to comply with paragraph (b) of subsection (1) of section 53H of the Act was [] made up as follows

†[] being 4% of the technical provisions to the extent that the resources, calculated for the purposes of Part IVA of the Act, were invested in securities issued under section 54(1) of the Finance Act 1970 (and known as bonds) or securities issued under the laws of a Member State (other than the State) that correspond to securities issued under section 54(1) of the Finance Act 1970 or cash deposits with one or more credit institutions

†[] being 15% of the technical provisions to the extent that the resources (calculated for the purposes of Part IVB of the Act) were invested in assets other than securities issued under section 54(1) of the Finance Act 1970 (and known as bonds) or securities issued under the laws of a Member State (other than the State) that correspond to securities issued under section 54(1) of the Finance Act 1970 or cash deposits with one or more credit institutions

†[] being 0.3% of the capital at risk.

I therefore certify that as at the regulatory own funds certification date the regulatory own funds trust RAC

*does/does not hold sufficient resources to satisfy the technical provisions requirement as provided in paragraph (a) of subsection (1) of section 53H of the Act

*satisfies/*does not satisfy the regulatory own funds requirement provided for in paragraph (b) of subsection (1) of section 53H of the Act.

I further certify that I am qualified for appointment as actuary to the regulatory own funds trust RAC for the purposes of section 51 of the Act.

Signature: _____

Date: _____

Name: _____ Qualification: _____

Name of Actuary's Employer/Firm: _____

Trust RAC Actuary Certificate No.: _____

*Please delete whichever is not applicable.

†Please delete if not applicable.



GIVEN under my Official Seal,
19 August 2011.

JOAN BURTON,
Minister for Social Protection.

EXPLANATORY NOTE

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

These Regulations prescribe the amount of additional resources required to cover the risk of providing a guaranteed level of benefits or a guaranteed level of investment performance. This is expressed as the percentage of the technical provision of the regulatory own funds trust retirement annuity contract (RAC) if any to the extent that the resources of the regulatory own trust RAC are invested in assets other than those specified in 53I(3) of the Pensions Act.

They also prescribe the content of the regulatory own funds trust RAC technical provisions certificate and the regulatory own funds certificate. These certificates must be completed on an annual basis by a regulatory own funds scheme and submitted by the trustees to the Pensions Board within 3 months (or any other period specified in section 53M of the Pensions Act) of the regulatory own funds certificate date.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
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PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
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