
STATUTORY INSTRUMENTS

2006 No. 206

The Pension Schemes (Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes) Regulations 2006

Requirements of an overseas pension scheme

2.—(1) For the purposes of section 150(7) (meaning of overseas pension scheme) an overseas pension scheme must—

- (a) [^{F1}subject to paragraph (2A)] satisfy the requirements in paragraphs (2) and (3); or
 - (b) be established (outside the United Kingdom) by an international organisation for the purpose of providing benefits for, or in respect of, past service as an employee of the organisation ^{F2}....
- (2) This paragraph is satisfied if—
- (a) the scheme is an occupational pension scheme and there is, in the country or territory in which it is established, a body—
 - (i) which regulates occupational pension schemes; and
 - (ii) which regulates the scheme in question;
 - (b) the scheme is not an occupational pension scheme and there is in the country or territory in which it is established, a body—
 - (i) which regulates pension schemes other than occupational pension schemes; and
 - (ii) which regulates the scheme in question; or
- [^{F3}(c) sub-paragraph (a) is not satisfied by reason only that no such regulatory body exists in the country or territory; or]
- [^{F4}(d) sub-paragraph (b) is not satisfied by reason only that no such regulatory body exists in the country or territory and—
- (i) the scheme is established in [^{F5}a] member State, Norway, Iceland or Liechtenstein; or
 - (ii) there is in the country or territory in which the scheme is established a body—
 - (aa) which regulates providers of pension schemes; and
 - (bb) which regulates the provider for the purpose of establishing the scheme in question.]

[^{F6}(2A) An overseas public service pension scheme that falls within regulation 3(1B) is deemed to satisfy the requirements in paragraph (2).]

(3) This paragraph is satisfied if the scheme is recognised for tax purposes. A scheme is “recognised for tax purposes” under the tax legislation of a country or territory in which it is established if it meets the [^{F7}following conditions].

[^{F8}Condition 1]

The scheme is open to persons resident in the country or territory in which it is established.

Changes to legislation: There are currently no known outstanding effects for the The Pension Schemes (Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes) Regulations 2006, Section 2. (See end of Document for details)

[^{F8}Condition 2]

The scheme is established in a country or territory where there is a system of taxation of personal income under which tax relief is available in respect of pensions and—

(a) tax relief is not available to the member on contributions made to the scheme by the individual or, if the individual is an employee, by their employer, in respect of earnings to which benefits under the scheme relate; ^{F9} ...

[^{F10}(ab) the scheme is liable to taxation on its income and gains and is of a kind specified in [^{F11}Schedule 1] to these Regulations; or]

(b) all or most of the benefits paid by the scheme to members who are not in serious ill-health are subject to taxation.

For the purposes of this condition “tax relief” includes the grant of an exemption from tax.

[^{F8}Condition 3]

The scheme is approved or recognised by, or registered with, the relevant tax authorities as a pension scheme in the country or territory in which it is established.

^{F12} ...

^{F13}(4)

(5) In this regulation—

“international organisation” means an organisation to which section 1 of the International Organisations Act 1968 ^{M1} applies by virtue of an Order in Council under subsection (1) of that section;

“occupational pension scheme“ has the meaning given by section 150(5); and

^{F14} ...

Textual Amendments

- F1** Words in reg. 2(1)(a) inserted (6.4.2017) by [The Pension Schemes \(Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes\) \(Amendments\) Regulations 2017 \(S.I. 2017/398\)](#), regs. 1, **3(a)(i)**
- F2** Words in reg. 2(1)(b) omitted (6.4.2017) by virtue of [The Pension Schemes \(Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes\) \(Amendments\) Regulations 2017 \(S.I. 2017/398\)](#), regs. 1, **3(a)(ii)**
- F3** Reg. 2(2)(c) substituted (6.4.2017) by [The Pension Schemes \(Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes\) \(Amendments\) Regulations 2017 \(S.I. 2017/398\)](#), regs. 1, **3(b)(i)**
- F4** Reg. 2(2)(d) inserted (6.4.2017) by [The Pension Schemes \(Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes\) \(Amendments\) Regulations 2017 \(S.I. 2017/398\)](#), regs. 1, **3(b)(ii)**
- F5** Word in reg. 2(2)(d)(i) substituted (31.12.2020) by [The Taxes \(Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/689\)](#), regs. 1, **27(2)** (with regs. 39-41); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Reg. 2(2A) inserted (6.4.2017) by [The Pension Schemes \(Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes\) \(Amendments\) Regulations 2017 \(S.I. 2017/398\)](#), regs. 1, **3(c)**
- F7** Words in reg. 2(3) substituted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **3(2)(a)**
- F8** Words in reg. 2(3) substituted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **3(2)(b)**

Changes to legislation: *There are currently no known outstanding effects for the The Pension Schemes (Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes) Regulations 2006, Section 2. (See end of Document for details)*

- F9** Word in reg. 2(3) omitted (1.7.2007) by virtue of The Pension Schemes (Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes) (Amendment) Regulations 2007 (S.I. 2007/1600), regs. 1(1), **3(a)**
- F10** Words in reg. 2(3) inserted (1.7.2007) by The Pension Schemes (Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes) (Amendment) Regulations 2007 (S.I. 2007/1600), regs. 1(1), **3(b)**
- F11** Words in reg. 2(3) substituted (6.4.2012) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/884), regs. 1(1), **3(2)(c)**
- F12** Words in reg. 2(3) omitted (6.4.2012) by virtue of The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/884), regs. 1(1), **3(2)(d)**
- F13** Reg. 2(4) omitted (6.4.2017) by virtue of The Pension Schemes (Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes) (Amendments) Regulations 2017 (S.I. 2017/398), regs. 1, **3(d)**
- F14** Words in reg. 2(5) omitted (6.4.2017) by virtue of The Pension Schemes (Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes) (Amendments) Regulations 2017 (S.I. 2017/398), regs. 1, **3(e)**

Marginal Citations

- M1** 1968 c. 48: section 1(1) was amended by section 1(1) of the International Organisations Act 1981 (c. 9).

Changes to legislation:

There are currently no known outstanding effects for the The Pension Schemes (Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes) Regulations 2006, Section 2.