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STATUTORY INSTRUMENTS

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**1996 No. 2809 (S.216)**

**PENSIONS**

**The Local Government, Teachers' and National Health Service  
(Scotland) Pension Schemes (Provision of Information  
and Administrative Expenses etc.) Regulations 1996**

<i>Made</i>	- - - -	<i>2nd November 1996</i>
<i>Laid before Parliament</i>		<i>8th November 1996</i>
<i>Coming into force</i>	- -	<i>1st December 1996</i>

The Secretary of State, in exercise of the powers conferred on him by sections 172 and 174(2) and (3) of the Pensions Act 1995<sup>(1)</sup> and of all other powers enabling him in that behalf hereby makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Local Government, Teachers' and National Health Service (Scotland) Pension Schemes (Provision of Information and Administrative Expenses etc.) Regulations 1996 and shall come into force on 1st December 1996.

(2) In these Regulations—

“the 1986 Act” means the Financial Services Act 1986<sup>(2)</sup>;

“the 1995 Act” means the Pensions Act 1995.

**Application of Regulations**

**2.** These Regulations shall apply where, in respect of such an individual as is referred to in section 172(1) of the 1995 Act, the occupational pension scheme mentioned in section 172(1) or (2) of that Act is the scheme constituted under—

(a) the Local Government Superannuation (Scotland) Regulations 1987<sup>(3)</sup>;

(b) the Teachers' Superannuation (Scotland) Regulations 1992<sup>(4)</sup>; or

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(1) 1995 c. 26.

(2) 1986 c. 60.

(3) S.I. 1987/1850, amended by S.I. 1988/625, 1989/422, 802 and 967, 1990/422 and 1284, 1991/78, 1992/1220, 1597 and 3025, 1993/1593, 2013 and 3044, 1994/531, 1995/214, 750 and 3294 and 1996/414 and 1241.

(4) S.I. 1992/280, amended by S.I. 1992/1025 and 1597, 1993/490 and 2513, 1994/2699 and 1995/1670.

- (c) the National Health Service Superannuation Scheme (Scotland) Regulations 1995<sup>(5)</sup>.

**Prescribed person to provide information etc. in respect of the local government scheme**

3. In the case of the scheme constituted under the Local Government Superannuation (Scotland) Regulations 1987, the prescribed person for the purposes of section 172(4) of the 1995 Act (application of section 172(1) and (2) to a local government scheme) is an administering authority within the meaning of those Regulations.

**Provision of information in prescribed circumstances**

4. For the purposes of section 172(1) of the 1995 Act (provision of information to a prescribed person and imposition on that person of reasonable fees in respect of administrative expenses) the prescribed circumstances are that the individual to whom the information relates has made a written request for or consented in writing to the provision of the information.

**Provision of information to prescribed persons**

5. For the purposes of section 172(1) of the 1995 Act, the prescribed persons are—
- (a) a person who is or has been an authorised person within the meaning of the 1986 Act (“an authorised person”);
  - (b) an appointed representative within the meaning of section 44 of the 1986 Act (“an appointed representative”);
  - (c) a recognised self-regulating organisation within the meaning of the 1986 Act;
  - (d) a recognised professional body within the meaning of the 1986 Act;
  - (e) the Securities and Investments Board<sup>(6)</sup>;
  - (f) the Investors Compensation Scheme Limited<sup>(7)</sup>;
  - (g) a professional indemnity insurer of an authorised person or an appointed representative;
  - (h) the Chartered Accountants Compensation Scheme Limited;
  - (i) the Solicitors Indemnity Fund Limited;
  - (j) a person or body arbitrating or adjudicating in, or investigating or considering, a complaint brought by such an individual as is mentioned in section 172(1) of the 1995 Act against an authorised person or an appointed representative;
  - (k) a person or body appointed to act on behalf of any of the above.

**Imposition of fees in respect of administrative expenses**

6. For the purposes of section 172(2) of the 1995 Act (prescribed persons on whom reasonable fees may be imposed in connection with admission, readmission etc), the prescribed persons are the persons referred to in regulation 5(a) to (d), (f) to (i) above and a person or body appointed to act on behalf of any such person.

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(5) S.I. 1995/365.

(6) A designated agency within the meaning of section 114 of the 1986 Act.

(7) Established under section 54 of the 1986 Act.

St Andrew's House,  
Edinburgh  
2nd November 1996

*James Douglas-Hamilton*  
Minister of State, The Scottish Office

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under section 172 of the Pensions Act 1995. Section 172 deals with the circumstance where an individual who was eligible to be an active member of a public service pension scheme under the Superannuation Act 1972 has instead opted to join a personal pension scheme. It enables the Secretary of State, in prescribed circumstances, to provide certain information relating to that individual to prescribed persons. The information concerned is information relevant to determining if the individual has suffered loss actionable under section 62 of the Financial Services Act 1986 and determining what payment would need to be made to the public service pension scheme to restore his position there. Section 172 also empowers the Secretary of State to impose reasonable fees in respect of administrative expenses incurred in providing that information.

In addition, section 172 enables the Secretary of State, where such an individual is admitted or re-admitted to a public service pension scheme or a payment is made to restore his position there, to impose on prescribed persons reasonable fees in respect of administrative expenses in connection with that transaction.

In relation to a local government pension scheme (which consists of funds administered by certain local authorities) the information is to be provided, and reasonable fees may be imposed, by prescribed persons instead of by the Secretary of State.

The Regulations prescribe the various matters which require to be prescribed under section 172 in the cases of the local government, teachers' and National Health Service pension schemes in Scotland.

Regulation 3 prescribes that the person responsible for providing information and charging fees in the case of the local government scheme is an administering authority under the Local Government Superannuation (Scotland) Regulations 1987.

Regulation 4 prescribes that the circumstances where information may be given are where the individual to whom the information relates has made a written request for, or consented in writing to, the provision of the information.

Regulation 5 prescribes the persons to whom the information may be given and who may be required to pay reasonable fees in respect of the administrative expenses incurred in providing the information.

Regulation 6 prescribes the persons who may be required to pay reasonable fees in respect of administrative expenses incurred in connection with an individual's admission or readmission to a scheme or in connection with any payment made to the scheme to restore his position there.

A copy of the compliance cost assessment prepared in respect of these Regulations can be obtained from the Scottish Office Pensions Agency, Branch 1, St Margaret's House, 151 London Road, Edinburgh EH8 7TG. A copy has been placed in the library of each House of Parliament.