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DRAFT STATUTORY INSTRUMENTS

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**2006 No.**

**The Occupational and Personal Pension  
Schemes (Consultation by Employers and  
Miscellaneous Amendment) Regulations 2006**

*Information provision and consultation*

**Consultation under existing arrangements**

**12.**—(1) If arrangements specified in paragraph (2) or (3) exist in relation to his employees, each relevant employer to whom regulation 7(3) applies must consult about a listed change in accordance with such one or more of those arrangements as he may choose.

(2) The specified arrangements are arrangements under which employees appearing to the employer to be affected members—

(a) are represented by—

- (i) in the case of employees of a description in respect of which an independent trade union is recognised by the employer, the representatives of the trade union,
- (ii) in the case of employees of a description which has elected or appointed information and consultation representatives, those representatives, or
- (iii) where there exists one or more pre-existing agreements which apply to any of the employees, any representatives identified in accordance with such agreement or agreements; or

(b) are to be consulted directly in accordance with the terms of a negotiated agreement or a pre-existing agreement.

(3) In any case where—

- (a) an election of representatives as described in regulation 13(2) has taken place before any arrangements referred to in paragraph (2) are made, and
- (b) the interests of affected members are represented by such representatives,

the specified arrangements also include arrangements for consultation of those representatives.

(4) “Independent trade union” and “recognised”, in relation to an independent trade union, have the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992(1).

(5) “Information and consultation representatives” and “negotiated agreement” have the same meaning as in the Information and Consultation of Employees Regulations 2004(2).

(6) “Pre-existing agreement”—

- (a) means an agreement between an employer and his employees or their representatives which satisfies the conditions set out in regulation 8(1)(a) to (d) of the Information and Consultation of Employees Regulations 2004 and which has not been superseded, but

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(1) 1992 c.52; see sections 5 and 178(3) of that Act.

(2) S.I. 2004/3426.

- (b) does not include an agreement concluded in accordance with regulations 17 or 42 to 45 of the Transnational Information and Consultation of Employees Regulations 1999<sup>(3)</sup> or a negotiated agreement.

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<sup>(3)</sup> S.I. 1999/3323.