
DRAFT STATUTORY INSTRUMENTS

2006 No.

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

Information provision and consultation

Election of representatives

14.—(1) The requirements of this paragraph are that—

- (a) the employer must make such arrangements as are reasonably practical to ensure that the election is fair;
- (b) the employer must determine the number of representatives to be elected so that there are sufficient representatives to represent the interests of active members and the interests of prospective members;
- (c) the employer must determine whether the active and prospective members should be represented by representatives of all such members or by representatives of particular descriptions of such members;
- (d) before the election the employer must determine the term of office as representative of active and prospective members;
- (e) the candidates for election must be active or prospective members of the scheme on the date of the election;
- (f) no active or prospective member may unreasonably be excluded from standing for election;
- (g) all active or prospective members on the date of the election are entitled to vote for member representatives;
- (h) the members entitled to vote may vote for as many candidates as there are representatives to be elected to represent them or, if there are to be classes of representative for particular descriptions of member, may vote for as many candidates as there are representatives to be elected to represent their particular description of member;
- (i) the election is conducted so as to secure that—
 - (i) so far as is reasonably practicable, those voting do so in secret, and
 - (ii) the votes given at the election are accurately counted.

(2) Where, after an election of representatives satisfying the requirements of paragraph (1) has been held—

- (a) one of those elected ceases to act as a representative, and
- (b) the active or prospective members (or any description of them) are no longer represented, those members must elect another representative by an election satisfying the requirements of paragraph (1)(a), (e), (f) and (i).

(3) The relevant employer must from time to time review the number of representatives determined under paragraph (1)(b) and the number of representatives elected must be adjusted accordingly (whether by members electing one or more other representatives by an election satisfying the requirements of paragraph (1)(a), (e), (f) and (i), by not holding an election under paragraph (2) or otherwise).