
DRAFT STATUTORY INSTRUMENTS

2018 No.

**The Occupational Pension Schemes
(Master Trusts) Regulations 2018**

Application of Part 1 of the Pension Schemes Act 2017

28.—(1) This paragraph applies to a Master Trust scheme which—

- (a) was established before the commencement date,
- (b) provides both money purchase benefits and non-money purchase benefits, and
- (c) has more than one scheme funder, each of which is a participating employer.

(2) Where paragraph (1) applies to a scheme, Part 1 of the Act has effect in relation to that scheme as if the following provisions were omitted—

- (a) section 4(2)(b) (requirement to submit the latest accounts of each scheme funder);
- (b) section 7(2)(f) (requirement for the Regulator to assess whether the scheme funder is a fit and proper person);
- (c) the words “each scheme funder,” in section 9(5) (requirement to approve the business plan and any revisions to it);
- (d) section 10(1), (2) and (3) (scheme funder requirements);
- (e) the words “each scheme funder,” in section 12(8) (requirement to approve the continuity strategy and any revisions to it);
- (f) section 14(3) and (4) (requirement for the scheme funder to submit accounts to the Regulator);
- (g) section 16(2)(e) (duty on a scheme funder to notify the Regulator of significant events);
- (h) section 39(3) (reference in section 10(3) to activities that relate directly to Master Trust schemes);
- (i) the words “scheme funders and” in paragraph 4(2)(b) of Schedule 1 (requirement for the Regulator to notify the scheme funders that an action that contravenes a pause order has been validated).

(3) This paragraph applies to a scheme where—

- (a) paragraph (1) applies to the scheme,
- (b) a triggering event within item 4, 5, 6 or 7 of the table in section 21(6) of the Act has occurred in relation to the scheme, and
- (c) the trustees of the scheme have decided to pursue continuity option 2.

(4) Where paragraph (3) applies to a scheme—

- (a) Part 1 of the Act has effect in relation to that scheme as if the following provisions were omitted—
 - (i) section 20(c) (duty to comply with section 26);
 - (ii) section 26 (approval of implementation strategy);
 - (iii) section 27 (content of implementation strategy);

- (iv) section 28 (duty to pursue continuity option);
 - (v) section 30(4)(a) (periodic reporting requirement);
 - (vi) section 32 (prohibition on new employers during triggering event period);
 - (vii) section 33 (prohibition on increasing charges etc during triggering event period);
 - (viii) the definition of “implementation strategy” in section 39(1);
- (b) section 31 of the Act has effect in relation to the scheme as if—
- (i) in subsection (2), for “either of the following two conditions” there were substituted “the following condition”;
 - (ii) subsection (3) were omitted; and
 - (iii) in subsection (4), for “Condition 2” there were substituted “The condition”;
- (c) regulation 22(3) does not apply, and the following provisions apply for the purposes of section 30(2) and (4)(c) of the Act (periodic reporting requirement)—
- (i) the first report must be submitted before the end of the 28 days beginning with the date on which the triggering event occurred;
 - (ii) if the person preparing the periodic report is not an independent trustee appointed pursuant to section 23(1) of the 1995 Act⁽¹⁾ (power to appoint independent trustees), the report must contain the name and address of that person;
 - (iii) if an actuary is appointed under section 47(1)(b) of the 1995 Act (professional advisers), the report must contain the name and address of the actuary;
 - (iv) the report must contain a statement as to whether any of the scheme’s administrative services are being carried out by a person other than the trustees, including the name and address of that person;
 - (v) the report must state the actions being taken by the trustees in the absence of an implementation strategy, the timescales for completing them, and details of any particular issues affecting the trustees’ ability to pursue or complete them.

(1) Section 23 was substituted by the 2004 Act, section 36(3).