



# Pensions Act 2004

## 2004 CHAPTER 35

### PART 1

#### THE PENSIONS REGULATOR

##### *Register of prohibited trustees*

#### **66 Register of prohibited trustees**

- (1) The Regulator must keep in such manner as it thinks fit a register of all persons who are prohibited under section 3 of the Pensions Act 1995 (“the prohibition register”).
- (2) Arrangements made by the Regulator for the prohibition register must secure that the contents of the register are not disclosed or otherwise made available to members of the public except in accordance with section 67.
- (3) Nothing in subsection (2) requires the Regulator to exclude any matter from a report published under section 89 (reports of Regulator’s consideration of cases).

#### **Commencement Information**

- II** S. 66 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

#### **67 Accessibility of register of prohibited trustees**

- (1) The Regulator must make arrangements to secure that the prohibition register is open, during its normal working hours, for inspection in person and without notice at—
  - (a) the principal office used by it for the carrying out of its functions, and
  - (b) such other of its offices (if any) as it considers to be places where it would be reasonable for a copy of the register to be kept open for inspection.
- (2) If a request is made to the Regulator—

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*Status: Point in time view as at 06/04/2005.*

*Changes to legislation: Pensions Act 2004, Cross Heading: Register of prohibited trustees is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (a) to state whether a particular person identified in the request is a person appearing in the prohibition register as prohibited in respect of an occupational trust scheme specified in the request,
  - (b) to state whether a particular person so identified is a person appearing in that register as prohibited in respect of a particular description of occupational trust schemes so specified, or
  - (c) to state whether a particular person so identified is a person appearing in that register as prohibited in respect of all occupational trust schemes,
- the Regulator must promptly comply with the request in such manner as it considers reasonable.
- (3) The Regulator may, in such manner as it considers appropriate, publish a summary of the prohibition register if (subject to subsections (6) to (8)) the summary—
- (a) contains all the information described in subsection (4),
  - (b) arranges that information in the manner described in subsection (5),
  - (c) does not (except by identifying a person as prohibited in respect of all occupational trust schemes, in respect of a particular description of such schemes or in respect of a particular such scheme) identify any of the schemes in respect of which persons named in the summary are prohibited, and
  - (d) does not disclose any other information contained in the register.
- (4) That information is—
- (a) the full names and titles, so far as the Regulator has a record of them, of all the persons appearing in the register as persons who are prohibited,
  - (b) the dates of birth of such of those persons as are persons whose dates of birth are matters of which the Regulator has a record, and
  - (c) in the case of each person whose name is included in the published summary, whether that person appears in the register—
    - (i) as prohibited in respect of only one occupational trust scheme,
    - (ii) as prohibited in respect of one or more particular descriptions of such schemes, but not in respect of all such schemes, or
    - (iii) as prohibited in respect of all such schemes.
- (5) For the purposes of paragraph (c) of subsection (4), the information in the published register must be arranged in three separate lists, one for each of the descriptions of prohibition specified in the sub-paragraphs of that paragraph.
- (6) The Regulator must ensure, in the case of any published summary, that a person is not identified in the summary as a prohibited person if it appears to the Regulator that the determination by virtue of which that person appears in the register—
- (a) is the subject of any pending reference, review, appeal or legal proceedings which could result in that person’s removal from the register, or
  - (b) is a determination which might still become the subject of any such reference, review, appeal or proceedings.
- (7) The Regulator must ensure, in the case of any published summary, that the particulars relating to a person do not appear in a particular list mentioned in subsection (5) if it appears to the Regulator that a determination by virtue of which that person’s particulars would appear in that list—
- (a) is the subject of any pending reference, review, appeal or legal proceedings which could result in such a revocation or other overturning of a prohibition of that person as would require his particulars to appear in a different list, or

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- (b) is a determination which might still become the subject of any such reference, review, appeal or proceedings.
- (8) Where subsection (7) prevents a person's particulars from being included in a particular list in the published summary, they must be included, instead, in the list (if any) in which they would have been included if the prohibition to which the reference, review, appeal or proceedings relate or might relate had already been revoked or otherwise overturned.
- (9) For the purposes of this section a determination is one which might still become the subject of a reference, review, appeal or proceedings if, and only if, in the case of that determination—
  - (a) the time for the making of an application for a review or reference, or for the bringing of an appeal or other proceedings, has not expired, and
  - (b) there is a reasonable likelihood that such an application might yet be made, or that such an appeal or such proceedings might yet be brought.
- (10) In this section—
  - “name”, in relation to a person any of whose names is recorded by the Regulator as an initial, means that initial;
  - “occupational trust scheme” means an occupational pension scheme established under a trust.

#### **Commencement Information**

**I2** S. 67 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

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