

---

## EXPLANATORY NOTE

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

These Regulations are made under the Pension Schemes Act 1993 and the Pensions Act 1995.

Regulation 1 provides for citation, commencement and interpretation.

Regulation 2 amends regulation 2(3) of the Occupational Pension Schemes (Requirement to obtain Audited Accounts and a Statement from the Auditor) Regulations 1996 so as to apply a civil penalty under section 10 of the Pensions Act 1995 (power of the Occupational Pensions Regulatory Authority to impose civil penalties), instead of a criminal penalty, in respect of any failure to comply with the requirement to obtain accounts audited by the auditor of the scheme or a statement from the auditor about contributions to the scheme, and also to insert a new regulation 2(4) into those Regulations under which the trustees of the scheme are liable to the imposition of a prohibition order under section 3 of the Pensions Act 1995 in respect of any failure to which the new regulation 2(3) applies.

Regulation 3 amends regulation 7 of the Register of Occupational and Personal Pension Schemes Regulations 1997 so as to provide that, for the future, a breach of the requirements imposed by regulation 4(1), 5 or 8(3) of those Regulations renders the trustees or managers of the scheme liable to the imposition of a civil penalty by the Occupational Pensions Regulatory Authority instead of a criminal penalty.

These Regulations do not impose any costs on business.