

SCHEDULE 2

MODIFICATIONS OF THE ACT AND REGULATIONS

[^{F1}Schemes covering United Kingdom and foreign employment

Textual Amendments

F1 Sch. 2 paras. 3B-3D inserted (6.4.2018) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/237\)](#), regs. 1(2), **12(2)**

- 4.—(1) This paragraph applies in the cases described in sub-paragraphs (2) and (3).
- (2) The first case referred to in sub-paragraph (1) is where a scheme—
- (a) has its main administration in the United Kingdom;
 - (b) applies to members in employment in the [^{F2}United Kingdom] and members in employment outside the [^{F2}United Kingdom];
 - (c) is divided into two or more sections, and
 - (d) makes provision whereby—
 - (i) different sections of the scheme apply to members in employment in the [^{F3}United Kingdom] and to members in employment outside the [^{F3}United Kingdom];
 - (ii) contributions payable to the scheme in respect of a member are allocated to the section applying to that member's employment, and
 - (iii) a specified part or proportion of the assets of the scheme is attributable to each section and cannot be used for the purposes of any other section.
- (3) The second case referred to in sub-paragraph (1) is where a scheme—
- (a) has its main administration outside the [^{F4}United Kingdom];
 - (b) applies to members in employment in the United Kingdom and members in employment outside the United Kingdom;
 - (c) is divided into two or more sections, and
 - (d) makes provision whereby—
 - (i) different sections of the scheme apply to members in employment in the United Kingdom and to members in employment outside the United Kingdom;
 - (ii) contributions payable to the scheme in respect of a member are allocated to the section applying to that member's employment, and
 - (iii) a specified part or proportion of the assets of the scheme is attributable to each section and cannot be used for the purposes of any other section.
- (4) Where this paragraph applies, Part 3 of the 2004 Act [^{F5}, the Funding and Investment Strategy Regulations] and these Regulations shall apply as if each section of the scheme were a separate scheme.

Textual Amendments

F2 Words in Sch. 2 para. 4(2)(b) substituted (31.12.2020) by [The Occupational and Personal Pension Schemes \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/192\)](#), regs. 1, **28(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the The Occupational Pension Schemes (Scheme Funding) Regulations 2005, Schemes covering United Kingdom and foreign employment. (See end of Document for details)

- F3** Words in Sch. 2 para. 4(2)(d)(i) substituted (31.12.2020) by The Occupational and Personal Pension Schemes (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/192), regs. 1, **28(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Sch. 2 para. 4(3)(a) substituted (31.12.2020) by The Occupational and Personal Pension Schemes (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/192), regs. 1, **28(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Sch. 2 para. 4(4) inserted (6.4.2024) by The Occupational Pension Schemes (Funding and Investment Strategy and Amendment) Regulations 2024 (S.I. 2024/462), regs. 1(1), **20(5)**

5.—(1) This paragraph applies in the case described in sub-paragraph (2).

(2) The case referred to in sub-paragraph (1) is where a scheme either—

- (a) satisfies the criteria in sub-paragraphs (a) and (b) of paragraph 4(2), but is not divided into sections in the manner described in sub-paragraphs (c) and (d) of that paragraph, or
- (b) satisfies the criteria in sub-paragraphs (a) and (b) of paragraph 4(3), but is not divided into sections in the manner described in sub-paragraphs (c) and (d) of that paragraph,

and part of the scheme is or was treated as a separate scheme under section 611(3) of the Income and Corporation Taxes Act 1988 ^{M1}.

(3) Where this paragraph applies, Part 3 of the 2004 Act [^{F6}, the Funding and Investment Strategy Regulations] and these Regulations shall apply as if the separated parts of the scheme were separate schemes.]

Textual Amendments

- F6** Words in Sch. 2 para. 5(3) inserted (6.4.2024) by The Occupational Pension Schemes (Funding and Investment Strategy and Amendment) Regulations 2024 (S.I. 2024/462), regs. 1(1), **20(5)**

Marginal Citations

- M1** 1988 c. 1; section 611 is repealed by Part 3 of Schedule 42 to the Finance Act 2004 with effect from 6th April 2006.

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Scheme Funding) Regulations 2005, Schemes covering United Kingdom and foreign employment.