

SCHEDULE 1

Regulations 4 to 6 and 9 to 11

ADDITIONAL INFORMATION TO BE CONTAINED IN APPLICATIONS FOR AUTHORISATION OR APPROVAL

1. In this Schedule—

“minimum funding valuation” means an actuarial valuation required by section 57(1)(a) or 57(2) of the 1995 Act ^{M1} (valuation and certification of assets and liabilities);

“payment schedule” shall be construed in accordance with section 87 of the 1995 Act ^{M2} (schedules of payments to money purchase schemes);

“schedule of contributions” shall be construed in accordance with section 227 ^{M3} (schedule of contributions), and includes a schedule of contributions prepared by the trustees or managers for any purpose, including that of making an application under section 288 or 289;

“statement of funding principles” shall be construed in accordance with section 223 (statement of funding principles), and includes a statement of funding principles prepared by the trustees or managers for any purpose, including that of making an application under section 288 or 289.

Marginal Citations

M1 Section 57 is repealed by Schedule 13 to the Act.

M2 Section 87(5)(a) is repealed by Schedules 12 and 13 to the Act on a date to be appointed.

M3 Section 227 is modified in its application to schemes undertaking cross-border activities by regulation 19 of, and paragraph 6(2) of Schedule 2 to, [S.I. 2005/3377](#).

2. The information about the scheme to be provided in an application for authorisation in accordance with regulations 4(2), 5(2) and 6(2) is—

- (a) the pension scheme registration number which is allocated to that scheme in the register,
- (b) a statement signed by the trustees or managers of the scheme that they have provided to the Regulator all the registrable information with respect to the scheme,
- (c) a statement signed by the trustees or managers of the scheme that the scheme complies with the requirements of section 252(2) and (3) (UK based scheme to be trust with effective rules),
- (d) a statement signed by the trustees or managers of the scheme that any requirements made by or under—
 - (i) section 113 of the 1993 Act ^{M4} (disclosure of information to members of schemes etc),
 - (ii) section 35 of the 1995 Act ^{M5} (investment principles), and
 - (iii) section 36 of the 1995 Act ^{M6} (choosing investments),have been complied with, and
- (e) a statement signed by the trustees or managers of the scheme that—
 - (i) where section 247 ^{M7} (requirement for knowledge and understanding: individual trustees), and section 248 ^{M8} (requirement for knowledge and understanding: corporate trustees) are in force on the day on which the application is made, any requirements made by or under those sections have been complied with, or
 - (ii) where section 247 and section 248 are not in force on the day on which the application is made, any requirements made by or under those sections, or in any

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instrument made under either or both of those sections, will be complied with once those sections are in force.

Marginal Citations

- M4** Section 113(1)(ca) was substituted by section 52(1) of the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#) (“the 2000 Act”). Section 113(2)(b) is amended by [S.I. 2005/2053](#). Section 113(2)(e) is inserted by Schedule 12 to the Act on a date to be appointed. Section 113(3A) was inserted by section 52(2) of the 2000 Act, and section 113(3B) is inserted by section 52(2) of the 2000 Act on a date to be appointed. Section 113(4) was amended by section 1(2)(a) of the [Employment Rights \(Dispute Resolution\) Act 1985 \(c. 8\)](#).
- M5** Section 35 is substituted by section 244 of the Act.
- M6** Section 36(1) and (1A) are substituted for section 38(1) as originally enacted by section 245(1) and (2) of the Act. Section 36(2) is repealed by section 245(1) and (3), and section 36(3) is amended by section 245(1) and (4), of the Act. Section 36(6)(a) was substituted by S.I 2001/3649. Section 36(8) is substituted by section 245(1) and (5), and section 36(9) is inserted by section 245(1) and (6) of the Act.
- M7** Section 247 will be brought into force on a date to be appointed.
- M8** Section 248 will be brought into force on a date to be appointed.

3. The information about a scheme to be provided in an application for authorisation in accordance with regulations 4(2)(a), 5(2)(a) and 6(2)(a) is the most recent payment schedule for the scheme.

4. The information about the scheme to be provided in an application for authorisation in accordance with regulation 4(2)(b) is—

- (a) a statement signed by the trustees or managers of the scheme that the scheme complies with the requirements of section 222,
- (b) a statement signed by the trustees or managers of the scheme that any requirements imposed by or under—
 - (i) section 224 (actuarial valuations and reports),
 - (ii) section 225 (certification of technical provisions), and
 - (iii) section 227 (schedule of contributions),
 have been complied with,
- (c) the most recent statement of funding principles for the scheme, and
- (d) an actuarial valuation for the scheme the effective date of which is within the period of 12 months ending on the date of the application.

5. The information about the scheme to be provided in an application for authorisation in accordance with regulation 5(2)(b) is the most recent minimum funding valuation for the scheme.

6.—(1) In this paragraph—

- (a) except in sub-paragraph (2)(c), references to the European employer are references to the European employer specified in the notice of intention, and
- (b) references to the provision of information in relation to one European employer shall include the provision of that information in relation to each European employer so specified.

(2) The additional information about the scheme and its existing activities to be contained in the notice of intention in accordance with regulations 9(2), 10(2) and 11(2) is—

- (a) where—

- (i) the application for approval is not made on the same day as the application for authorisation, and
 - (ii) the trustees or managers have not satisfied the Regulator that there has not been any material change in the information described in paragraph (2)(a) to (e) above since the application for authorisation was made,
the information so described in so far as there has been any material change in that information,
 - (b) where the trustees or managers of the scheme have been authorised by the Regulator under section 288, the date on which such authorisation was granted,
 - (c) where the trustees or managers of the scheme are already accepting contributions from a European employer, the name and address of that employer and the host member State of that employer, and
 - (d) a copy of the scheme rules.
- (3) The additional information about the scheme and its existing activities to be contained in the notice of intention in accordance with regulations 9(2)(a) and 10(2)(a) is the most recent payment schedule for the scheme.
- (4) The additional information about the scheme and its existing activities to be contained in the notice of intention in accordance with regulation 9(2)(b) is—
- (a) where—
 - (i) the application for approval is not made on the same day as the application for authorisation, and
 - (ii) the trustees or managers have not satisfied the Regulator that there has not been any material change in the information described in paragraph 4(a) to (d) since the application for authorisation was made,
the information so described in so far as there has been any material change in that information, and
 - (b) the most recent schedule of contributions for the scheme.
- (5) The additional information about the scheme and its existing activities to be contained in the notice of intention in accordance with regulation 10(2)(b) is the most recent minimum funding valuation for the scheme.
- (6) The additional information about the scheme to be contained in the notice of intention in accordance with regulation 11(2) is a statement signed by the trustees or managers of the scheme showing—
- (a) the rates of contributions which will be payable towards the scheme by or on behalf of the employer and the active members of the scheme, and
 - (b) the dates on or before which such contributions are to be paid.
- (7) The additional information about the future activities of the scheme when it is approved in relation to the European employer to be contained in the notice of intention in accordance with regulations 9(2), 10(2) and 11(2) is—
- (a) the names of any member States other than the United Kingdom where the scheme already has members who are qualifying persons or qualifying self-employed persons,
 - (b) where the scheme has established, or is intending to establish, a branch in the host member State, the address, e-mail address, telephone number and fax number of—
 - (i) that branch, and
 - (ii) all persons authorised to represent the scheme for the business of that branch,

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- (c) the address, e-mail address, telephone number and fax number in the host member State of the European employer,
- (d) a description of the type of scheme to be offered to the European employer (including whether it will be defined contribution only, defined benefit, final salary, salary related or some form of hybrid),
- (e) the conditions to be met before benefits are, or will become, payable,
- (f) the types and rates of contributions to be paid towards the scheme by or on behalf of the European employer and those active members of the scheme in the host member State who are—
 - (i) qualifying persons in relation to that European employer, or
 - (ii) qualifying self-employed persons,
- (g) a description of any guarantees and additional coverage offered by the scheme,
- (h) a description of the categories of persons who are employees in the host member State of that European employer who cannot become members of the scheme, ^{F1}...
- (i) whether the assets or liabilities (or both) of the scheme which correspond to the activities carried out in the host member State will be ring-fenced.
- (j) [^{F2}the number of members in the scheme; and
- (k) whether the scheme has any external, contractual-based asset manager.]

Textual Amendments

- F1** Word in Sch. 1 para. 6(7)(h) omitted (6.4.2007) by virtue of Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/814), regs. 1, **18(9)(i)**
- F2** Sch. 1 para. 6(7)(j)(k) inserted (6.4.2007) by Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/814), regs. 1, **18(9)(ii)**

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