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STATUTORY INSTRUMENTS

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**2005 No. 597**

**The Register of Occupational and Personal  
Pension Schemes Regulations 2005**

**Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Register of Occupational and Personal Pension Schemes Regulations 2005, and shall come into force on 6th April 2005, subject to paragraph (2) below.

(2) Regulation 2 and this regulation in so far as it applies to regulation 2 shall come into force on 1st April 2005.

(3) Regulation 2 and this regulation in so far as it applies to regulation 2 extend to Northern Ireland.

(4) In these Regulations—

“the Act” means the Pensions Act 2004;

“Crown guarantee” in relation to a scheme, means a scheme in respect of which a relevant public authority has –

- (a) given a guarantee in relation to any part of the scheme, any benefits payable under the scheme rules or any member of the scheme, or
- (b) made any other arrangements for the purposes of securing that the assets of the scheme are sufficient to meet any part of its liabilities;

“deferred member” and “pensioner member” have the meanings ascribed to them in section 124(1) of the Pensions Act 1995(1);

“public service pension scheme” has the meaning ascribed to it in section 1 of the Pension Schemes Act 1993(2) (categories of pension schemes) and section 1 of the Pension Schemes (Northern Ireland) Act 1993(3) (categories of pension schemes);

“relevant public authority”, in relation to a Crown guarantee, means —

- (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975(4)),
- (b) a government department (including any body or authority exercising statutory functions on behalf of the Crown), or
- (c) the Scottish Ministers; and

“trust scheme” means an occupational or personal pension scheme which is established under a trust.

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(1) 1995 c. 26; section 124(1) is amended by section 84(1) of, and paragraphs 43 and 61(1) and (2) of Part 1 of Schedule 12 to, the Welfare Reform and Pensions Act 1999 (c. 30), and by section 56 of, and paragraph 8(3) of Part 1 of Schedule 5 to, the Child Support, Pensions and Social Security Act 2000 (c. 19). “Active member” is defined in section 318(1) of the Act; that definition therefore also applies to these Regulations.

(2) 1993 c. 48; the relevant amending instrument is S.I.1999/1820.

(3) 1993 c. 49.

(4) 1975 c. 26.

**Registrable schemes**

2.—(1) A scheme which is of a description prescribed for the purposes of section 59(2) of the Act (register of occupational and personal pension schemes – prescribed description of “registrable schemes”) is a scheme—

- (a) which –
  - (i) has more than one member, and
  - (ii) provides benefits which are not solely payable on the death of a member; and
- (b) which—
  - (i) prior to 6th April 2006, has received the approval of the Board of Inland Revenue for the purposes of section 590 or section 591 (other than subsection (2)(g)) of the Income and Corporation Taxes Act 1988<sup>(5)</sup> (conditions for approval of retirement benefit schemes and discretionary approval), or for the purposes of Chapter 4 of Part 14 of that Act (personal pension schemes),
  - (ii) is a public service pension scheme, or
  - (iii) on or after 6th April 2006, is or has been registered in accordance with section 153 of the Finance Act 2004<sup>(6)</sup>(registration of pension schemes) (or is treated as registered by virtue of Schedule 36).

(2) Sub-paragraphs (a)(ii) and (b)(i) and (ii) of paragraph (1) shall cease to have effect on 6th April 2006.

**Registrable information**

3.—(1) The information prescribed for the purposes of section 60(2)(h) of the Act (registrable information – other prescribed information) is—

- (a) the category of the scheme by reference to—
  - (i) whether the scheme is an occupational or a personal pension scheme,
  - (ii) whether the scheme is a public service pension scheme,
  - (iii) whether the scheme or any part of the scheme is protected by a Crown guarantee,
  - (iv) where the scheme is or is to be registered as a stakeholder pension scheme under section 2 of the Welfare Reform and Pensions Act 1999<sup>(7)</sup> (registration of stakeholder pension schemes), whether the scheme is a trust scheme or is established in accordance with regulation 2 of the Stakeholder Pension Scheme Regulations 2000<sup>(8)</sup> (manner of establishment);
- (b) in the case of a personal pension scheme, the number of members of the scheme on the later of—
  - (i) the last day of the scheme year which ended most recently, and
  - (ii) the day on which the scheme became a registrable scheme;

(5) 1988 c. 1. Section 590 was amended by section 35 of, and paragraph 18 of Part 1 of Schedule 3 to, the Finance Act 1988 (c. 39); sections 75 and 187 of, and paragraphs 3 and 18(2) and (3) of Schedule 6, and Part 4 of Schedule 17 to, the Finance Act 1989 (c. 26); sections 34(2) to (4), 36(2) and (3) and 123 of, and Part 5 of Schedule 19 to, the Finance Act 1991 (c. 31); and section 79 of, and paragraphs 2(1) to (4) and (7) and (8) and 18(1) and (3) of Schedule 10 to, the Finance Act 1999 (c. 16). Section 591 was amended by section 146 of, and paragraph 6 of Part 1 of Schedule 13 to, the Finance Act 1988; sections 107(2) to (4) and 258 of, and Part 5 of Schedule 26 to, the Finance Act 1994 (c. 9); sections 59(2) and 60(1) of the Finance Act 1995 (c. 4); and section 79 of, and paragraphs (3)(a) and (b) and 18(1) and (3) of Schedule 10 to, the Finance Act 1999.

(6) 2004 c. 12.

(7) 1999 c. 30.

(8) S.I. 2000/1403; the relevant amending instrument is S.I. 2001/104.

- (c) in the case of an occupational pension scheme, the numbers of active members, deferred members and pensioner members of the scheme on the later of—
  - (i) the last day of the scheme year which ended most recently, and
  - (ii) the day on which the scheme became a registrable scheme;
- (d) in relation to the benefits provided under the scheme—
  - (i) whether any of those benefits are secured by a contract of insurance or annuity contract issued by an insurance company which provides administration services to the scheme, and
  - (ii) if so—
    - (aa) the name and address of the insurance company providing such a contract, and
    - (bb) the policy number of that contract or the insurance company reference number in relation to that contract;
- (e) the nature of the business of any relevant employer; and
- (f) in the case of a trust scheme which is in the process of being wound up, the date on which the winding up commenced.

(2) The reference in paragraph (1)(f) above to the date on which the winding up of a trust scheme commenced is to be construed in accordance with Part 1 of the Pensions Act 1995<sup>(9)</sup>.

(3) Where the scheme is a multi-employer scheme, for the purposes of sub-paragraph (1)(e), section 60(4) of the Act shall be modified so as to have effect as if for the words “the employer” in the definition of “relevant employer” there were substituted the words “an employer”.

(4) In paragraph (2) above, “multi-employer scheme” means a trust scheme in relation to which there is more than one employer.

- (5) For the purposes of section 60(2)(g)(i) and of this regulation, “scheme year” means—
  - (a) a year specified for the purposes of the scheme in any document comprising the scheme or, if no year is specified, a period of 12 months commencing on 1st April or on such other date as the trustees select; or
  - (b) such other period (if any) exceeding six months but not exceeding 18 months as is selected by the trustees—
    - (i) in connection with the commencement or termination of the scheme, or
    - (ii) in connection with a variation of the date on which the year or period referred to in sub-paragraph (a) is to commence.

### **Pension Tracing Service**

4.—(1) The Secretary of State shall provide an information service to be known as the Pension Tracing Service.

(2) An application may be made to the Secretary of State for information from the Pension Tracing Service relating to one or more registrable schemes.

- (3) The application referred to in paragraph (2) may only be made by—
  - (a) any person who is, or may be, or may become, entitled to benefit under the scheme in question, or
  - (b) any person acting on behalf of such a person

and “applicant” shall be construed accordingly.

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(9) 1995 c. 26; see section 124(3A) to (3E).

(4) Following receipt of an application made under paragraph (2) containing sufficient information to enable the Secretary of State to identify–

- (a) the scheme or schemes in question, or
- (b) one or more schemes which in the opinion of the Secretary of State may be the scheme or schemes in question,

the Secretary of State shall provide sufficient information relating to that scheme or those schemes to the applicant to enable the applicant to contact the scheme or schemes.

(5) The Secretary of State shall have the function of publishing (from time to time and in such manner as is in his opinion appropriate) details of the manner in which an application under paragraph (2) is to be made.

(6) Where the Secretary of State has authorised a person to carry on the Pension Tracing Service on his behalf, the provisions of this regulation and regulation 5 shall apply to the authorised person as they apply to the Secretary of State.

### **Provision of information**

5.—(1) For the purposes of carrying on the Pension Tracing Service, the Secretary of State–

- (a) shall be provided with such–
  - (i) information recorded in the register,
  - (ii) extracts from the register, or
  - (iii) copies of the register or of extracts from it,as are in his opinion necessary for the purpose of carrying on that service; and
- (b) may inspect–
  - (i) the register,
  - (ii) extracts from the register, or
  - (iii) copies of the register or of extracts from it

when in his opinion such inspection is necessary for the purpose of carrying on that service.

(2) For the purposes of providing information as specified in regulation 4(4), the Secretary of State may disclose information to the applicant which he has obtained in accordance with paragraph (1), but only so far as is necessary to provide the applicant with sufficient information to contact any relevant scheme.

(3) When information is disclosed in accordance with paragraph (2), section 82(2) of the Act (restricted information – prohibition on disclosure) shall apply as if the words “and regulations made under section 61” were inserted after paragraph (b).

### **Revocation**

6. The Regulations specified in column 1 of the Schedule to these Regulations are revoked to the extent specified in column 2 of the Schedule.

Signed by authority of the Secretary of State for Work and Pensions.

9th March 2005

*Malcolm Wicks*  
Minister of State,  
Department for Work and Pensions