
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the trustee register to be compiled and maintained by the Pensions Regulator, and further provision about independent trustees.

The regulations contained in these Regulations which are made under powers in the Pensions Act 2004 (c. 35) (“the 2004 Act”) are made before the end of the period of six months beginning with the coming into force of those powers. The regulations contained in these Regulations which are made under powers in the Pension Schemes Act (c. 48) (“the 1993 Act”) and the Pensions Act 1995 (c 26) (“the 1995 Act”) are consequential upon the coming into force of section 36 of the 2004 Act, and are made before the end of the period of six months beginning with the coming into force of that provision of the 2004 Act. The Regulations are accordingly exempt from the requirement in section 185(1) of the 1993 Act, section 120(1) of the 1995 Act and section 317(1) of the 2004 Act for the Secretary of State to consult such persons as he considers appropriate before making these Regulations.

Regulation 2 requires the Pensions Regulator to compile and maintain a register of persons who meet the conditions for being in the register. The register is referred to in these Regulations as the trustee register.

Regulation 3 sets out the conditions to be met to be eligible to be registered in the trustee register.

Regulation 4 prescribes the function of refusing to register a trustee in the trustee register as a regulatory function, for the purposes of section 93(2) of the 2004 Act, and enables the Regulator to delegate this function to the Determinations Panel.

Regulation 5 amends Schedule 2 to the 2004 Act by adding the function of removing a trustee from the trustee register to the list of reserved regulatory functions, that is, those functions which are exercisable only by the Determinations Panel.

Regulation 6 adds the function of removing trustees from the trustee register to the list of regulatory functions which are eligible to be carried out under the special procedure in cases of urgency.

Regulation 7 provides that an independent trustee’s appointment to a scheme and any actions taken during that appointment are not invalidated by his subsequent removal from the trustee register.

Regulation 8 sets out the information that must be included in a notice given under section 22(2B) of the 1995 Act.

Regulation 9 makes provision for copies of the trustee register to be provided to persons on request, and provides that a charge may be made to meet the costs of providing copies.

Regulations 10, 11 and 12 make certain modifications to sections 22 to 26 of the 1995 Act, in respect of the application of those sections to schemes in relation to which there is more than one employer, cases where the employer is a partnership, and schemes which have no members who are employees.

Regulation 13 requires an appointed trustee to notify certain persons of certain information in certain circumstances.

Regulation 14 provides for revocations.

An assessment of the impact on business, charities or the voluntary sector of the provisions in these Regulations is included in the Regulatory Impact Assessment that accompanied the Pensions Act 2004. A copy of that assessment has been placed in the libraries of both Houses of Parliament. Copies

Status: *This is the original version (as it was originally made).*

may be obtained from the Department for Work and Pensions, Regulatory Impact Unit, 3rd Floor,
The Adelphi, 1-11 John Adam Street, London WC2N 6HT.