
STATUTORY INSTRUMENTS

2007 No. 814

**The Occupational and Personal Pension Schemes
(Miscellaneous Amendments) Regulations 2007**

Amendment of the Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 2006

21.—(1) Amend the Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 2006(1) as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) for the definition of “relevant small occupational pension scheme” substitute—

““relevant small occupational pension scheme” means a scheme with fewer than twelve members, where—

- (a) all the members are trustees of the scheme and either—
 - (i) the provisions of the scheme provide that any decision made by the trustees is made by the unanimous agreement of the trustees who are members of the scheme, or
 - (ii) the scheme has a trustee who is independent in relation to the scheme for the purposes of section 23 of the 1995 Act(2) (power to appoint independent trustees), and is registered in the register maintained by the Authority in accordance with regulations made under subsection (4) of that section; or
- (b) all the members are directors of a company which is the sole trustee of the scheme, and either—
 - (i) the provisions of the scheme provide that any decision made by the company in its capacity as trustee are made by the unanimous agreement of the directors who are members of the scheme, or
 - (ii) one of the directors of the company is independent in relation to the scheme for the purposes of section 23 of the 1995 Act, and is registered in the register maintained by the Authority in accordance with regulations made under subsection (4) of that section;”.

(3) In regulation 2 (exemptions from requirement to have member-nominated trustees)—

- (a) at the end of paragraph (n) omit the word “or”; and
- (b) after paragraph (o) add—
 - “(p) is set up under section 18 of the Government of Wales Act 1998(3);

(1) [S.I. 2006/714](#).

(2) Section 23 was substituted by section 36(3) of the Pensions Act 2004.

(3) [1998 c.38](#). Section 18 is repealed by section 163 of, and Schedule 12 to, the Government of Wales Act 2006 ([c.32](#)). That repeal is to come into force immediately after the ordinary elections under section 3 of the Government of Wales Act 1998 held in 2007. See also section 20 of the Government of Wales Act 2006 which contains provisions similar to those in section 18 of the Government of Wales Act 1998. Section 20 of that Act is to come into force immediately after the ordinary elections under section 3 of the Government of Wales Act 1998 held in 2007.

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- (q) is designated as an existing scheme by virtue of article 15 of the Railway Pensions (Protection and Designation of Schemes) Order 1994(4) (designation of existing schemes).”.
- (4) In regulation 3 (prescribed exemptions from requirement to have member-nominated directors of corporate trustees)—
- (a) omit the word “or” at the end of paragraph (p); and
 - (b) after paragraph (q) add—
 - “(r) is set up under section 18 of the Government of Wales Act 1998;
 - (s) is designated as an existing scheme by virtue of article 15 of the Railway Pensions (Protection and Designation of Schemes) Order 1994.”.
- (5) In column 2 in the table in the Schedule—
- (a) in the fifth row for “2001/3649” substitute “S.I. 2001/3649”; and
 - (b) in the sixth row for “2002/3227” substitute “S.I. 2002/2327”.

(4) S.I. 1994/1432, to which there are amendments not relevant to these Regulations.