

**2008 No. 624**

**PENSIONS**

**The Occupational Pension Schemes (Non-European Schemes Exemption) Regulations 2008**

<i>Made</i>	- - - -	<i>4th March 2008</i>
<i>Laid before Parliament</i>		<i>11th March 2008</i>
<i>Coming into force</i>	- -	<i>6th April 2008</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 253(5), 315(2) and 318(1) of the Pensions Act 2004(a).

In accordance with section 317(1) of that Act the Secretary of State has consulted such persons as the Secretary of State considers appropriate.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Non-European Schemes Exemption) Regulations 2008 and shall come into force on 6th April 2008.

(2) In these Regulations—

“split approved scheme” means a retirement benefits scheme which—

- (a) immediately before 6th April 2006, was treated in accordance with section 611 of the Income and Corporation Taxes Act 1988(b) (definition of “retirement benefits scheme”) as two or more separate schemes and at least one of those separate schemes was not approved for the purposes of Chapter 1 of Part 14 of that Act (retirement benefit schemes) and
  - (b) with effect from 6th April 2006, is treated in accordance with section 153 of the Finance Act 2004(c) (registration of pension schemes) as a registered pension scheme in respect of such of those separate schemes as is, or are, approved for the purposes of Chapter 1 of Part 14 of the Income and Corporation Taxes Act 1988 (retirement benefit schemes); and
- “unregistered occupational pension scheme” means a pension scheme which is not registered, or treated in accordance with Schedule 36 to the Finance Act 2004 as registered, under section 153 of that Act (registration of pension schemes).

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(a) 2004 c.35. Section 318(1) is cited because of the meaning there given to “prescribed” and “regulations”. Section 253 was amended by S.I. 2007/3014.  
(b) 1988 c.1. Section 611 (along with the whole of Chapter 1 of Part 14 of that Act) was repealed from 6th April 2006 by section 326 of, and Part 3 of Schedule 42 to, the Finance Act 2004 (c.12).  
(c) 2004 c.12. Section 153 was amended by paragraphs 2 and 3 of Schedule 10 to the Finance Act 2005 (c.7).

## **Exemption of non-European scheme from trust requirement**

2. For the purposes of section 253(5) of the Pensions Act 2004 (non-European scheme to be trust with UK-resident trustee) schemes of a prescribed description are—

- (a) a split approved scheme which has its main administration outside the EEA states; and
- (b) an unregistered occupational pension scheme which has its main administration outside the EEA states.

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

4th March 2008

*Mike O'Brien*  
Minister of State,  
Department for Work and Pensions

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe the type of occupational pension schemes which are exempt from the requirement in section 253 of the Pensions Act 2004 (c.35) that an employer may only pay contributions to a scheme whose main administration is outside the EEA states if the scheme is established under trust and has a trustee resident in the United Kingdom.

The exempt schemes are split approved schemes and those which are not registered under section 153 of the Finance Act 2004 (c.12).

An Impact Assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.

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