

2015 No. 606

INCOME TAX

**The Registered Pension Schemes (Provision of Information)
(Amendment) Regulations 2015**

<i>Made</i>	- - - -	<i>9th March 2015</i>
<i>Laid before the House of Commons</i>		<i>10th March 2015</i>
<i>Coming into force</i>	- -	<i>6th April 2015</i>

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by section 251 of the Finance Act 2004(a) and now exercisable by them(b).

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Registered Pension Schemes (Provision of Information) (Amendment) Regulations 2015 and come into force on 6th April 2015.

(2) The amendments in regulation 3(2) have effect in relation to changes in the legal structure of a registered pension scheme which take effect on or after 6th April 2015.

(3) The amendments in regulation 3(3) have effect in relation to changes in the number of members of a registered pension scheme on or after 6th April 2015.

(4) The amendments in regulations 4 to 9 have effect in relation to the tax year 2015-16 and subsequent years.

(5) The amendments in regulation 10 have effect in relation to recognised transfers made on or after 6th April 2015.

Amendment of the Registered Pension Schemes (Provision of Information) Regulations 2006

2. The Registered Pension Schemes (Provision of Information) Regulations 2006(c) are amended as follows.

3.—(1) The table appended to regulation 3(1) (provision of information by scheme administrator to the Commissioners) is amended as follows.

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- (a) 2004 c. 12; section 251(4) was amended by paragraph 47 of Schedule 10 to the Finance Act 2005 (c. 7) and paragraph 93 of Schedule 1 to the Taxation of Pensions Act 2014 (c. 30), and section 251(5)(aa) was inserted by section 49 of the Finance Act 2010 (c. 13).
- (b) The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50(1) of that Act provides that insofar as it is appropriate in consequence of section 5, a reference in an enactment, however expressed, to the Commissioners of Inland Revenue is to be treated as a reference to the Commissioners for Her Majesty's Revenue and Customs.
- (c) S.I. 2006/567, amended by paragraphs 35 and 86 to 91 of Schedule 1 to the Taxation of Pensions Act 2014 and by S.I. 2006/1961 and 2008/720; there are other amending instruments but none is relevant.

- (2) In the first column of entry 13 (change in legal structure of scheme)(a)—
- (a) insert at the end of paragraph (a) “and which does not fall within category (d)”, and
 - (b) for paragraph (d) substitute—
 - “(d) a single trust under which all of the assets are held for the benefit of all members of the scheme and which provides benefits only—
 - (i) in the event of the death of a member, and
 - (ii) in respect of a sum assured under a policy of insurance which becomes payable on the death of that member;”.

(3) In the first column of entry 14 (change in number of members) for paragraphs (a) to (e) substitute—

- “(a) 0 members;
- (b) 1 member;
- (c) 2 to 11 members;
- (d) 12 to 50 members;
- (e) 51 to 10,000 members; and
- (f) more than 10,000 members.”.

4. In regulation 7(3)(a) (percentage of standard lifetime allowance expended on the happening of a benefit crystallisation event: application to other provisions) after “8(2)” insert “, (2A)”.

5. Regulation 8 (death: provision of information by scheme administrator to personal representatives)(b) is amended as follows—

- (a) in paragraph (1) after “(2)” insert “, (2A)”,
- (b) after paragraph (2) insert—

“(2A) The information is the percentage of standard lifetime allowance expended, the amount designated and the date of designation where benefit crystallisation event 5C(c) (designation of relevant unused uncrystallised funds) occurs in relation to the member.

The information shall be provided no later than the last day of the period of 3 months beginning with the day on which the designation is made.”, and

- (c) in paragraph (3) after “payment in respect of the deceased member” insert “and any amount in respect of a designation referred to in paragraph (2A).”.

6. Regulation 10 (death: provision of information by personal representatives to the Commissioners) is amended as follows—

- (a) in paragraph (1)(b) after “lump sum death benefit” insert “or any benefit crystallisation event 5C,”,

- (b) after paragraph (1) insert—

“(1A) Where—

- (a) benefit crystallisation event 5C (designation of relevant unused uncrystallised funds) occurs in respect of a deceased member of a registered pension scheme, and
- (b) that designation, of itself, or together with any other benefit crystallisation event 5C or any benefit crystallisation event 7 results in a lifetime allowance charge, the personal representatives of the member shall provide to the Commissioners the information specified in paragraph (2A).”.

- (c) after paragraph (2) insert—

(a) Entry 13 has been amended by S.I. 2006/1961.

(b) Regulation 8 was amended by S.I. 2008/720.

(c) Benefit crystallisation event 5C was inserted in the table in section 216(1) of the Finance Act 2004 by paragraph 21 of Schedule 2 to the Taxation of Pensions Act 2014.

“(2A) The information required is—

- (a) the name of the pension scheme which held the relevant unused uncrystallised funds and the name and address of the scheme administrator of that scheme;
 - (b) the name of the deceased member in respect of whose relevant unused uncrystallised funds the designation was made;
 - (c) the amount designated;
 - (d) the date of designation; and
 - (e) the chargeable amount in respect of which a lifetime allowance charge is payable by virtue of the designation.”,
- (d) in paragraph (3)(b), after “(1)” insert “or (1A)”, and
- (e) in paragraph (5) after “(1)” insert “or (1A)”.

7. At the end of regulation 14(2)(c) (information provided to members by scheme administrators about benefit crystallisation events: exceptions) insert “or (2A)”.

8. Regulation 14ZC (information between scheme administrators on recognised transfers)(a) is amended as follows—

- (a) in the heading for “between” substitute “provided by”,
- (b) in paragraph (1)(a) after “another registered pension scheme” insert “or a qualifying recognised overseas pension scheme(b)”, and
- (c) in paragraph (2) after “must provide the scheme administrator” insert “or the scheme manager(c) (as the case may be)”.

9. Regulation 14ZE (member to inform other schemes if active or contributing etc and, under paragraph 8C of Schedule 28, drawdown pension fund becomes flexi-access drawdown fund) is amended as follows—

- (a) at the end of the heading insert “and is flexibly accessed”,
- (b) omit “and” at the end of paragraph (1)(a) and insert after that paragraph—
“(b) the individual accesses that flexi-access drawdown fund, and”,
- (c) renumber the existing sub-paragraph (b) of paragraph (1) as sub-paragraph (c) and in that sub-paragraph for “conversion date” substitute “date (the “first flexi-access date”) that the individual first flexibly accesses that flexi-access drawdown fund (the “first flexi-access”)”,
- (d) in paragraph (2)(a) for “conversion date” substitute “first flexi-access date”,
- (e) in paragraph (3)(b) for “conversion date” substitute “first flexi-access date” and for “conversion’s having occurred” substitute “first flexi-access having occurred”, and
- (f) in paragraph (4)(b) for “conversion date” substitute “first flexi-access date” and for “conversion’s having occurred” substitute “first flexi-access having occurred”.

10. After regulation 15 insert—

“Information between scheme administrators: transfer of dependant’s, nominee’s or successor’s funds

15ZA.—(1) This regulation applies if and to the extent to which there is a recognised transfer of sums or assets (or both) which represent—

- (a) a dependant’s flexi-access drawdown fund,
- (b) a nominee’s flexi-access drawdown fund,

(a) Regulations 14ZA to 14ZE were inserted by paragraph 87 of Schedule 1 to the Taxation of Pensions Act 2014.
(b) Qualifying recognised overseas pension scheme is defined in section 169(2) of the Finance Act 2004.
(c) Scheme manager is defined in section 169(3) of the Finance Act 2004.

- (c) a successor's flexi-access drawdown fund, or
- (d) a dependant's drawdown pension fund,

in respect of a registered pension scheme ("Scheme A") to another such scheme ("Scheme B").

(2) The scheme administrator of Scheme A shall provide the information specified in paragraph (3) to the scheme administrator of Scheme B within 3 months of the transfer.

(3) The information is—

- (a) which of the descriptions in paragraphs (1)(a) to (d) applies to the drawdown fund from which the sums or assets (or both) are transferred,
- (b) whether a successor has been nominated in respect of that drawdown fund under paragraph 27F of Schedule 28(a) and the name and address of any individual so nominated,
- (c) where the sums or assets (or both) transferred represent a dependant's flexi-access drawdown fund, a nominee's flexi-access drawdown fund or a dependant's drawdown pension fund, the age at death of the deceased member,
- (d) where the sums or assets (or both) transferred represent a successor's flexi-access drawdown fund, the age at death of the immediately preceding dependant, nominee or successor (as the case may be), and
- (e) where the deceased member referred to in sub-paragraph (c), or the immediately preceding dependant, nominee or successor referred to in sub-paragraph (d) died before the age of 75—
 - (i) confirmation as to whether or not section 579CZA(1) or (2) of ITEPA 2003 (exemption for beneficiaries' income withdrawal in some cases)(b) apply to payments of income withdrawal from the fund from which the sums or assets (or both) are transferred, and
 - (ii) if section 579CZA(1) or (2) do not apply, confirmation as to which (if any) of section 579CZA(4), (5) or (6) of ITEPA 2003 apply to payments of income withdrawal from that fund."

*Edward Troup
Jim Harra*

9th March 2015

Two of the Commissioners for Her Majesty's Revenue and Customs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Registered Pension Schemes (Provision of Information) Regulations 2006 (S.I. 2006/567) ("the 2006 Regulations").

Regulation 3 makes minor changes to two of the entries in the table in regulation 3 of the 2006 Regulations to support compliance work by Her Majesty's Revenue and Customs to prevent pension liberation.

Regulations 4 to 8 amend regulations 7, 8, 10, 14 and 14ZC of the 2006 Regulations to reflect the pensions flexibilities introduced by the Taxation of Pensions Act 2014 (c. 30).

Regulation 9 changes the date from which the information specified in regulation 14ZE of the 2006 Regulations must be provided.

(a) Paragraph 27F was inserted by paragraph 3(1) of Schedule 2 to the Taxation of Pensions Act 2014.

(b) 2003 c. 1; section 579CZA was inserted by paragraph 25(5) of Schedule 2 to the Taxation of Pensions Act 2014.

Regulation 10 inserts a new regulation 15ZA into the 2006 Regulations, again to reflect the pensions flexibilities introduced by the Taxation of Pensions Act 2014.

An updated Tax Information and Impact Note was published on 10th December 2014 alongside the Taxation of Pensions Act 2014 and is available on the government website at <https://www.gov.uk/government/publications/pension-flexibility-2015>. It remains an accurate summary of the impacts that apply to this instrument.

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