

2022 No. 392

INCOME TAX

**The Registered Pension Schemes (Miscellaneous Amendments)
Regulations 2022**

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| <i>Made</i> | - - - - | <i>28th March 2022</i> |
| <i>Laid before House of Commons</i> | | <i>29th March 2022</i> |
| <i>Coming into force</i> | - - | <i>6th April 2022</i> |

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by sections 237B(5)(b) and (c) and 251 of the Finance Act 2004(a), and now exercisable by them(b).

Citation and commencement

1. These Regulations may be cited as the Registered Pension Schemes (Miscellaneous Amendments) Regulations 2022 and come into force on 6th April 2022.

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. In regulation 3 (Provision of information by scheme administrator to the Commissioners)—

- (a) in paragraph 6(b) after “paragraph (7)” insert “, (9)”, and
- (b) after paragraph (8) insert—

“(9) An event report in respect of reportable event 22, in a case where regulation 14A(6A) or (6B) applies, must be delivered—

- (a) within 3 months of the date of issue of the pension savings statement, or
- (b) if later, on or before 31st January following the tax year to which the report relates.”.

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- (a) 2004 c. 12; section 237B was inserted by paragraph 15 of Schedule 17 to the Finance Act 2011 (c. 11), section 251 was amended by paragraph 47 of Schedule 10 to the Finance Act 2005 (c. 7), section 49 of the Finance Act 2010 (c. 13), paragraph 93 of Schedule 1 to the Taxation of Pensions Act 2014 (c. 30), and section 21(6) of the Finance (No. 2) Act 2015 (c. 33); there are other amending instruments but none are relevant.
 - (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 a reference to the Commissioners of Inland Revenue, however expressed, shall be taken as a reference to the Commissioners for Her Majesty's Revenue and Customs.
 - (c) S.I. 2006/567, amended by paragraphs 86 to 91 of Schedule 1 to the Taxation of Pensions Act 2014, paragraphs 22 and 24 of Schedule 4 to the Finance Act 2016 (c. 24), S.I. 2011/301, S.I. 2011/1797, S.I. 2013/1742, S.I. 2016/308, S.I. 2017/11 and S.I. 2018/5; there are other amending instruments but none are relevant.

4. In regulation 14A (Annual allowance: annual provision of information by scheme administrator to member)(a)—

- (a) in paragraph (4) for “and (6)” substitute “, (6) and (6C)”, and
- (b) after paragraph (6) insert—

“(6A) This paragraph applies where—

- (a) the scheme administrator has been provided with additional information concerning the member by the member’s employer in respect of the relevant pension input period pursuant to regulation 15B, and
- (b) the conditions in paragraph (1)(a) and (b) are met.

(6B) This paragraph applies where —

- (a) a change is made to scheme rules,
- (b) as a result of the change to scheme rules the aggregate of the member’s pension input amounts has changed in a pension input period, and
- (c) the conditions in paragraph (1)(a) and (b) are met.

(6C) Where paragraph (6A) or (6B) applies, the scheme administrator must provide the member with a pension savings statement for a pension input period falling within the relevant time—

- (a) within 3 months after the scheme administrator receives the additional information pursuant to regulation 15B or the change to scheme rules is made, or
- (b) if later, on or before the date specified in paragraph (4),

irrespective of whether a pension savings statement has previously been provided for the relevant tax year.

(6D) In this regulation “relevant time” means a time beginning with the start of the tax year 6 years before the current tax year and ending with the end of the current tax year.

(6E) In this regulation, “current tax year” means the tax year in which the condition in paragraph (6A)(a) or (6B)(a) is met.”

5. After regulation 14C (Individual protection 2016: provision of information by scheme administrator to member on request)(b) insert—

“Annual allowance: provision of updated information by scheme administrator to member

14D.—(1) Where, for a pension input period falling within the relevant time—

- (a) the scheme administrator has provided a member with information in respect of a pension input period ending in a tax year (“the relevant pension input period”) pursuant to regulation 14A(1) or 14B(1), and
- (b) either—
 - (i) the scheme administrator has since been provided with additional information concerning the member by the member’s employer in respect of the relevant pension input period pursuant to regulation 15B (“the regulation 15B information”), or
 - (ii) as a result of a change to scheme rules the aggregate of the member’s pension input amounts has changed in any pension input period falling within the relevant time (“the rule change aggregate”), and
- (c) the scheme administrator is not required to provide the member with a pension savings statement for the relevant pension input period under regulation 14A(6C),

(a) Regulation 14A was inserted by S.I. 2011/179, amended by paragraphs 86 to 91 of Schedule 1 to the Taxation of Pensions Act 2014, S.I. 2016/308, S.I. 2017/11, 2018/5.

(b) Regulation 14C was inserted by paragraph 26 of Schedule 4 to the Finance Act 2016.

the scheme administrator must provide the information referred to in paragraph (1)(a), as amended where necessary by either the regulation 15B information or the rule change aggregate, to the member again (“the updated information”).

(2) The updated information must be provided by the scheme administrator—

- (a) within 3 months after the scheme administrator receives the regulation 15B information or the change to scheme rules is made, or
- (b) if later, on or before 6th October following the tax year in which the relevant pension input period ended.

(3) In this regulation “relevant time” means a time beginning with the start of the tax year 6 years before the current tax year and ending with the end of the current tax year.

(4) In this regulation, “current tax year” means the tax year in which either of the conditions in paragraph (1)(b) are met.”

6. After regulation 15A (Annual allowance: information to be provided to scheme administrators by certain persons)(a) insert—

“Annual allowance: additional information to be provided to scheme administrators by certain persons

15B.—(1) Where, for a pension input period falling within the relevant time—

- (a) an employer has provided information to the scheme administrator under regulation 15A, and
- (b) the employer becomes aware that the information provided under regulation 15A is insufficient to enable the scheme administrator to correctly calculate the pension input amounts in respect of the arrangement for the pension input period ending in that tax year,

the employer must provide to the scheme administrator such information as will enable the scheme administrator to recalculate the pension input amounts in respect of the arrangement for the pension input period ending in that tax year.

(2) The information must be provided to the scheme administrator within 3 months of the employer becoming aware that the information provided under regulation 15A is insufficient or, (if later), on or before 6th July following the tax year in which the pension input period ends.

(3) In this regulation “relevant time” means a time beginning with the start of the tax year 6 years before the current tax year and ending with the end of the current tax year.

(4) In this regulation, “current tax year” means the tax year in which the condition in paragraph (1)(b) is met.

(5) The obligations contained in this regulation shall apply to a responsible person (see paragraph (6)) and for the purposes of applying this regulation to the responsible person, references to “employer” shall be read as referring to the responsible person.

(6) In this regulation “responsible person” means a person who is responsible for providing the scheme administrator of a registered pension scheme with such information as will enable the scheme administrator to calculate the pension input amounts in respect of a member where the member is an active member of that scheme in relation to an arrangement under the scheme for all or part of a pension input period ending in a tax year.”

(a) Regulation 15A was inserted by S.I. 2011/1797.

Amendment of the Registered Pension Schemes (Notice of Joint Liability for the Annual Allowance Charge) Regulations 2011

7. The Registered Pension Schemes (Notice of Joint Liability for the Annual Allowance Charge) Regulations 2011(a) are amended as follows.

8. In regulation 4 (Amendment to the notice)—

(a) in paragraph (2) after “2” insert “(excluding regulation 2(2))”,

(b) after paragraph (2) insert—

“(2A)Where the amount specified in the further notice is £2,000 or less, the individual must confirm in the further notice whether the amount of the individual’s liability to the annual allowance charge for the relevant tax year exceeds £2,000.”, and

(c) in paragraph (3) for “4 years” substitute “6 years”.

Angela MacDonald

Justin Holliday

28th March 2022

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 (SI 2006/567) (“the 2006 Regulations”) and the Registered Pension Schemes (Notice of Joint Liability for the Annual Allowance Charge) Regulations 2011 (SI 2011/1793) (“the 2011 Regulations”).

The 2006 Regulations concern the provision of information by persons such as members and scheme administrators of registered pension schemes. The 2011 Regulations make provision for the notice which the individual must give to the scheme administrator in order to elect that their pension scheme pays their annual allowance charge (using a system known as mandatory Scheme Pays), in return for an actuarial reduction to their benefits within the scheme.

These amendments support section 9 of the Finance Act 2022 (c. 3), which amends the period within which an individual can give notice to their pension scheme administrator to pay their annual allowance charge and within which a scheme administrator must provide information about, and account for, an annual allowance charge.

Regulation 3 amends regulation 3 of the 2006 Regulations to require the scheme administrator to provide the Commissioners with information when a pension savings statement is provided to a member where the scheme administrator has received additional information or a change to scheme rules has changed an individual’s pension input amounts.

Regulation 4 amends regulation 14A of the 2006 Regulations and requires scheme administrators to provide certain members with information (“pension savings statement”) if additional information is provided to a scheme administrator, or a change to scheme rules has changed an individual’s pension input amounts.

Regulation 5 inserts regulation 14D into the 2006 Regulations. This new regulation applies when a scheme administrator has previously provided certain individuals with information and the scheme administrator has received new information pursuant to regulation 15B, or a change to scheme rules has changed an individual’s pension input amounts, but this has not led to a pension savings statement being generated by regulation 14A. It ensures that the individual receives an updated version of the information they were previously supplied with.

Regulation 6 inserts regulation 15B into the 2006 Regulations. Where an employer of a registered pension scheme has supplied a scheme administrator with the information required to calculate the

(a) S.I. 2011/1793.

pension input amounts relating to an employee or director for a tax year, and the employer becomes aware that further information is necessary for the scheme administrator to calculate the pension input amounts correctly, new regulation 15B requires that the further information is supplied. The obligations contained in regulation 15B will also apply to persons other than employers who are responsible for providing scheme administrators with information about a member of the scheme.

Regulation 8 amends the time limit during which an individual may amend a notice given to the scheme administrator under the 2011 Regulations and modifies the requirement for an amended notice to confirm that the annual allowance charge for the relevant tax year exceeds £2,000.

A Tax Information and Impact Note (TIIN) covering this instrument was published on 27th October 2021 alongside draft clauses of the Finance Bill 2022 and this is available on the website at <https://www.gov.uk/government/collections/tax-information-and-impact-notes-tiins>. It remains an accurate summary of the impacts that apply to this instrument.

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