

Draft Regulations laid before Parliament under section 316(2)(a) of the Pensions Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 000

PENSIONS

**The Occupational Pension Schemes
(Levies) (Amendment) Regulations 2010**

Made - - - -

Coming into force in accordance with regulation 1.

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 117(1), 315(2) and 318(1) of the Pensions Act 2004⁽¹⁾.

In accordance with section 316(2)(a) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

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

Citation and commencement

1. These Regulations may be cited as the Occupational Pension Schemes (Levies) (Amendment) Regulations 2010 and shall come into force on the day after the day on which they are made.

Amendment of the Occupational Pension Schemes (Levies) Regulations 2005

2.—(1) The Occupational Pension Schemes (Levies) Regulations 2005⁽²⁾ are amended in accordance with this regulation.

(2) In regulation 7 (schemes eligible for only part of the financial year), after paragraph (2) insert—

“(3) Where a scheme to which this regulation applies becomes an eligible scheme during a financial year by virtue of—

(a) regulation 2(1A) of the Pension Protection Fund (Entry Rules) Regulations 2005⁽³⁾ (schemes which are not eligible schemes); or

(1) 2004 c.35. Section 318(1) is cited because of the meaning it gives to “regulations”. Section 117 is modified in its application to multi-employer schemes by S.I. 2005/441 (amended by S.I. 2005/993, 2005/2113 and 2008/731).
(2) S.I. 2005/842, relevant amending instrument is S.I. 2007/994.
(3) S.I. 2005/590. Regulation 2(1A) was inserted by S.I. 2010/196.

- (b) regulation 2A of the Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations 2005⁽⁴⁾ (schemes to which paragraph (1) of regulation 2 does not apply),
paragraph (2) does not apply to the scheme (and so the full amount of the administration levy is payable).”
- (3) In regulation 16 (partially guaranteed schemes)—
 - (a) at the beginning of paragraph (1) insert “Subject to paragraph (1A),”; and
 - (b) after paragraph (1) insert—
 - “(1A) This regulation does not apply where regulation 2A of the Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations 2005 (schemes to which paragraph (1) of regulation 2 does not apply) applies.”

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

Date

Name
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(4) [S.I. 2005/277](#). Regulation 2A was inserted by [S.I. 2010/196](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, in respect of the administration levy, the Decision of the European Commission [55/2007/EC](#) of 11th February 2009 (O.J. L242, 15.9.09. p.21) that the exemption from the payment of a levy to the Pension Protection Fund corresponding to the pension liabilities covered by a Crown guarantee constitutes State aid that is incompatible with the common market within the meaning of Article 87(1) of the EC Treaty, now Article 107 of the Treaty on the Functioning of the European Union.

Regulation 2 amends regulation 7 of the Occupational Pension Schemes (Levies) Regulations 2005 ([S.I. 2005/842](#)) (The Levies Regulations) as it applies to an occupational pension scheme with a Crown guarantee which becomes an eligible scheme during a financial year. Regulation 2 also amends regulation 16 of the Levies Regulations as it applies to a scheme with a partial Crown guarantee to which regulations 2A of the Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations 2005 ([S.I. 2005/277](#)) applies.

A full impact assessment has not been published for this instrument as it has only a negligible impact on the private, public and voluntary sectors.