



Pensions Act 2004

2004 CHAPTER 35

PART 5

OCCUPATIONAL AND PERSONAL PENSION SCHEMES: MISCELLANEOUS PROVISIONS

Restrictions on payment into occupational pension schemes

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- (1) Subsections (2) and (3) apply to an occupational pension scheme that has its main administration outside the member States.
- (2) An employer based in any part of the United Kingdom may cause a contribution to be paid to the scheme in respect of an employee (whether or not employed in the United Kingdom) only if the conditions in subsection (4) are satisfied at the time of payment.
- (3) An employer based outside the United Kingdom may cause a contribution to be paid to the scheme in respect of an employee employed in the United Kingdom only if the conditions in subsection (4) are satisfied at the time of payment.
- (4) Those conditions are—
 - (a) that the scheme is established under irrevocable trusts, and
 - (b) that a trustee of the scheme is resident in the United Kingdom.
- (5) Subsection (2) or (3) does not apply to an occupational pension scheme if it is a prescribed scheme or a scheme of a prescribed description.
- (6) Section 10 of the Pensions Act 1995 (c. 26) (civil penalties) applies to an employer who causes a contribution to be paid to an occupational pension scheme that has its main administration outside the member States if—
 - (a) subsection (2) or (3) applies in relation to the payment of the contribution,
 - (b) the conditions in subsection (4) are not satisfied at the time of payment, and
 - (c) the employer does not have a reasonable excuse for causing payment to occur at a time when those conditions are not satisfied.

Status: This is the original version (as it was originally enacted).

(7) In this section “based”—

- (a) in relation to an employer who is a body corporate, means incorporated, and
- (b) in relation to any other employer, means resident.