
STATUTORY INSTRUMENTS

1996 No. 1216

The Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 1996

PART IV

GENERAL AND SUPPLEMENTARY PROVISIONS

Miscellaneous and supplementary

Records

22.—(1) All such records shall be kept by the trustees of a trust scheme of the steps taken by them to secure—

- (a) that such arrangements as are required to be made by section 16(1) or 17(2) are made; and
- (b) that such arrangements as are required by section 16(1) or 17(2) to be implemented, or the appropriate rules, are implemented,

as are adequate for enabling it to be determined whether all such steps as are reasonable to secure compliance have been taken by them.

(2) All such records shall be kept by a company which is a trustee of a trust scheme as to—

- (a) the making of such arrangements as are required to be made by section 18(1) or 19(2); and
- (b) the implementation of such arrangements as are required by section 18(1) or 19(2) to be implemented, or the appropriate rules,

as are adequate for enabling it to be determined whether they have been made or, as the case may be, implemented.

(3) All such records shall be kept by employers of the steps taken by them to comply with the statutory consultation procedure specified in Schedule 1 as are adequate for enabling it to be determined whether they have complied with that procedure.

Notices

23.—(1) Subject to paragraph (2), any notice to be given to a person under these regulations may be given only by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this regulation and section 7 of the Interpretation Act 1978(1) in its application to this regulation, the proper address of any member is his latest address known to the trustees of the scheme.

(2) For the purposes of—

- (a) regulation 20(3),
- (b) paragraph 2 of Schedule 1, as it applies in respect of proposals for appropriate rules, and

(c) paragraphs 1 and 2 of Schedule 2,
notice shall be deemed to have been given to a person if any procedure has been followed which appears to the trustees of the scheme to be adequate to draw his attention to it.

(3) For the purposes of paragraph 2 of Schedule 1, as it applies in respect of proposals for alternative arrangements, notice shall be deemed to have been given to a person if any procedure has been followed which appears to the proposer (within the meaning of that Schedule) and the trustees of the scheme to be adequate to draw his attention to it.

(4) Where, apart from this paragraph, any provision of these regulations would provide for any person acting in one capacity to give notice both to himself (acting in another capacity) and to another person, then he shall be deemed duly to have given notice if he duly gives notice to that other person.

Transitional provisions

24. Schedule 4 has effect for the purpose of making transitional provision.