

SCHEDULE 3

MODIFICATIONS OF PENSIONS ACT 1995 AND THESE REGULATIONS

Cases where the employer is sole trustee

2.—(1) Where a person who is not a company to which section 18 applies is the sole trustee of, and the sole employer in relation to, a trust scheme these regulations have effect with the following modifications.

(2) In regulation 7(2) for paragraph (d) substitute—

“(d) if before the expiry of the period of six months beginning with the date mentioned in paragraph (a), (b) or (c) the employer duly gives notice under paragraph 2 of Schedule 1 that he is proposing alternative arrangements, but the alternative arrangements are not approved, during the period of six months beginning with the date with which the approval period expires.”.

(3) In regulation 9—

(a) in paragraph (1)—

(i) in paragraph (a) for the words “to the trustees” onwards substitute the words “under Schedule 1 at a permitted notice time to the eligible members of the scheme of his proposals for alternative arrangements under section 17(1)”;

(ii) paragraph (b)(ii) and the word “and” immediately preceding it are omitted;

(b) in paragraph (2)—

(i) in paragraph (a)(i) for the words “one month” substitute the words “six months”;

(ii) in paragraph (a)(ii) and (b)(i) for the words “one month” substitute the words “six months” and for the words “to the employer” substitute the words “to the eligible members”;

(iii) in paragraph (c)(i) omit the words “to the trustees of the scheme”;

(c) for paragraph (3) substitute—

“(3) In paragraph (1) the “approval period”, in relation to alternative arrangements, means—

(a) where notice of those arrangements is given under paragraph (2)(a)(iii) or (c), the period of six months beginning with the date on which that notice is given, and

(b) otherwise, the period within which notice of those arrangements may be given under paragraph (1)(a).”.

(4) In regulation 10(2)(b)(i) for the words “the date” onwards substitute the words “the date on which the arrangements are approved”.

(5) In regulation 20—

(a) in paragraph (1)(d), for the words “the date” onwards substitute the words “the date following the date on which the arrangements are approved”;

(b) in paragraph (1)(g), in paragraph (ii) for the words “the employer” substitute the words “the eligible members”, and for the words “with the opt-out failure date” substitute the words “of the approval period”;

(c) in paragraph (3), omit the words “to the employer and, in the case of rules,”;

(d) in paragraph (4), omit paragraph (a).

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

- (6) In regulation 23(3) omit the words “and the trustees of the scheme”.
- (7) In Schedule 4—
 - (a) in paragraphs 3(1) and 5 for the words “to the trustees of a section 16 scheme” substitute the words “to the eligible members of the scheme”; and
 - (b) in paragraph 5(c) for the words “to the trustees” substitute the words “to the eligible members”.