

SCHEDULE 5

MODIFICATIONS

Schemes covering United Kingdom and foreign employment

4.—(1) This paragraph applies where a scheme which applies to members in employment in the United Kingdom and members in employment outside the United Kingdom is divided into two or more sections and the provisions of the scheme are such that—

- (a) different sections of the scheme apply to members in employment in the United Kingdom and the other members (“the United Kingdom section” and “the foreign section”),
- (b) contributions payable to the scheme in respect of a member are allocated to the section applying to that member’s employment,
- (c) a specified part or proportion of the assets of the scheme is attributable to each section and cannot be used for the purposes of any other section,
- (d) the United Kingdom section is approved and the foreign section is not approved.

(2) In sub-paragraph (1)(d) “approved”, in relation to a section, means approved or formerly approved under section 590 or 591 of the Income and Corporation Taxes Act 1988⁽¹⁾.

(3) Where this paragraph applies—

- (a) sections 56 to 60 and these Regulations shall apply as if each section of the scheme were a separate scheme; and
- (b) the forms set out in Part II of Schedules 1, 2 and 3 and Schedule 6 apply with the following modifications—
 - (i) after “Name of scheme” insert “and name of section”,
 - (ii) for “scheme” and “scheme’s”, wherever else they occur, substitute “section” and “section’s”.

5.—(1) This paragraph applies in any case where a scheme which applies to members in employment in the United Kingdom and members in employment outside the United Kingdom does not fall within paragraph 4 and part of the scheme is approved under section 590 or 591 of the Income and Corporation Taxes Act 1988 by virtue of section 611(3) of that Act.

(2) Where this paragraph applies—

- (a) sections 56 to 60 and these Regulations shall apply as if the approved and unapproved parts of the scheme were separate schemes; and
- (b) the references to the scheme in the forms set out in Part II of Schedules 1, 2 and 3 and Schedule 6 may be modified appropriately.

(1) 1988 c. 1.