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STATUTORY INSTRUMENTS

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**1996 No. 2424**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service Pension  
Scheme (Provision of Information and  
Administrative Expenses etc.) Regulations 1996**

<i>Made</i>	- - - -	<i>18th September 1996</i>
<i>Laid before Parliament</i>		<i>20th September 1996</i>
<i>Coming into force</i>	- -	<i>14th October 1996</i>

The Secretary of State for Health, in exercise of the powers conferred by sections 172(1) and (2) and 174(2) and (3) of the Pensions Act 1995<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Provision of Information and Administrative Expenses etc.) Regulations 1996 and shall come into force on 14th October 1996.

**Interpretation**

2. In these Regulations —

“the Financial Services Act” means the Financial Services Act 1986;<sup>(2)</sup>

“the Pensions Act” means the Pensions Act 1995;<sup>(3)</sup>

“the Taxes Act” means the Income and Corporation Taxes Act 1988;<sup>(4)</sup>

“personal pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993<sup>(5)</sup> and includes —

(i) a retirement annuity contract approved under Chapter III of Part XIV of the Taxes Act;

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(1) 1995 c. 26. Section 172 of the Pensions Act 1995 (c. 26) was commenced as from 2nd October 1995 by the Pensions Act (Commencement No. 1) Order 1995 (S.I. 1995/2548) (C.51).

(2) 1986 c. 60.

(3) 1995 c. 26.

(4) 1988 c. 1.

(5) 1993 c. 48.

- (ii) a personal pension scheme approved under Chapter IV of Part XIV of the Taxes Act; and
  - (iii) a retirement benefits scheme approved under section 591 of the Taxes Act; and
- “the Scheme” means the scheme having effect under the National Health Service Pension Scheme Regulations 1995.(6)

### **Application of the Regulations**

3.—(1) Subject to paragraph (2), these Regulations shall apply in respect of an individual who is or has been eligible to be an active member of the Scheme but who —

- (a) opted out of membership of the Scheme; or
- (b) elected not to become a member of the Scheme,

and who has instead made contributions to a personal pension scheme.

(2) These Regulations shall apply to the individual referred to in paragraph (1) above only where a question arises as to whether or not he has suffered loss as a result of a contravention which is actionable under section 62 of the Financial Services Act (actions for damages in respect of contravention of rules etc.).

(3) In paragraph (1) above, “active member” is to be construed in accordance with section 172(5) of the Pensions Act.

### **Provision of information in prescribed circumstances**

4. For the purposes of section 172(1) of the Pensions Act (provision of information by the Secretary of State to a prescribed person and the imposition by him on that person of reasonable fees incurred in respect of administrative expenses), the prescribed circumstances are that the individual in respect of whom the information relates —

- (a) has requested in writing that the Scheme provide him with such information; or
- (b) has consented in writing to the Scheme providing such information to a prescribed person.

### **Provision of information to prescribed persons**

5. For the purposes of section 172(1) of the Pensions Act (provision of information by the Secretary of State to a prescribed person and the imposition by him on that person of reasonable fees incurred in respect of administrative expenses), the prescribed persons are —

- (a) a person who is or has been an authorised person within the meaning of the Financial Services Act (“an authorised person”);
- (b) an appointed representative within the meaning of section 44 of the Financial Services Act (“an appointed representative”);
- (c) a recognised self-regulating organisation within the meaning of the Financial Services Act;
- (d) a recognised professional body within the meaning of the Financial Services Act;
- (e) the Securities and Investments Board;(7)
- (f) the Investors Compensation Scheme Limited;(8)
- (g) a professional indemnity insurer of an authorised person or an appointed representative;

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(6) [S.I. 1995/300](#). The National Health Service Pension Scheme is a scheme made under section 10(1) of, and Schedule 3 to, the Superannuation Act 1972 (c. 11). The rules of the scheme are contained in [S.I. 1995/300](#).

(7) The Securities and Investments Board is a designated agency within the meaning of section 114 of the Financial Services Act 1986 (c. 60).

(8) The Investors Compensation Scheme Limited was established under section 54 of the Financial Services Act 1986 (c. 60).

- (h) The Chartered Accountants Compensation Scheme Limited;
- (i) The Solicitors Indemnity Fund Limited;
- (j) a person or body arbitrating or adjudicating in, or investigating or considering, a complaint or dispute made or referred to them by such an individual as is mentioned in section 172(1) of the Pensions Act and which involves that individual and an authorised person or an appointed representative; and
- (k) a person or body appointed to act on behalf of any of the above.

**Imposition of fees in respect of administrative expenses**

6. For the purposes of section 172(2) of the Pensions Act (prescribed persons on whom the Secretary of State may impose reasonable fees in connection with admission, readmission etc.), the prescribed persons are the persons referred to in regulation 5(2)(a) to (d), (f) to (i) and (k) above.

18th September 1996

*Stephen Dorrell*  
Secretary of State for Health

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under section 172 of the Pensions Act 1995 (“the Act”). They make provision for the Secretary of State to provide information in certain circumstances in respect of individuals who have chosen to participate in a personal pension scheme instead of the NHS Pension Scheme and to impose reasonable fees on prescribed persons in connection with administrative expenses incurred in providing such information. They also make provision for the Secretary of State to impose reasonable fees in respect of administration expenses incurred in connection with the admission or readmission of such individuals to the NHS Pension Scheme or with the administration by him of a compensation payment in respect of such an individual in the circumstances described in section 172(2) of the Act.

Regulations 1 and 2 provide for the citation, commencement and interpretation of the regulations. Regulation 3 describes the circumstances in which the regulations apply. Regulation 4 prescribes the circumstances in which the Secretary of State may provide information to a prescribed person for the purposes of section 172(1) of the Act. Regulation 5 sets out the “prescribed persons” for the purposes of section 172(1) of the Act. Regulation 6 prescribes the persons on whom the Secretary of State may impose reasonable fees in respect of administrative expenses incurred in connection with the matters referred to in section 172(2) of the Act.

An assessment of the compliance cost for business of the measures arising from these Regulations has been placed in the libraries of both Houses of Parliament. Copies can be obtained by post from the Department of Health, HRD-Employment Issues Branch, Room 111, Hesketh House, 200/220 Broadway, Fleetwood, Lancashire, FY7 8LG.