

STATUTORY INSTRUMENTS

2000 No. 1403

The Stakeholder Pension Schemes Regulations 2000

PART IV

EMPLOYER REQUIREMENTS

Exemptions from employer access and consultation requirements

^{F1}**22.**

F1 Reg. 22 revoked (6.4.2013) by [The Occupational and Stakeholder Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/459\)](#), regs. 1, **8(2)(c)**

Definition of relevant employees

^{F2}**23.**

F2 Reg. 23 revoked (6.4.2013) by [The Occupational and Stakeholder Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/459\)](#), regs. 1, **8(2)(d)**

Payroll deduction of contributions

24.—(1) [^{F3}Subject to paragraphs (2) and (2A)], where an employee requests an employer to ^{F4}... vary (but not cease) deductions of the employee's contributions to a qualifying scheme from his remuneration ("the request"), the employer must comply with the request as soon as possible, but no later than [^{F5}the end of—

- (a) the pay period following that in which the request is made; or
- (b) where the request relates to a pay period later than the one following that in which the request is made, that later pay period.]

(2) Where an employee makes the request within 6 months of requesting the same employer to [^{F6}vary] deductions of the employee's contributions to a qualifying scheme from the employee's remuneration, the employer need not comply with the request but, where he does not do so, he must give notice to the employee in writing—

[^{F7}(a) that—

- (i) he is not complying with the request; and
- (ii) the reason he is not complying with it is that it was made within 6 months of the employee requesting him to [^{F6}vary] such deductions and the employer is permitted by these Regulations not to comply with it in such circumstances;]

- (b) informing him of the date (which must be no later than 6 months after the date of the employee’s previous request to ^{F6}vary] such deductions) that the employee can make a new request to ^{F8}... vary deductions of the employee’s contributions; and
- (c) informing him that—
 - (i) he may require the employer to cease such deductions ^{F9}... (if deductions are being made at the time of the request) but, if the employee makes such a request, the employer is not required to comply with any further request to make such deductions ^{F10}...; and
 - (ii) the employee may [^{F11}be able to] make payments, [^{F12}(subject to the trustees or manager refusing to accept them as permitted by or under these Regulations)] at a rate of his choosing, directly to the qualifying scheme.

^{F13}(2A) Where the trustees or manager of the scheme in relation to which the request is made inform the employer that they will refuse, in accordance with regulation 17, to accept payment—

- (a) of a contribution to which the request relates, the employer need not comply with the request so far as the request relates to that contribution;
- (b) of contributions of a particular type, the employer need not comply with the request so far as the request relates to a contribution of that particular type.

(2B) Where the employer, on a ground mentioned in paragraph (2A), does not comply with the request, he must give notice to the employee in writing—

- (a) that, and of the extent to which, he is not complying with the request;
- (b) that the reason he is not complying with the request to that extent is that—
 - (i) the trustees or manager have informed the employer that they will refuse, in accordance with regulation 17, to accept payment of a contribution to which the request relates or of contributions of a particular type; and
 - (ii) the employer is permitted by these Regulations not to comply with the request so far as the request relates to that contribution or to a contribution of that particular type;
- (c) where the trustees or manager cite to the employer the ground of refusal in regulation 17 on which they will rely to refuse that contribution or contributions of that particular type, informing him that the trustees or manager have cited that ground of refusal in relation to that contribution or to contributions of that particular type; and
- (d) informing him that—
 - (i) he may require the employer to cease such deductions (if deductions are being made at the time of the request) but, if the employee makes such a request, the employer is not required to comply with any further request to make such deductions ^{F14}...; and
 - (ii) the employee may [^{F15}be able to] make payments, (subject to the trustees or manager refusing to accept them as permitted by or under these Regulations) at a rate of his choosing, directly to the qualifying scheme.]

^{F16}(3) Where an employee requests an employer to cease to make deductions from the employee’s remuneration on account of contributions to a qualifying scheme, the employer must—

- (a) comply with that request as soon as possible, but no later than the end of—
 - (i) the pay period following that in which that request is made; or
 - (ii) where that request relates to a pay period later than the one following that in which that request is made, that later pay period; ^{F17}...

^{F18}(b)

^{F19}(4)

(5) Where an employer is notified that a stakeholder pension scheme that has been designated by him for the purposes of section 3(2) of the Act has commenced winding-up, the employer must immediately cease making deductions from the employee's remuneration on account of contributions to that scheme and notify the employee in writing as soon as is practicable that those deductions have ceased.

^{F20}(5A) Where an employer has withdrawn their designation of a stakeholder pension scheme that has been designated by him for the purposes of section 3(2) of the Act for reasons beyond their control, the employer must immediately cease deducting contributions from the employee's remuneration and notify the employee in writing as soon as is practicable that designation of that scheme has been withdrawn and deduction of contributions has ceased.

(5B) Where an employer—

- (a) is notified that a stakeholder pension scheme that has been designated by the employer for the purposes of section 3(2) of the Act has commenced winding up; or
- (b) withdraws designation of a stakeholder pension scheme that has been designated by the employer for the purposes of section 3(2) of the Act for reasons beyond the employer's control,

the employer need not comply with the requirement in section 3(5) of the Act.]

^{F21}(6) Any notice to be given under any of paragraphs ^{F22}(2) and (2B)] must be given prior to the end of—

- (a) the pay period following that in which the request to which the notice relates is made; or
- (b) where that request relates to a pay period later than the one following that in which that request is made, that later pay period.

(7) In this regulation ^{F23}... references, in relation to an employer, to an employee are references to a relevant employee of that employer where that relevant employee is a member of a qualifying scheme.]

- F3** Words in reg. 24(1) substituted (5.4.2001) by [The Stakeholder Pension Schemes \(Amendment\) \(No.2\) Regulations 2001 \(S.I. 2001/934\)](#), regs. 1(1), **16(2)(a)**
- F4** Words in reg. 24(1) omitted (6.4.2013) by virtue of [The Occupational and Stakeholder Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/459\)](#), regs. 1, **8(5)(a)**
- F5** Words in reg. 24(1) substituted (5.4.2001) by [The Stakeholder Pension Schemes \(Amendment\) \(No.2\) Regulations 2001 \(S.I. 2001/934\)](#), regs. 1(1), **16(2)(b)**
- F6** Word in reg. 24(2) substituted (6.4.2013) by [The Occupational and Stakeholder Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/459\)](#), regs. 1, **8(5)(b)(i)**
- F7** Reg. 24(2)(a) substituted (5.4.2001) by [The Stakeholder Pension Schemes \(Amendment\) \(No.2\) Regulations 2001 \(S.I. 2001/934\)](#), regs. 1(1), **16(3)(a)**
- F8** Words in reg. 24(2)(b) omitted (6.4.2013) by virtue of [The Occupational and Stakeholder Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/459\)](#), regs. 1, **8(5)(b)(ii)**
- F9** Word in reg. 24(2)(c)(i) omitted (5.4.2001) by [The Stakeholder Pension Schemes \(Amendment\) \(No.2\) Regulations 2001 \(S.I. 2001/934\)](#), regs. 1(1), **16(3)(b)(i)**
- F10** Words in reg. 24(2)(c)(i) omitted (6.4.2013) by virtue of [The Occupational and Stakeholder Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/459\)](#), regs. 1, **8(5)(c)**
- F11** Words in reg. 24(2)(c)(ii) inserted (6.4.2013) by [The Occupational and Stakeholder Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/459\)](#), regs. 1, **8(5)(d)**
- F12** Words in reg. 24(2)(c)(ii) inserted (5.4.2001) by [The Stakeholder Pension Schemes \(Amendment\) \(No.2\) Regulations 2001 \(S.I. 2001/934\)](#), regs. 1(1), **16(3)(b)(ii)**
- F13** Reg. 24(2A)(2B) inserted (5.4.2001) by [The Stakeholder Pension Schemes \(Amendment\) \(No.2\) Regulations 2001 \(S.I. 2001/934\)](#), regs. 1(1), **16(4)**

- F14** Words in reg. 24(2B)(d)(i) omitted (6.4.2013) by virtue of The Occupational and Stakeholder Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/459), regs. 1, **8(5)(c)**
- F15** Words in reg. 24(2B)(d)(ii) inserted (6.4.2013) by The Occupational and Stakeholder Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/459), regs. 1, **8(5)(d)**
- F16** Reg. 24(3) substituted (5.4.2001) by The Stakeholder Pension Schemes (Amendment) (No.2) Regulations 2001 (S.I. 2001/934), regs. 1(1), **16(5)**
- F17** Word in reg. 24(3)(a)(ii) omitted (6.4.2013) by virtue of The Occupational and Stakeholder Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/459), regs. 1, **8(5)(e)(i)**
- F18** Reg. 24(3)(b) omitted (6.4.2013) by virtue of The Occupational and Stakeholder Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/459), regs. 1, **8(5)(e)(ii)**
- F19** Reg. 24(4) omitted (6.4.2013) by virtue of The Occupational and Stakeholder Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/459), regs. 1, **8(5)(f)**
- F20** Reg. 24(5A)(5B) inserted (6.4.2013) by The Occupational and Stakeholder Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/459), regs. 1, **8(5)(g)**
- F21** Reg. 24(6)(7) inserted (5.4.2001) by The Stakeholder Pension Schemes (Amendment) (No.2) Regulations 2001 (S.I. 2001/934), regs. 1(1), **16(6)**
- F22** Words in reg. 24(6) substituted (6.4.2013) by The Occupational and Stakeholder Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/459), regs. 1, **8(5)(h)**
- F23** Words in reg. 24(7) omitted (6.4.2013) by virtue of The Occupational and Stakeholder Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/459), regs. 1, **8(5)(i)**

Disclosure of information to relevant employees

25.—(1) Where an employee for the first time requests an employer [^{F24}to make (but not vary or cease)] deductions of the employee's contributions to a qualifying scheme from his remuneration, the employer must, within 2 weeks of receiving that request, give notice in writing to the employee containing the information referred to in paragraph (2).

(2) The information to be provided under paragraph (1) is—

- (a) the manner in which the employer will accept requests to make, vary or cease such deductions;
- (b) advice that, where an employee requests an employer to make or vary deductions of the employee's contributions to a qualifying scheme from the employee's remuneration, the employer need not comply with that request [^{F25}within]—
- (i) ^{F26} . . . 6 months of the date of any previous request to make, vary or cease such deductions; or
- (ii) where the employer is agreeable to complying with the request within a lesser period than 6 months of a previous request, that lesser period;
- (c) advice that the employee may, at any time, require the employer to cease such deductions ^{F27} . . . ; ^{F28} . . .
- (d) advice that, where the employer is required to comply with a request to make, vary or cease such deductions, [^{F29}that request] will be complied with as soon as possible but no later than [^{F30}the end of—
- (a) the pay period following that in which that request is made; or
- (b) where that request relates to a pay period later than the one following that in which that request is made, that later pay period.]

[^{F31}and

(e) advice that—

- (i) the trustees or manager of the scheme may refuse to accept a contribution if accepting it would contravene the scheme's [^{F32}tax-registration];
- (ii) if the instruments establishing the scheme allow it, the trustees or manager may also refuse to accept payments of less than £20; and
- (iii) where an employee requests an employer to make or vary deductions of the employee's contributions to a qualifying scheme from the employee's remuneration, the employer need not comply with that request so far as that request relates to any particular contribution, if the trustees or manager of the scheme inform the employer that they will refuse, in accordance with the regulation which allows them to refuse payments on the grounds referred to in sub-paragraphs (i) and (ii) (and on other grounds), to accept that contribution or contributions of that particular type.]

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| <p>F24 Words in reg. 25(1) substituted (5.4.2001) by The Stakeholder Pension Schemes (Amendment) (No.2) Regulations 2001 (S.I. 2001/934), regs. 1(1), 17(2)</p> |
| <p>F25 Word in reg. 25(2)(b) inserted (5.4.2001) by The Stakeholder Pension Schemes (Amendment) (No.2) Regulations 2001 (S.I. 2001/934), regs. 1(1), 17(3)(a)</p> |
| <p>F26 Word in reg. 25(2)(b)(i) omitted (5.4.2001) by virtue of The Stakeholder Pension Schemes (Amendment) (No.2) Regulations 2001 (S.I. 2001/934), regs. 1(1), 17(3)(b)</p> |
| <p>F27 Word in reg. 25(2)(c) omitted (5.4.2001) by virtue of The Stakeholder Pension Schemes (Amendment) (No.2) Regulations 2001 (S.I. 2001/934), regs. 1(1), 17(3)(c)</p> |
| <p>F28 Word in reg. 25(2)(c) omitted (5.4.2001) by virtue of The Stakeholder Pension Schemes (Amendment) (No.2) Regulations 2001 (S.I. 2001/934), regs. 1(1), 17(3)(d)</p> |
| <p>F29 Words in reg. 25(2)(d) substituted (5.4.2001) by The Stakeholder Pension Schemes (Amendment) (No.2) Regulations 2001 (S.I. 2001/934), regs. 1(1), 17(3)(e)(i)</p> |
| <p>F30 Words in reg. 25(2)(d) substituted (5.4.2001) by The Stakeholder Pension Schemes (Amendment) (No.2) Regulations 2001 (S.I. 2001/934), regs. 1(1), 17(3)(e)(ii)</p> |
| <p>F31 Reg. 25(2)(e) and word inserted (5.4.2001) by The Stakeholder Pension Schemes (Amendment) (No.2) Regulations 2001 (S.I. 2001/934), regs. 1(1), 17(3)(f)</p> |
| <p>F32 Word in reg. 25(2)(e)(i) substituted (6.4.2006) by The Taxation of Pension Schemes (Consequential Amendments of Occupational and Personal Pension Schemes Legislation) Order 2006 (S.I. 2006/744), arts. 1, 20(7)</p> |

Changes to legislation:

There are currently no known outstanding effects for the The Stakeholder Pension Schemes Regulations 2000, PART IV.