
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pensions Act 2004 (c. 35) (“the Act”), the Pension Protection Fund (Compensation) Regulations 2005 (S.I.2005/670) (“the Compensation Regulations”), the Pension Protection Fund (Entry Rules) Regulations 2005 (S.I. 2005/590) (“the Entry Rules Regulations”), the Pension Protection Fund (Multi-employer Schemes) (Modification) Regulations 2005 (S.I. 2005/441) (“the Multi-employer Regulations”), the Pensions Regulator (Notifiable Events) Regulations 2005 (S.I. 2005/900) (“the Notifiable Events Regulations”), the Pension Protection Fund (Provision of Information) Regulations 2005 (S.I. 2005/674) (“the Provision of Information Regulations”), the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005 (S.I. 2005/669) (“the Review and Reconsideration Regulations”) and the Pension Protection Fund (Valuation) Regulations 2005 (S.I. 2005/672) (“the Valuation Regulations”).

Regulation 2 amends section 10 of, and Schedule 2 to, the Act by adding the power to extend or further extend prescribed periods under sections 58(6) and 60(3) of the Pensions Act 1995 (c. 26) (“the 1995 Act”) to the list of reserved regulatory functions listed in Schedule 2 to the Act. The amendments reserve the exercise of those powers to the Determinations Panel in the circumstances mentioned in section 10(2) of the Act.

Regulation 3 amends Schedule 9 to the Act by adding a determination made by the Board under section 141(2) of the Act to the reviewable matters prescribed in that Schedule.

Regulation 4 inserts a definition of “assessment date” into the Compensation Regulations, the Entry Rules Regulations, the Multi-employer Regulations, the Provision of Information Regulations, the Review and Reconsideration Regulations and the Valuation Regulations.

Regulation 5 substitutes a new definition of “employer”, where certain occupational pension schemes have no active members, into the Compensation Regulations, the Entry Rules Regulations, the Provision of Information Regulations, the Review and Reconsideration Regulations and the Valuation Regulations.

Regulation 6 substitutes a new definition of “employer”, in relation to a multi-employer scheme or a section of a multi-employer scheme, into the Compensation Regulations, the Entry Rules Regulations, the Provision of Information Regulations, the Review and Reconsideration Regulations and the Valuation Regulations.

Regulation 7 inserts a definition of “non-segregated scheme” into the Compensation Regulations, the Provision of Information Regulations, the Review and Reconsideration Regulations and the Valuation Regulations.

Regulation 8 inserts a definition of “segregated scheme” into the Compensation Regulations, the Provision of Information Regulations, the Review and Reconsideration Regulations and the Valuation Regulations.

Regulation 9 extends the Compensation Regulations to civil partners. It provides that—

a civil partner will be entitled to receive a survivor’s pension where the admissible rules of the scheme allow for such a payment to be made. It also makes amendments that provide for the amount of such compensation both where there are dependants of the civil partnership and where there are not;

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

where a member has nominated a relevant partner to receive a survivor's pension under the admissible rules of the scheme, a surviving spouse or civil partner shall not be entitled to compensation;

where a surviving spouse or civil partner is entitled to compensation and there is no nomination in place in favour of a relevant partner, the relevant partner shall not be entitled to compensation;

the maximum age at which dependant's compensation can be paid is reduced from 25 to 23, although a person entitled to dependant's compensation prior to 6th April 2006 will continue to receive such compensation until the age of 25.

Regulation 10 amends the Multi-employer Regulations. In particular—

paragraph (2) substitutes the definitions of “employer” in relation to an occupational pension scheme with no active members and a multi-employer scheme or a section of a multi-employer scheme;

paragraph (3) substitutes Part 3, which modifies Part 2 of the Act as it applies to a section of a segregated scheme with at least two employers in relation to that section. The substituted Part 3 broadens the circumstances in which an application can be made to the Board of the Pension Protection Fund (“the Board”) under section 129(1) of the Act for it to assume responsibility for a section of a scheme to which Part 3 applies; and

paragraph (4) substitutes Part 6, which modifies Part 2 of the Act as it applies to certain multi-employer schemes which are not divided into two or more sections in specified circumstances. The substituted Part 6 broadens the circumstances in which an application can be made to the Board under section 129(1) of the Act for it to assume responsibility for a scheme to which Part 6 applies.

Regulation 11 amends the Notifiable Events Regulations, so that certain events which involved the taking of a decision about a certain action are now expanded to include a requirement to notify the Pensions Regulator when the action itself occurs in circumstances where a decision about that action was not required to be taken.

Regulation 12 amends regulation 2 of the Provision of Information Regulations to correct a typographical error and makes a further consequential amendment to omit the definition of “assessment date” in paragraph 1(1) of Schedule 2 to those Regulations.

Regulation 13 amends the Review and Reconsideration Regulations by prescribing the interested person in relation to the reviewable matter specified in paragraph 7A of Schedule 9 to the Act as inserted by regulation 3 of these Regulations.

Regulation 14 revokes paragraphs (2), (4) and (7) of regulation 5 of the Occupational Pension Schemes and Pension Protection Fund (Amendment) Regulations 2005 (S.I. [2005/993](#)) as a consequence of the amendment of the Multi-employer Regulations by regulation 11 of these Regulations.

As these Regulations are made before the expiry of the period of six months beginning with the coming into force of the provisions of the Act by virtue of which they are made, the requirement for the Secretary of State to consult such persons as he considers appropriate does not apply.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.