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STATUTORY INSTRUMENTS

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**2006 No. 208**

**INCOME TAX**

**The Pension Schemes (Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pensions Schemes and Corresponding Relief) Regulations 2006**

<i>Made</i>	- - - -	<i>1st February 2006</i>
<i>Laid before the House of Commons</i>	- - - -	<i>2nd February 2006</i>
<i>Coming into force</i>	- -	<i>6th April 2006</i>

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by section 169 of, and paragraph 5(2) of Schedule 33 and paragraph 51(4) of Schedule 36 to, the Finance Act 2004<sup>(1)</sup> and which are now exercisable by them <sup>(2)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Pension Schemes (Information Requirements for Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pension Schemes and Corresponding Relief) Regulations 2006 and shall come into force on 6th April 2006.

(2) In these Regulations—

“the Act” means the Finance Act 2004 and a reference to a numbered section or Schedule, without more, is a reference to the section of; or Schedule to, the Act bearing that number; <sup>F1</sup>...

[<sup>F2</sup>“HMRC” means the Commissioners for Her Majesty's Revenue and Customs;]

[<sup>F3</sup>“onward transfer” has the meaning given by section 244A;]

[<sup>F2</sup>“tax identification number” means—

(a) if the person is resident for tax purposes in the United Kingdom, the unique taxpayer reference (UTR) allocated to that person, and

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(1) 2004 c. 12.

(2) The functions of the Commissioners of Inland Revenue, including those under which this instrument is made, were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5 of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50 of that Act provides that insofar as it is appropriate in consequence of section 5 a reference, however expressed, to the Commissioners of Inland Revenue is to be read as a reference to the Commissioners for Her Majesty's Revenue and Customs.

**Changes to legislation:** There are currently no known outstanding effects for the The Pension Schemes (Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pensions Schemes and Corresponding Relief) Regulations 2006. (See end of Document for details)

- (b) if the person is resident for tax purposes outside the United Kingdom, the unique taxpayer reference (UTR) allocated to that person or, if they do not have one, the reference number allocated to that person by the tax authority in the country or territory in which they are resident for tax purposes; and]

“tax year” means a period beginning on 6th April of one year and ending on 5th April of the immediately following year.

- F1** Word in [reg. 1\(2\)](#) omitted (14.10.2013) by virtue of [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2259\)](#), [regs. 1, 10](#)
- F2** Words in [reg. 1\(2\)](#) inserted (14.10.2013) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2259\)](#), [regs. 1, 10](#)
- F3** Words in [reg. 1\(2\)](#) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(2\)](#) (with [Sch. 4 para. 22\(15\)](#))

#### Commencement Information

- I1** [Reg. 1](#) in force at 6.4.2006, see [reg. 1\(1\)](#)

### Information — benefit crystallisation events in relation to relevant migrant members and individuals entitled to corresponding relief

2.—(1) For the purposes of paragraph 5(2) of Schedule 33 and paragraph 51(4) of Schedule 36 (information about benefit crystallisation events in cases of relevant migrant members and individuals entitled to corresponding relief) the prescribed benefit crystallisation information is—

- (a) the name and address of the relevant migrant member or individual (as the case may be) in respect of whom there has been a benefit crystallisation event in the tax year; and
- (b) the date, amount and nature of the benefit crystallisation event.

(2) The information must be provided by 31st January next following the end of the tax year in which the benefit crystallisation event occurs.

#### Commencement Information

- I2** [Reg. 2](#) in force at 6.4.2006, see [reg. 1\(1\)](#)

### [<sup>F4</sup>Information — QROPS and former QROPS

3.—(1) For the purposes of section 169(4) (information to be provided by a QROPS or former QROPS), the scheme manager of a QROPS must provide to HMRC—

- (a) the name and address of the scheme, the date of its establishment and the name of the country or territory in which it is established;
- (b) confirmation whether or not the scheme is regulated in the country or territory in which it is established and, if so, the name and address of the regulator and the reference number, if any, allocated by that regulator;
- (c) the name and address of the tax authority for the scheme in the country or territory in which it is established and the reference number, if any, allocated by that tax authority;
- (d) confirmation of the basis on which the scheme satisfies the requirements imposed by regulations 2 and 3 of the Pension Schemes (Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes) Regulations 2006;

- (e) if a scheme satisfies regulation 2(2) of those Regulations solely because it fulfils the requirement in regulation 2(2)(c)(ii), or if a scheme satisfies regulation 3(1)(b) of those Regulations solely because it fulfils the requirement in regulation 3(4), evidence demonstrating that it fulfils the requirement set out in paragraph (ii) or (4), as the case may be;
- (f) the name, address, contact details and legal status of the scheme manager; and
- (g) any information or evidence required in writing, at any time, by HMRC relating to any of the matters referred to in sub-paragraphs (a) to (f).

No information is required to be provided under sub-paragraph (c) if the scheme was established by an organisation to which section 1 of the International Organisations Act 1968 applies by virtue of an Order in Council under subsection (1) of that section.

(1A) The information required under paragraph (1)(a) to (f) must be provided—

- (a) five years after the date of the HMRC letter advising the QROPS of the reference number that had been allocated to it, and
- (b) at the end of every succeeding period of five years.

This paragraph is subject to paragraph (1B).

(1B) Where this paragraph applies to a QROPS, paragraph (1A) does not apply and the information required under paragraph (1)(a) to (f) must be provided on the dates notified to the QROPS by HMRC.

(1C) Paragraph (1B) applies to a QROPS if—

- (a) the date of the HMRC letter advising the QROPS of the reference number that had been allocated to it was before [<sup>F5</sup>6 April 2011], and
- (b) less than fifteen years have passed since the date of that letter.

(1D) Where paragraph (1A) or (1B) applies, the required information may be provided at any time during the six months prior to the end of each five year period or the notified dates, as the case may be.]

[<sup>F6</sup>(2) When a QROPS or former QROPS makes, or is treated under the relevant provisions as making, a payment in respect of a relevant member, the scheme manager of the QROPS or former QROPS must provide to HMRC—

- (a) the name, principal residential address, date of birth, contact details, the national insurance number or, if they do not have one, the tax identification number, if any, of the relevant member and if the relevant member has ceased to be resident for tax purposes in the United Kingdom, the date that residence ceased;
- (b) the name, address and contact details of the QROPS or former QROPS and of the scheme manager;
- (c) the date, amount and nature of the payment and if as a result of the payment no relevant transfer fund remains [<sup>F7</sup>and no ring-fenced transfer funds remain], a statement to that effect;
- (d) if the payment is made to a pension scheme, the name and address of the recipient and if the recipient is a registered pension scheme or a QROPS, the reference number allocated to that pension scheme by HMRC;

[<sup>F8</sup>(da) if the payment is made to a QROPS—

- (i) whether the overseas transfer charge arises on the payment,
- (ii) if the charge does arise, the transferred value and the amount of charge the scheme manager deducted from the payment before making it,

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**Changes to legislation:** There are currently no known outstanding effects for the The Pension Schemes (Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pensions Schemes and Corresponding Relief) Regulations 2006. (See end of Document for details)

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- (iii) if the charge does not arise, why it does not, and
- (iv) the total amount or value of the member's relevant transfer fund, and ring-fenced transfer funds, remaining immediately after the payment;]
- (e) where the relevant member has died and the payment is made to an individual, the name, principal residential address, date of birth and the national insurance number or, if they do not have one, the tax identification number, if any, of that individual; and
- (f) where the relevant member has died and the payment is made to a person who is not an individual, the name and address of that person.

Here “the relevant provisions” means sections 172 to 174A, paragraph 2A of Schedule 28 and paragraph 3A of Schedule 29.

This paragraph is subject to the qualifications in paragraphs (3) and (4).]

[<sup>F9</sup>(2A) Paragraphs (2B) and (2C) apply where—

- (a) a recognised transfer is made to a QROPS, or
- (b) an onward transfer is made by a QROPS or former QROPS.

(2B) Where an event occurring before the end of the relevant period for the transfer (see section 244A(4)) means that the transfer no longer counts as excluded from the overseas transfer charge or that entitlement to repayment under section 244M arises, the scheme manager of the QROPS or former QROPS must, within 90 days after the date the scheme manager is notified of the event, provide to HMRC notification of—

- (a) the occurrence, nature and date of the event,
- (b) the transferred value of the transfer,
- (c) the amount of overseas transfer charge on the transfer,
- (d) whether, and to what extent, the scheme manager has accounted, or intends to account, for the charge, and
- (e) the total amount or value of the member's relevant transfer fund, and ring-fenced transfer funds, remaining immediately after the event.

This paragraph is subject to the qualification in paragraph (3A).

(2C) Where the scheme manager of the QROPS or former QROPS becomes aware that the member has at any time in the relevant period for the transfer acquired a new residential address that is neither—

- (a) in the country or territory in which the QROPS or former QROPS is established, nor
- (b) in an EEA state,

the scheme manager is to notify that address to HMRC within 3 months after the date on which the scheme manager becomes aware of it.]

**3.—(3)** No obligation arises under paragraph (2) if [<sup>F10</sup>the following conditions are met—

- (a) at the date of the payment more than ten years has elapsed beginning [<sup>F11</sup>—
  - (i) if the payment is in respect of one or more of the relevant member's ring-fenced transfer funds (whether or not it is also in respect of anything else), with the key date for that fund or (as the case may be) the later or latest of the key dates for those funds, and
  - (ii) if the payment is not to any extent in respect of the relevant member's ring-fenced transfer funds,]

with the date on which the relevant transfer fund in respect of the relevant member came into existence; and

(b) the relevant member to whom the payment is made or treated as made is a person to whom the member payment provisions do not apply (see paragraph 2 of Schedule 34).]

[<sup>F12</sup>(3A) No obligation arises under paragraph (2B) in relation to a transfer if the following conditions are met—

(a) at the date of the transfer more than 10 years has elapsed since the key date for the ring-fenced transfer fund arising from the transfer (see paragraph 1 of Schedule 34); and

(b) the relevant member to whom the transfer is made is a person to whom the member payment provisions do not apply.]

(4) In the case of a payment by way of a pension the obligation under paragraph (2) applies only to the first such payment.

(5) The information required by paragraph (2) must be [<sup>F13</sup>provided—

(a) within 90 days beginning with the day on which the payment is made or is treated as made; or

(b) by such other time as may be agreed between an officer of Revenue and Customs and the scheme manager.]

[<sup>F14</sup>(5A) Where the scheme manager is a company it must provide the names and addresses of the directors of the company to an officer of Revenue and Customs if required to do so in writing, and within such time as may be specified, by the officer.]

(6) For the purposes of this regulation [<sup>F15</sup>and regulation 3C] —

“payment” has the meaning given in section 161(2); and

“relevant member” means a member of a scheme in respect of whom there is a relevant transfer fund [<sup>F16</sup>or any ring-fenced transfer fund]<sup>F17</sup>....

[<sup>F18</sup>(7) For the purposes of this regulation [<sup>F19</sup>, regulation 3B and regulation 3C] “relevant transfer fund” has the meaning given in paragraph 4(2) of Schedule 34.]

- F4** Reg. 3(1)-(1D) and heading substituted for reg. 3(1) and heading (with effect in accordance with reg. 3 of the amending S.I.) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2259\)](#), regs. 1, **11** (as amended (17.12.2014) by 2014 c. 30, s. 1, Sch. 1 para. 97(2))
- F5** Words in reg. 3(1C)(a) substituted (17.12.2014) by [Taxation of Pensions Act 2014 \(c. 30\)](#), **Sch. 1 para. 97(3)**
- F6** Reg. 3(2) substituted (with effect in accordance with reg. 4 of the amending S.I.) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2259\)](#), regs. 1, **12**
- F7** Words in reg. 3(2)(c) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(3)(a)** (with Sch. 4 para. 22(15))
- F8** Reg. 3(2)(da) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(3)(b)** (with Sch. 4 para. 22(15))
- F9** Reg. 3(2A)-(2C) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(4)** (with Sch. 4 para. 22(15))
- F10** Words in reg. 3(3) substituted (with effect in accordance with reg. 1(2)(a) of the amending S.I.) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **8(4)**
- F11** Words in reg. 3(3)(a) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(5)** (with Sch. 4 para. 22(15))
- F12** Reg. 3(3A) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(6)** (with Sch. 4 para. 22(15))

**Changes to legislation:** There are currently no known outstanding effects for the The Pension Schemes (Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pensions Schemes and Corresponding Relief) Regulations 2006. (See end of Document for details)

- F13** Words in reg. 3(5) substituted (with effect in accordance with reg. 1(2)(a) of the amending S.I.) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/884), regs. 1(1), **8(5)**
- F14** Reg. 3(5A) inserted (6.4.2012) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/884), regs. 1(1), **8(6)**
- F15** Words in reg. 3(6) inserted (14.10.2013) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259), regs. 1, **13**
- F16** Words in reg. 3(6) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 4 para. 22(7)** (with Sch. 4 para. 22(15))
- F17** Words in reg. 3(6) omitted (with effect in accordance with reg. 1(2)(a) of the amending S.I.) by virtue of The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/884), regs. 1(1), **8(7)**
- F18** Reg. 3(7) inserted (with effect in accordance with reg. 1(2)(a) of the amending S.I.) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/884), regs. 1(1), **8(8)**
- F19** Words in reg. 3(7) substituted (14.10.2013) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259), regs. 1, **14**

#### Commencement Information

- I3** Reg. 3 in force at 6.4.2006, see **reg. 1(1)**

#### [<sup>F20</sup>Information - transfer of sums or assets to a [<sup>F21</sup>QROPS]

**3A.**—[<sup>F22</sup>(1) For the purposes of section 169(4), where paragraph (2) applies the scheme manager of the QROPS (or former QROPS, if the scheme has ceased to be a QROPS) must provide to HMRC such of the information specified in paragraph (3) as may be required in writing by an officer of Revenue and Customs.]

(2) This paragraph applies where there is a transfer to a [<sup>F23</sup>QROPS] of sums or assets which have at any time been held for the purposes of, or representing accrued rights under, a registered pension scheme from—

- (a) a registered pension scheme; or
  - (b) another [<sup>F23</sup>QROPS].
- (3) The information is—
- (a) the date of the transfer;
  - (b) the name and address of any bank and details of any bank account which the scheme has used in relation to the transfer;
  - (c) details of the sums or assets transferred;
  - (d) where information is required from a scheme which is a transferee, the way that the sums or assets have been applied by the scheme;
  - (e) where the transfer is from a registered pension scheme, the name and address of that scheme;
  - (f) the name, principal residential address, date of birth and, if any, the national insurance number of the member who is connected with the sums or assets;
  - (g) where the member referred to in sub-paragraph (f) is a person to whom the member payment provisions do not apply by virtue of paragraph 2 of Schedule 34, the date that the member ceased to be resident in the United Kingdom;
  - (h) the name and address of the body that regulates the scheme and the reference number, if any, issued to the scheme by the regulator;

- (i) the name and address of the tax authority that administers the scheme and the reference number, if any, issued to the scheme by the authority;
  - (j) evidence to show that the scheme met at the time of the transfer and continues to meet the requirements specified in regulations 2 and 3 of the Pension Schemes (Categories of Country and Requirements for Overseas Pension Schemes and Recognised Overseas Pension Schemes) Regulations 2006; and
  - (k) any other evidence relating to the transfer as may be required by the officer of Revenue and Customs.
- (4) Information required in accordance with paragraph (1) must be provided—
- (a) within 90 days beginning with the day on which the requirement is notified by the officer of Revenue and Customs; or
  - (b) by such other time as may be agreed between the officer and the scheme manager.

<b>F20</b>	Regs. 3A-3C inserted (6.4.2012) by <a href="#">The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/884)</a> , regs. 1(1), <b>9</b>
<b>F21</b>	Word in reg. 3A heading substituted (14.10.2013) by <a href="#">The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259)</a> , regs. 1, <b>15</b>
<b>F22</b>	Reg. 3A(1) substituted (with effect in accordance with reg. 5 of the amending S.I.) by <a href="#">The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259)</a> , regs. 1, <b>16</b>
<b>F23</b>	Word in reg. 3A(2) substituted (14.10.2013) by <a href="#">The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259)</a> , regs. 1, <b>17</b>

**[<sup>F24</sup>Information provided to member of QROPS or former QROPS by scheme manager where it appears member may be first flexibly accessing pension rights**

**3AA.**—(1) If a relevant event occurs in relation to a member of a QROPS or former QROPS which is to be treated as a registered pension scheme for the purposes of section 227G (when pension rights are first flexibly accessed) by virtue of paragraph 9ZA or 9ZB of Schedule 34 (non-UK schemes: application of certain charges), the scheme manager—

- (a) must provide the member with a statement—
    - (i) stating the date of the relevant event; and
    - (ii) explaining the matters specified in paragraph (3); and
  - (b) must do so before the end of 91 days beginning with the date of the relevant event,
- but this is subject to paragraphs (4) and (7).

(2) For the purposes of this regulation—

- (a) if—
  - (i) the member has a member’s flexi-access drawdown fund in respect of an arrangement under the scheme; and
  - (ii) the fund came into existence as a result of sums or assets being designated on or after 6th April 2015 as available for the payment of drawdown pension,a relevant event occurs when a qualifying payment is made to the member from the fund;
- (b) if section 165(3A) (pension rules) applied in the individual’s case to an arrangement at any time before 6th April 2015, a relevant event occurs at the start of 6th April 2015;
- (c) if—

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- (i) the member has a member’s drawdown pension fund in respect of an arrangement under the scheme; and
  - (ii) the sums or assets that make up the fund become newly-designated funds by the operation of paragraph 8B or 8C of Schedule 28 (registered pension schemes: authorised pensions – supplementary),
- a relevant event occurs when a qualifying payment is made to the member from the member’s flexi-access drawdown fund in respect of the arrangement; or
- (d) a relevant event occurs when an uncrystallised funds pension lump sum is paid to the member by the scheme.
- (3) The matters mentioned in paragraph (1)(a)(ii) are—
- (a) that a relevant event has occurred in relation to the member and that, as a result, the member has flexibly accessed the member’s pension rights (although may first have done so previously);
  - (b) that if in any tax year the total of the pension inputs to money purchase arrangements, and certain hybrid arrangements, relating to the member exceeds [<sup>F25</sup>£4,000]—
    - (i) there will be an annual allowance tax charge on the excess; and
    - (ii) the annual allowance for pension inputs to other arrangements relating to the member will be [<sup>F25</sup>£4,000] less than it would otherwise be;
  - (c) where paragraph (2)(d) applies, that the member may be liable to a charge under section 636A(1A) and (1B) (exemption for certain lump sums) of ITEPA 2003 by virtue of paragraph 1(3)(da) of Schedule 34 (member payment charges); and
  - (d) the duties under regulation 3AB and the circumstances in which the member will have to comply with them.
- (4) The scheme manager is not required to comply with paragraph (1) if—
- (a) the scheme manager has complied with paragraph (1) in respect of an earlier relevant event; or
  - (b) the scheme manager is, at any time before complying with paragraph (1) in relation to the relevant event, informed—
    - (i) by the member; or
    - (ii) by the scheme manager of another QROPS or former QROPS or by the scheme administrator of a registered pension scheme,
 that the member flexibly accessed pension rights at a time before the relevant event occurred.
- (5) In this regulation, a reference to a qualifying payment from a fund is a reference to—
- (a) payment of income withdrawal from the fund; or
  - (b) payment of a short-term annuity purchased using sums or assets out of the fund,
- but does not include payment at a time when the whole of the fund represents rights attributable to a disqualifying pension credit.
- (6) In paragraph (5) “disqualifying pension credit” is to be read in accordance with paragraph 2(3) and (4) of Schedule 29 (registered pension schemes: authorised lump sums– supplementary).
- (7) This regulation does not apply unless the member is—
- (a) resident in the United Kingdom when the relevant event occurs (or would occur but for this paragraph); or



- (b) has been resident in the United Kingdom in any of the five tax years immediately preceding the tax year in which the relevant event occurs (or would occur but for this paragraph).

- F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**
- F24** Regs. 3AA-3AD inserted (6.4.2015) by [The Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/673\)](#), regs. 1, **5**
- F25** Sums in [Reg. 3AA\(3\)\(b\)](#) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/5\)](#), regs. 1(1), **7**

### Passing-on by member of information under regulation 3AA if active or contributing etc

**3AB.**—(1) Paragraphs (2) and (3) apply if—

- (a) an individual receives a statement under regulation 3AA from the scheme manager of a QROPS or former QROPS (the “flexed scheme”); and
- (b) on the date of the relevant event concerned, or at any later time, the individual is an accruing member of—
- (i) the flexed scheme;
  - (ii) a relevant non-UK scheme which is a QROPS or former QROPS other than the flexed scheme; or
  - (iii) a registered pension scheme,
- and in this regulation “other relevant scheme” is a scheme mentioned in sub-paragraphs (ii) and (iii).

(2) The individual must before the end of the relevant period—

- (a) pass on a copy of the statement; or
- (b) otherwise give notice—
- (i) of receipt of the statement; and
  - (ii) of the date of the relevant event concerned or (if applicable) of its having occurred more than 2 years before the start of the relevant period,
- to the scheme manager or scheme administrator (as the case may be) of each other relevant scheme of which the individual is an accruing member on any day in the intervening period.

(3) Where, in the case of a particular scheme which is any other relevant scheme, the individual is not an accruing member of that other scheme on any day in the intervening period but becomes an accruing member of that scheme on a day (“the activation day”) after the last day of that period, the individual must before the end of the 91 days beginning with the activation day—

- (a) pass on a copy of the statement; or
- (b) otherwise give notice—
- (i) of receipt of the statement; and
  - (ii) of the date of the relevant event concerned or (if applicable) of its having occurred more than 2 years before the activation day,
- to the scheme manager or scheme administrator (as the case may be) of that other relevant scheme; but this is subject to paragraph (4).

(4) Paragraph (3) does not apply in connection with the individual becoming an accruing member of any particular scheme if the individual becomes an accruing member of that scheme upon or after becoming a member of that scheme [<sup>F26</sup>as a result of—

- (a) a transfer of the member's relevant transfer fund,
- (b) a transfer of any of the member's ring-fenced transfer funds, or
- (c) a recognised transfer,

after the date of the relevant event concerned.]

(5) For the purposes of this regulation, the individual is an accruing member of a pension scheme on any particular day if—

- (a) the individual is an active member of the scheme on that day as a result of there presently being arrangements for the accrual of benefits to or in respect of the individual under a cash balance arrangement or hybrid arrangement; or
- (b) a relevant contribution is made under the scheme on that day.

(6) For the purposes of this regulation, a relevant contribution is made under a scheme if—

- (a) a relievable pension contribution is paid by or on behalf of the individual under a non-cash-balance money purchase arrangement relating to the individual under the scheme;
- (b) a contribution is paid in respect of the individual by an employer of the individual under a non-cash-balance money purchase arrangement relating to the individual under the scheme; or
- (c) a contribution—
  - (i) paid under the scheme by an employer of the individual; and
  - (ii) paid otherwise than in respect of any individual,
 becomes held for the purposes of a non-cash-balance money purchase arrangement relating to the individual under the scheme,

and in this paragraph “non-cash-balance money purchase arrangement” means a money purchase arrangement other than a cash balance arrangement.

(7) In this regulation—

“the relevant period” means the period of 91 days beginning with—

- (a) the date of receipt of the statement if the individual is an accruing member of the flexed scheme or any other relevant scheme on any day in the period—
  - (i) beginning with the date of the relevant event concerned; and
  - (ii) ending with the date of receipt; or
- (b) if not, the first day after the date of receipt when the individual is an accruing member of such a scheme; and

“the intervening period” means the period—

- (a) beginning with the date of the relevant event concerned; and
- (b) ending with the first day of the relevant period.

**F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**

**F24** Regs. 3AA-3AD inserted (6.4.2015) by [The Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/673\)](#), regs. 1, **5**

**F26** Words in [reg. 3AB\(4\)](#) substituted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(8\)](#) (with [Sch. 4 para. 22\(15\)](#))

**Information to be given by QROPS and former QROPS: transfers of UK tax-relieved funds and <sup>F27</sup>... transfer funds after flexible access**

**3AC.**—(1) Paragraph (2) applies if—

(a) in connection with a member of a QROPS or former QROPS which is to be treated as a registered pension scheme for the purposes of section 227G (when pension rights are first flexibly accessed) by virtue of paragraph 9ZA or 9ZB of Schedule 34 (non-UK schemes: application of certain charges) (“the transferring scheme”), there is a transfer of the whole or part of—

(i) the member’s UK tax-relieved fund;

[ any of the member's ring-fenced transfer funds;] or

<sup>F28</sup>(ia)

(ii) the member’s relevant transfer fund,

from the transferring scheme to a QROPS or to a registered pension scheme (“the recipient scheme”);

(b) the scheme manager of the transferring scheme has reason to believe that the member first flexibly accessed pension rights before the transfer; and

(c) the individual—

(i) is resident in the United Kingdom when sub-paragraph (b) is met; or

(ii) has been resident in the United Kingdom in any of the five tax years immediately preceding the tax year in which that sub-paragraph is met.

(2) The scheme manager of the transferring scheme must provide the scheme manager or scheme administrator (as the case may be) of the recipient scheme with a statement—

(a) stating that the scheme manager of the transferring scheme has reason to believe that the member first flexibly accessed pension rights before the transfer; and

(b) specifying the date the scheme manager of the transferring scheme understands to be the date when the member first flexibly accessed pension rights.

(3) The requirement under paragraph (2) is to be complied with before—

(a) the end of 91 days beginning with the date of the transfer; or

(b) if later, the end of 91 days beginning with the date when the scheme manager of the transferring scheme first has reason for the belief mentioned in paragraph (1)(b).

**F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**

**F24** Regs. 3AA-3AD inserted (6.4.2015) by [The Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/673\)](#), regs. 1, **5**

**F27** Word in reg. 3AC heading omitted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by virtue of [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(9\)\(b\)](#) (with [Sch. 4 para. 22\(15\)](#))

**F28** Reg. 3AC(1)(ia) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(9\)\(a\)](#) (with [Sch. 4 para. 22\(15\)](#))

**Information to be given by QROPS and former QROPS to QROPS about transfers of UK tax-relieved funds and <sup>F29</sup>... transfer funds**

**3AD.**—(1) Paragraph (2) applies if in connection with a member of a QROPS or former QROPS (“the transferring scheme”) there is a transfer of sums or assets (“the transfer”)—

(a) which immediately before the transfer are comprised in—

- (i) the member’s UK tax-relieved fund;  
  - [ any of the member's ring-fenced transfer funds;] or
- <sup>F30</sup>(ia) (ii) the member’s relevant transfer fund;
- (b) from the transferring scheme so as to be held for the purposes of, or to represent rights under, a QROPS (“the recipient scheme”).
- (2) The scheme manager of the transferring scheme must provide the scheme manager of the recipient scheme with a statement stating—
  - (a) the value of so many of the transferred sums or assets as are referable to the member’s UK tax-relieved fund (if any);  
    - [ where any of the transferred sums or assets are referable to the member's UK tax-relieved
  - <sup>F31</sup>(aa) fund, the value of so many of them as are referable to tax-relieved contributions, or tax-exempt provision, made under the scheme before 9 March 2017;
  - (ab) the value of so many of the transferred sums or assets as are referable to any of the member's ring-fenced transfer funds (if any);]
  - (b) the value of so many of the transferred sums or assets as are referable to the member’s relevant transfer fund (if any); <sup>F32</sup>...
  - (c) where any transferred sums or assets are—
    - (i) referable to the member’s relevant transfer fund [<sup>F33</sup>or any of the member's ring-fenced transfer funds]; and
    - (ii) the transferring scheme is aware of any recognised transfer from which those sums or assets are derived,  
that there was such a recognised transfer and, where <sup>F34</sup>... known, the date of that transfer [<sup>F35</sup>and the date it was requested].
  - [ whether the overseas transfer charge arises on the transfer;
  - <sup>F36</sup>(d)
  - (e) if the charge does arise on the transfer—
    - (i) the transferred value of the transfer, and
    - (ii) the amount in respect of the charge deducted by the scheme manager from the transfer;
  - (f) if the transfer is excluded from the charge—
    - (i) the reason for its exclusion, and
    - (ii) where section 244G(2)(a) or (b) (charge paid on earlier transfer) is the reason for its exclusion, the date of the earlier transfer on which the charge was paid and the amount of charge paid on that earlier transfer; and
  - (g) the relevant period for the transfer (see section 244A(4)).]
- (3) The requirements in paragraph (2) must be complied with before the end of 91 days beginning with the date of the transfer.
- (4) In paragraph (2)(c)(ii) the sums or assets are “derived” from a recognised transfer regardless of whether those sums or assets are also derived from one or more relevant transfers which took place after the date of that recognised transfer.]

**F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), 9

- F24** Regs. 3AA-3AD inserted (6.4.2015) by [The Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/673\)](#), regs. 1, 5
- F29** Word in [reg. 3AD](#) heading omitted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by virtue of [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(10\)\(g\)](#) (with [Sch. 4 para. 22\(15\)](#))
- F30** [Reg. 3AD\(1\)\(ia\)](#) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(10\)\(a\)](#) (with [Sch. 4 para. 22\(15\)](#))
- F31** [Reg. 3AD\(2\)\(aa\)\(ab\)](#) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(10\)\(b\)](#) (with [Sch. 4 para. 22\(15\)](#))
- F32** Word in [reg. 3AD\(2\)\(b\)](#) omitted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by virtue of [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(10\)\(c\)](#) (with [Sch. 4 para. 22\(15\)](#))
- F33** Words in [reg. 3AD\(2\)\(c\)\(i\)](#) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(10\)\(d\)](#) (with [Sch. 4 para. 22\(15\)](#))
- F34** Words in [reg. 3AD\(2\)\(c\)](#) omitted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by virtue of [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(10\)\(e\)\(i\)](#) (with [Sch. 4 para. 22\(15\)](#))
- F35** Words in [reg. 3AD\(2\)\(c\)](#) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(10\)\(e\)\(ii\)](#) (with [Sch. 4 para. 22\(15\)](#))
- F36** [Reg. 3AD\(2\)\(d\)-\(g\)](#) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(10\)\(f\)](#) (with [Sch. 4 para. 22\(15\)](#))

### **[<sup>F37</sup>Information provided by member to QROPS: onward transfers**

**3AE.**—(1) Paragraph (4) applies where a member of a QROPS or former QROPS makes a request to the scheme manager to make an onward transfer to a QROPS.

(2) But paragraph (4) does not apply if—

- (a) the transfer will be excluded from the overseas transfer charge by section 244G, or
- (b) the transfer will take place after the end of the relevant period (see section 244A(4)) for what would be the original transfer in relation to the requested onward transfer.

(3) In this regulation “original transfer”, in relation to an onward transfer, has the meaning given by section 244A(5).

(4) The member must provide to the scheme manager—

- (a) the member's name, date of birth and principal residential address,
- (b) if the member is not UK resident for income tax purposes, the date when the member last ceased to be UK resident for those purposes,

**[<sup>F38</sup>(c) unless the member is—**

- (i) aged under 16, or
- (ii) a citizen of a country outside the United Kingdom who is not resident in the United Kingdom,

the member's National Insurance number, or a statement that they do not have one,]

- (d) the name and address of the QROPS to which the transfer is to be made,
- (e) the country or territory under the law of which that QROPS is established and regulated,
- (f) the reference number, if any, given by the Commissioners for that QROPS,
- (g) whether the member knows for certain that the transfer would be excluded from the overseas transfer charge by one of sections 244D, 244E and 244F, and if the member does know that for certain—
  - (i) the section concerned (if known),
  - (ii) the name and address of the member's employer whose connection with the QROPS gives rise to exclusion of the transfer from the charge,

**Changes to legislation:** There are currently no known outstanding effects for the The Pension Schemes (Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pensions Schemes and Corresponding Relief) Regulations 2006. (See end of Document for details)

- (iii) the member's job title as an employee of that employer,
  - (iv) the date the member's employment with that employer began, and
  - (v) if known, that employer's tax reference for that employment, and
  - (h) the member's acknowledgement in writing that the member—
    - (i) is aware that an onward transfer to a qualifying recognised overseas pension scheme may give rise to a liability to overseas transfer charge, and
    - (ii) is aware of the circumstances in which liability arises, in which liability is excluded from the outset and in which liability is excluded only if conditions continue to be met over a period of time.
- (5) The information specified in paragraph (4) must be provided within 60 days beginning with the day the transfer request is made.
- (6) The scheme manager must send the member notification of the requirements specified in this regulation within 30 days beginning with that day.

- F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**
- F37** Regs. 3AE-3AL inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(11)** (with Sch. 4 para. 22(15))
- F38** Reg. 3AE(4)(c) substituted (25.4.2019) by [The Pension Schemes \(Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pension Schemes and Corresponding Relief\) \(Amendment\) Regulations 2019 \(S.I. 2019/773\)](#), regs. 1, **3(2)**

### Information provided by member to QROPS: inward and outward transfers

**3AF.**—(1) Paragraph (2) applies where—

- (a) a recognised transfer or onward transfer is made to a QROPS, or an onward transfer is made by a QROPS or former QROPS, and
  - (b) either—
    - (i) the overseas transfer charge arises in the case of the transfer, or
    - (ii) the transfer is required by section 244B or 244C to be initially assumed to be excluded from the overseas transfer charge by that section.
- (2) Each time during the relevant period for the transfer that the member—
- (a) becomes resident in a country or territory, or
  - (b) ceases to be resident in a country or territory,

the member must, within 60 days after the date that happens, inform the scheme manager of the QROPS or former QROPS that it has happened.

(3) In a case where the 60 days mentioned in paragraph (2) ends with a day earlier than 30 June 2017, paragraph (2) is to be treated as requiring the information to be given no later than 30 June 2017.

- F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**
- F37** Regs. 3AE-3AL inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(11)** (with Sch. 4 para. 22(15))

### Provision of information about liability for overseas transfer charge

**3AG.**—(1) If an onward transfer is made from a QROPS or former QROPS and the overseas transfer charge arises on the transfer, the scheme manager of the QROPS or former QROPS must within 90 days after the date of the transfer provide the member with a notice stating—

- (a) the date of the transfer,
- (b) that overseas transfer charge arises on the transfer,
- (c) the transferred value of the transfer,
- (d) the amount of the charge on the transfer,
- (e) whether, and to what extent, the scheme manager has accounted, or intends to account, for the charge, and
- (f) where the scheme manager has accounted for the charge, the date the scheme manager did so.

(2) If an onward transfer is made from a QROPS or former QROPS and the transfer is excluded from the overseas transfer charge by or under sections 244B to 244H, the scheme manager of the QROPS or former QROPS must within 90 days after the date of the transfer provide the member with a notice stating—

- (a) the date of the transfer,
- (b) that the transfer is excluded from the overseas transfer charge,
- (c) the provision by reason of which the transfer is excluded, and
- (d) where that provision is section 244B or 244C—
  - (i) when the relevant period for the transfer ends, and
  - (ii) how the transfer may turn out not to be excluded as a result of the member changing country or territory of residence within the relevant period for the transfer.

(3) Paragraph (4) applies if—

- (a) a recognised transfer is made to a QROPS, or
- (b) an onward transfer is made by a QROPS or former QROPS.

(4) Where an event occurring before the end of the relevant period for the transfer (see section 244A(4)) means that the transfer no longer counts as excluded from the overseas transfer charge or that entitlement to repayment under section 244M arises, the scheme manager of the QROPS or former QROPS must, within 90 days after the date the scheme manager is notified of the event, provide the member with a notice stating—

- (a) the amount of overseas transfer charge on the transfer,
- (b) whether, and to what extent, the scheme manager has accounted, or intends to account, for the charge, and
- (c) where the scheme manager has accounted for the charge, the date the scheme manager did so.

- F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**
- F37** Regs. 3AE-3AL inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(11)** (with Sch. 4 para. 22(15))

### Accounting for overseas transfer charge on onward transfers [<sup>F39</sup> and change in circumstances.]

**3AH.**—(1) Paragraph (2) applies where—

[<sup>F40</sup>(a)

- (i) overseas transfer charge arises on an onward transfer from a QROPS, or
- (ii) overseas transfer charge arises due to a change of circumstances set out in section 244B(2) or 244C(3),]
  - (b) the scheme manager has notified HMRC of the transfer or, where applicable, of the event triggering payability of the charge on the transfer, and
  - (c) HMRC have provided the scheme manager with an accounting reference for paying the charge on the transfer.

(2) The scheme manager must pay the charge to HMRC using the accounting reference.

(3) Payment of the charge is due at the end of the 91 days beginning with the date of issue of the accounting reference.

**F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**

**F37** Regs. 3AE-3AL inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(11)** (with Sch. 4 para. 22(15))

**F39** Words in reg. 3AH heading inserted (25.4.2019) by [The Pension Schemes \(Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pension Schemes and Corresponding Relief\) \(Amendment\) Regulations 2019 \(S.I. 2019/773\)](#), regs. 1, **4(2)**

**F40** Reg. 3AH(1)(a) substituted (25.4.2019) by [The Pension Schemes \(Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pension Schemes and Corresponding Relief\) \(Amendment\) Regulations 2019 \(S.I. 2019/773\)](#), regs. 1, **4(3)**

### Assessments of unpaid overseas transfer charge <sup>F41</sup>...

**3AI.**—(1) Where the correct amount of overseas transfer charge due from a scheme manager under regulation 3AH <sup>F42</sup>... has not been paid by the time it is due, an officer of Revenue and Customs must issue an assessment to tax to the scheme manager.

(2) Tax assessed under this regulation is payable within 30 days after the issue of the notice of assessment.

**F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**

**F37** Regs. 3AE-3AL inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(11)** (with Sch. 4 para. 22(15))

**F41** Words in reg. 3AI heading omitted (25.4.2019) by virtue of [The Pension Schemes \(Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pension Schemes and Corresponding Relief\) \(Amendment\) Regulations 2019 \(S.I. 2019/773\)](#), regs. 1, **5(a)**

**F42** Words in reg. 3AI(1) omitted (25.4.2019) by virtue of [The Pension Schemes \(Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pension Schemes and Corresponding Relief\) \(Amendment\) Regulations 2019 \(S.I. 2019/773\)](#), regs. 1, **5(b)**

### Interest on overdue overseas transfer charge

**3AJ.**—(1) Tax which—



- (a) becomes due and payable in accordance with regulation 3AH, or
- (b) is assessed under regulation 3AI,

carries interest at the prescribed rate from the due date under regulation 3AH until payment (“the interest period”).

(2) Paragraph (1) applies even if the due date is a non-business day as defined by section 92 of the Bills of Exchange Act 1882.

(3) The “prescribed rate” means the rate applicable under section 178 of the Finance Act 1989 for the purposes of section 86 of TMA.

(4) Any change made to the prescribed rate during the interest period applies to the unpaid amount from the date of the change.

- F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**
- F37** Regs. 3AE-3AL inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(11)** (with Sch. 4 para. 22(15))

### Adjustments, repayments and interest on overpaid charge

**3AK.**—(1) If the correct tax due under regulation 3AH has not been paid on or before the due date, an officer of Revenue and Customs may make such adjustments or repayments as may be required for securing that the resulting liabilities to tax (including interest on unpaid or overpaid tax) whether of the scheme manager or of any other person are the same as they would have been if the correct tax had been paid.

(2) Tax overpaid which is repaid to the scheme manager or any other person carries interest at the prescribed rate from the later of the due date and the date on which the tax was paid until the date of repayment (“the interest period”).

(3) The “prescribed rate” means the rate applicable under section 178 of the Finance Act 1989 for the purposes of section 824 of the Income and Corporation Taxes Act 1988.

(4) Any change to the prescribed rate during the interest period applies to the overpaid amount from the date of the change.

- F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**
- F37** Regs. 3AE-3AL inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(11)** (with Sch. 4 para. 22(15))

### Claims for repayments of charge on subsequent excluding events

**3AL.**—(1) Repayment under section 244M (repayments of overseas transfer charge) to the scheme manager of a QROPS or former QROPS is conditional on making a claim to HMRC.

(2) Such a claim in respect of overseas transfer charge on a transfer—

- (a) must be in writing,
- (b) must be made no later than 12 months after the end of the relevant period for the transfer, and
- (c) must provide the following information—
  - (i) the member's name, date of birth and principal residential address,

**Changes to legislation:** There are currently no known outstanding effects for the The Pension Schemes (Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pensions Schemes and Corresponding Relief) Regulations 2006. (See end of Document for details)

- (ii) the date of the transfer and, if different, the date of the event triggering payability of the charge on the transfer,
- (iii) the date on which the scheme manager accounted for the charge on the transfer,
- (iv) why the charge on the transfer has become repayable, <sup>F43</sup> ...
- (v) the amount in respect of which the claim is made [<sup>F44</sup>,]]
- [<sup>F45</sup>(vi) unless the member is—
  - (i) aged under 16, or
  - (ii) a citizen of a country outside the United Kingdom who is not resident in the United Kingdom,
 the member’s National Insurance number, or a statement that they do not have one,
- (vii) the amount of the transfer, and
- (viii) the date during the relevant period for the transfer on which the event giving rise to the exclusion occurred.]

- F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**
- F37** Regs. 3AE-3AL inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(11)** (with Sch. 4 para. 22(15))
- F43** Word in reg. 3AL(2)(c)(iv) omitted (25.4.2019) by virtue of [The Pension Schemes \(Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pension Schemes and Corresponding Relief\) \(Amendment\) Regulations 2019 \(S.I. 2019/773\)](#), regs. 1, **6(2)(a)**
- F44** Reg. 3AL(2)(c)(v): comma substituted for full stop (25.4.2019) by [The Pension Schemes \(Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pension Schemes and Corresponding Relief\) \(Amendment\) Regulations 2019 \(S.I. 2019/773\)](#), regs. 1, **6(2)(b)**
- F45** Reg. 3AL(2)(c)(vi)-(viii) inserted (25.4.2019) by [The Pension Schemes \(Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pension Schemes and Corresponding Relief\) \(Amendment\) Regulations 2019 \(S.I. 2019/773\)](#), regs. 1, **6(2)(c)**

### Information – cessation of [<sup>F46</sup>QROPS]

**3B.** For the purposes of section 169(4), [<sup>F47</sup>the scheme manager of] a pension scheme which ceases to be a [<sup>F48</sup>QROPS] must within 30 days beginning with the day on which the cessation takes place (“the cessation date”) provide to [<sup>F49</sup>HMRC]—

- [ the name and address of the scheme and the date of and reason for the cessation;]
- <sup>F50</sup>(za)
- (a) the value at the cessation date of the relevant transferred sums or assets pertaining to each relevant transfer fund [<sup>F51</sup>, or ring-fenced transfer fund,] under the scheme; and
- (b) the name, principal residential address, date of birth and <sup>F52</sup>... the national insurance number [<sup>F53</sup>or, if they do not have one, the tax identification number, if any,] of each member in respect of whom there is a relevant transfer fund [<sup>F51</sup>, or ring-fenced transfer fund,] under the scheme at the cessation date.

- F20** Regs. 3A-3C inserted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), regs. 1(1), **9**
- F46** Word in reg. 3B heading substituted (14.10.2013) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2259\)](#), regs. 1, **18**

- F47** Words in reg. 3B inserted (14.10.2013) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259), regs. 1, **19(a)**
- F48** Word in reg. 3B substituted (14.10.2013) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259), regs. 1, **19(b)**
- F49** Word in reg. 3B substituted (14.10.2013) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259), regs. 1, **19(c)**
- F50** Reg. 3B(z) inserted (14.10.2013) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259), regs. 1, **19(d)**
- F51** Words in reg. 3B inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 4 para. 22(12)** (with Sch. 4 para. 22(15))
- F52** Words in reg. 3B(b) omitted (14.10.2013) by virtue of The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259), regs. 1, **19(e)**
- F53** Words in reg. 3B(b) inserted (14.10.2013) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259), regs. 1, **19(e)**

### Information - changes, completion or correction

**[<sup>F54</sup>3C.—**(1) For the purposes of section 169(4), if at any time after a QROPS or former QROPS has provided HMRC with information in accordance with regulation 3, 3A or 3B it becomes apparent to the QROPS or former QROPS that—

- (a) there is a material change affecting that information; or
- (b) the information is incomplete or contains a material inaccuracy,

the scheme manager of the QROPS or former QROPS must provide to HMRC details of the change, the complete information or correction of the inaccuracy (“the relevant obligation”).

(2) Where paragraph (1) applies the details of the change, the complete information or correction of the inaccuracy must be provided—

- (a) within 30 days beginning with the day on which the change, lack of completeness or inaccuracy becomes apparent to the QROPS or former QROPS; or
- (b) by such other time as may be agreed between an officer of Revenue and Customs and the scheme manager.

(3) No obligation arises under paragraph (1) in respect of a former QROPS if at the time the relevant obligation arises—

- (a) the following conditions are met—
  - (i) more than ten years has elapsed beginning with the date on which the relevant transfer fund in respect of the relevant member came into existence [<sup>F55</sup>or, where the information relates to a ring-fenced transfer fund in respect of the relevant member, more than 10 years has elapsed beginning with the date on which that ring-fenced transfer fund came into existence]; and
  - (ii) the relevant member to whom the payment is made or treated as made is a person to whom the member payment provisions do not apply (see paragraph 2 of Schedule 34); or
- (b) there is no relevant transfer fund [<sup>F56</sup>and there are no ring-fenced transfer funds].]

- F20** Regs. 3A-3C inserted (6.4.2012) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/884), regs. 1(1), **9**
- F54** Reg. 3C substituted (with effect in accordance with reg. 5 of the amending S.I.) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259), regs. 1, **20**

**Changes to legislation:** There are currently no known outstanding effects for the The Pension Schemes (Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pensions Schemes and Corresponding Relief) Regulations 2006. (See end of Document for details)

- F55** Words in [reg. 3C\(3\)\(a\)\(i\)](#) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(13\)\(a\)](#) (with [Sch. 4 para. 22\(15\)](#))
- F56** Words in [reg. 3C\(3\)\(b\)](#) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), [Sch. 4 para. 22\(13\)\(b\)](#) (with [Sch. 4 para. 22\(15\)](#))

#### Notice in cases of serious prejudice to proper assessment or collection of tax

4.—(1) If an officer of Revenue and Customs has reasonable grounds for believing that the pension scheme in question—

- (a) has failed or may fail to comply with any of the requirements imposed upon it under or by virtue of [<sup>F57</sup>regulation 2], and
- (b) such failure is likely to have led or to lead to serious prejudice to the proper assessment or collection of tax,

paragraph (2) applies.

(2) If this paragraph applies, the officer may notify the pension scheme that he requires such information to be provided within 30 days of the issue of that notice, notwithstanding the provisions set out in [<sup>F58</sup>regulation 2].

- F57** Words in [reg. 4\(1\)\(a\)](#) substituted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), [regs. 1\(1\)](#), [10\(a\)](#)
- F58** Words in [reg. 4\(2\)](#) substituted (6.4.2012) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/884\)](#), [regs. 1\(1\)](#), [10\(b\)](#)

#### Commencement Information

- I4** [Reg. 4](#) in force at 6.4.2006, see [reg. 1\(1\)](#)

#### [<sup>F59</sup>Application and modification of the penalty provisions in Part 7 of Schedule 36 to the Finance Act 2008

5.—(1) Where the scheme manager of a former QROPS is required to provide information under regulation 3(2), [<sup>F60</sup>(2B) or (2C),] 3A(1) [<sup>F61</sup>, 3AA(1)(a), 3AC(2), 3AD(2)] [<sup>F62</sup>, 3AE(6), 3AG] or 3C(1), Part 7 of Schedule 36 to the Finance Act 2008 (penalties) is to apply, with the modifications specified in paragraph (2), to the scheme manager as if—

- (a) that information had been required to be provided by an information notice given to the scheme manager under that Schedule; and
- (b) the information notice had specified that the information had to be provided by the time required under regulation 3, 3A [<sup>F63</sup>, 3C, 3AA, 3AC or 3AD], as the case may be.

(2) The modifications of Part 7 of Schedule 36 to the Finance Act 2008 mentioned in paragraph (1) are as follows—

- (a) in paragraph 39, sub-paragraphs (1)(b) and (3) are omitted;
- (b) in paragraph 40, “or obstruction” is omitted wherever it appears;
- (c) in paragraph 40A(4)(b), “take reasonable steps to” is omitted and “within 30 days beginning with the date on which the inaccuracy becomes apparent” is inserted at the end;
- (d) paragraphs 42 and 43 are omitted;
- (e) in paragraph 45, in sub-paragraph (1) “or the obstruction of an officer of Revenue and Customs” is omitted, in sub-paragraph (2)(b) “or obstruction” is omitted and in sub-paragraph (2)(c) “or obstruction” and “, or the obstruction stops,” are omitted;

- (f) in paragraph 46, in sub-paragraph (2) “, subject to sub-paragraph (3)” is omitted and sub-paragraph (3) is omitted;
- (g) in paragraph 49, in sub-paragraph (1)(a) and (b) “90 days” is substituted for “30 days”;
- (h) in paragraph 49A, in sub-paragraph (1)(a) “an information notice” is substituted for “a notice under paragraph 5” and sub-paragraph (6) is omitted;
- (i) paragraphs 50 and 51 are omitted.]

- F59** Reg. 5 inserted (14.10.2013) by [The Registered Pension Schemes and Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2259\)](#), regs. 1, **21**
- F60** Words in reg. 5(1) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(14)(a)** (with Sch. 4 para. 22(15))
- F61** Words in reg. 5(1) inserted (6.4.2015) by [The Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/673\)](#), regs. 1, **6(a)**
- F62** Words in reg. 5(1) inserted (with effect in accordance with Sch. 4 para. 25 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 4 para. 22(14)(b)** (with Sch. 4 para. 22(15))
- F63** Words in reg. 5(1)(b) inserted (6.4.2015) by [The Overseas Pension Schemes \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/673\)](#), regs. 1, **6(b)**

*David Varney*  
*Steve Lamey*

Two of the Commissioners for Her Majesty's  
Revenue and Customs

1st February 2006

**Changes to legislation:** There are currently no known outstanding effects for the The Pension Schemes (Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pensions Schemes and Corresponding Relief) Regulations 2006. (See end of Document for details)

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## EXPLANATORY NOTE

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

Regulation 1 provides for the citation and commencement of these Regulations and the interpretation of terms used in them.

Regulation 2 prescribes information which a qualifying overseas pension scheme must provide to an officer of Revenue and Customs in order to be recognised as such and the time limit by which that information must be provided. It also prescribes information to be given to such an officer by the scheme manager of a pension scheme, where relief is given in respect of contributions made by an individual, under paragraph 51 of Schedule 36 to the Finance Act 2004 (c. 12).

Regulation 3 prescribes information which a qualifying recognised overseas pension scheme must provide to an officer of Revenue and Customs to be recognised as such, and the time limits by which that information must be provided.

Regulation 4 prescribes circumstances in which an officer of Revenue and Customs may require a pension scheme to provide the information prescribed in regulations 2 and 3 of these Regulations within 30 days of the issue of a notice, notwithstanding the time limits provided in those regulations.

The former Board of Inland Revenue published a regulatory impact assessment in respect of the provisions of Part 4 of the Finance Act 2004 and subordinate legislation under it, on 8 April 2004. The functions of the Board were transferred by section 5 of the Commissioners for Revenue and Customs Act 2005 to Her Majesty's Revenue and Customs ("HMRC"). The assessment is available on the HMRC website at <http://www.hmrc.gov.uk/ria/simplifying-pensions.pdf> or (for hard copies) by writing to the Ministerial Correspondence Unit, 1st Floor Ferrers House, PO Box 38, Castle Meadow Road, Nottingham, NG2 1BB.

**Changes to legislation:**

There are currently no known outstanding effects for the The Pension Schemes (Information Requirements — Qualifying Overseas Pension Schemes, Qualifying Recognised Overseas Pensions Schemes and Corresponding Relief) Regulations 2006.