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STATUTORY INSTRUMENTS

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**2006 No. 349**

**The Occupational and Personal Pension  
Schemes (Consultation by Employers and  
Miscellaneous Amendment) Regulations 2006**

*Introductory*

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006.

(2) Subject to paragraph (3), these Regulations shall come into force on 6th April 2006.

(3) Regulation 22 shall come into force on the day after the day on which these Regulations are made.

(4) Regulation 22 extends to Northern Ireland.

**Interpretation**

2. In these Regulations—

“active member”—

(a) in relation to an occupational pension scheme, has the meaning given by section 124 of the Pensions Act 1995(1) (interpretation), and

(b) in relation to a personal pension scheme, means any member in respect of whom employer contributions fall to be paid;

“affected members” has the meaning given by regulation 7(4);

“employer contributions”, in relation to an occupational or personal pension scheme, means contributions payable by or on behalf of the employer in relation to the scheme on his own account (but in respect of one or more employees);

“member contributions”, in relation to an occupational or personal pension scheme, means contributions, other than voluntary contributions, by or on behalf of active members of the scheme which are payable out of deductions from the member’s earnings;

“listed change” has the meaning given by regulation 6(2);

“multi-employer scheme” has the meaning given by section 307 of the Pensions Act 2004 (modification of Act in relation to certain categories of schemes);

“personal pension scheme” has the meaning given by regulation 3(3);

“prospective member”—

(a) in relation to an occupational pension scheme, means any person who, under the terms of his contract of service or the rules of the scheme—

- (i) is able, at his own option, to become a member of the scheme,
  - (ii) will become so able if he continues in the same employment for a sufficiently long period,
  - (iii) will be admitted to the scheme automatically unless he makes an election not to become a member, or
  - (iv) may be admitted to it subject to the consent of his employer;
- (b) in relation to a personal pension scheme, means any person who, under the terms of his contract of service, is eligible if he becomes a member of the scheme for employer contributions to be paid in respect of him;

“the Regulator” means the Pensions Regulator established under section 1 of the Pensions Act 2004 (the Pensions Regulator); and

“relevant employer” has the meaning given by regulation 3(2).