

2006 No. 595

PENSIONS

**The Pension Protection Fund (Provision of Information)
(Amendment) Regulations 2006**

<i>Made</i> - - - -	<i>7th March 2006</i>
<i>Laid before Parliament</i>	<i>13th March 2006</i>
<i>Coming into force</i> - -	<i>6th April 2006</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 190, 203(1), 315(2), (4) and (5) and 318(1) of the Pensions Act 2004(a).

In accordance with section 317(1) of that Act he has consulted such persons as he considers appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pension Protection Fund (Provision of Information) (Amendment) Regulations 2006 and shall come into force on 6th April 2006.

(2) In these Regulations “the principal Regulations” means the Pension Protection Fund (Provision of Information) Regulations 2005(b).

Amendment of regulation 3 of the principal Regulations

2.—(1) Regulation 3 of the principal Regulations (information to be provided by the Board) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (2), for “within the period of 28 days beginning with its receipt of that notice”, substitute “within the period specified in paragraph (12)”.

(3) After paragraph (2) insert—

“(2A) This paragraph applies where the Board receives a notice under section 120(2) from an insolvency practitioner that an insolvency event has occurred in relation to an employer, and—

- (a) the scheme to which the notice relates is not an eligible scheme; or
- (b) the section of the segregated scheme to which the notice relates is not an eligible section.

(a) 2004 c.35. The Act is modified in its application to multi-employer schemes by S.I. 2005/441 as amended by S.I. 2005/993 and 2113, in its application to hybrid schemes by S.I. 2005/449, and in its application to partially guaranteed schemes by S.I. 2005/277. Section 318(1) is cited because of the meaning there given to “prescribed” and “regulations”.

(b) S.I. 2005/674, amended by S.I. 2005/2113 and 2184.

(2B) Where paragraph (2A) applies the Board shall within the period specified in paragraph (12) inform—

- (a) the Regulator;
- (b) the trustees or managers of that scheme or section of a segregated scheme; and
- (c) that insolvency practitioner,

that the scheme is not an eligible scheme or, as the case may be, the section is not an eligible section.”.

(4) After paragraph (8)(a) add—

“(9) Where the Board receives—

- (a) an application under section 129(1) (applications and notifications for the purposes of section 128) from the trustees or managers; or
- (b) a notice under section 129(4) from the Regulator,

it shall provide the information specified in paragraph (10) to the persons specified in paragraph (11) within the period specified in paragraph (12).

(10) The information to be provided under paragraph (9) is—

- (a) where the scheme is not an eligible scheme, that the scheme is not such a scheme;
- (b) where the scheme is an eligible scheme, that the scheme is such a scheme and the date on which the assessment period began;
- (c) where the section of the segregated scheme to which the application or, as the case may be, the notice relates is not an eligible section, that the section of the segregated scheme is not such a section; or
- (d) where the section of the segregated scheme to which the application or, as the case may be, the notice relates is an eligible section, that the section of the segregated scheme is such a section and the date on which the assessment period began.

(11) The persons specified in this paragraph are—

- (a) the Regulator;
- (b) the trustees or managers of that scheme or section of a segregated scheme;
- (c) the employer who is the employer in relation to that scheme or section of a segregated scheme; and
- (d) the insolvency practitioner in relation to that employer.

(12) The Board shall provide the information specified in paragraph (3) or (10) within the period of 28 days beginning with—

- (a) the date it receives the notice under section 120(2);
- (b) the date it receives the application under section 129(1);
- (c) the date it receives the notice under section 129(4);
- (d) where the Board requires the—
 - (i) Regulator,
 - (ii) insolvency practitioner, or
 - (iii) trustees or managers,

to produce a document or provide information in connection with a notice given under section 120(2) or 129(4) or, as the case may be, an application under section 129(1), the date on which the document is produced to, or the information received by, either the Board or a person authorised by the Board for the purposes of section 191(2)(b) (notices requiring provision of information); or

(a) Paragraphs (7) and (8) were added by S.I. 2005/2184.

- (e) where a person is required to produce a document or provide information in connection with a notice given under section 191(1), the date on which the document is produced to, or the information received by, either the Board or a person authorised by the Board for the purposes of section 191(2)(b).

(13) This regulation does not impose any duty on the Board to provide any information to the trustees or managers of a scheme where the address of the trustees or managers has not been provided by the person who referred the notice or application to the Board.”.

Amendment of Schedule 1 to the principal Regulations

3. In the first column of the table in paragraph 1(2) of Schedule 1 to the principal Regulations (information to be provided by the Board), in the tenth row, for “party to matrimonial proceedings or who is contemplating such proceedings”, substitute “party to matrimonial or civil partnership proceedings or who is contemplating such proceedings”.

Amendment of Schedule 2 to the principal Regulations

4.—(1) Schedule 2 to the principal Regulations (information to be provided by trustees or managers) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 1(1), in the definition of “notification date”, for “in accordance with regulation 3(3)(b)”, substitute “in accordance with regulation 3(3)(b), (10)(b) or (d)”.

(3) In the second column of the table in paragraph 1(2), in the first row, at the end of that row in that column add—

“(e) if applicable, the date he left the employment of the employer in relation to that scheme; and

(f) a statement containing a brief description of his illness or injury.”.

(4) After the first row insert—

“The Board	The number of ill health pensions awarded each year for the previous six years immediately before the assessment date.	The period of 28 days beginning on the notification date.”.
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Amendment of Schedule 3 to the principal Regulations

5.—(1) Schedule 3 (information to be provided by members and beneficiaries) to the principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In the second row in the table—

(a) in the first column, after “whose marriage ends in divorce”, add “or whose civil partnership is dissolved”;

(b) in the second column, for “divorce and a copy of the decree of divorce”, substitute “divorce or dissolution of the civil partnership and a copy of the decree of divorce or dissolution of civil partnership”; and

(c) in the third column, after “decree became absolute”, add “ or the civil partnership was dissolved”.

Signed by authority of the Secretary of State for Work and Pensions.

Stephen C. Timms
Minister of State,

Department for Work and Pensions

7th March 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pension Protection Fund (Provision of Information) Regulations 2005 (S.I. 2005/674) as amended by S.I. 2005/2113 and 2184 (“the principal Regulations”).

Regulation 2 amends regulation 3 of the principal Regulations and makes provision as to the information to be provided by the Board in connection with a notice under section 120(2) of the Pensions Act 2004 (c.35) where the occupational pension scheme or section of a segregated scheme is not an eligible scheme or section. In addition, it makes provision as to the information to be provided by the Board in connection with an application or notice under section 129(1) or (4) of the Pensions Act 2004 respectively. It also requires the Board to provide the information within the period of 28 days beginning with the date it receives the application, notice or all the information or documents requested (if any).

Regulation 3 amends Schedule 1 to the principal Regulations to make provision for information to be provided by the Board, upon request, to a member who is a party to, or contemplating, civil partnership proceedings.

Regulation 4 amends Schedule 2 to the principal Regulations to require the trustees or managers of a scheme to provide the Board with information relating to each member of the scheme who is entitled to a reviewable ill health pension if the decision to award that ill health pension was made within the previous three years immediately before the assessment date.

Regulation 5 amends Schedule 3 to the principal Regulations to make provision regarding the information to be provided by members or beneficiaries to the Board where that member’s civil partnership is dissolved.

These Regulations have only a negligible impact on the cost of business, charities or the voluntary sector. Publication of a full Regulatory Impact Assessment is not necessary for such legislation.

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