

**2013 No. 1742**

**INCOME TAX**

**The Registered Pension Schemes (Provision of Information)  
(Amendment) Regulations 2013**

*Made* - - - - - *11.07 a.m. on 19th July 2013*

*Laid before the House of Commons* *22nd July 2013*

*Coming into force* - - - *12th August 2013*

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by section 251 of the Finance Act 2004(a) and now exercisable by them(b), and section 282(A1) of that Act(c).

**Citation, commencement and effect**

1.—(1) These Regulations may be cited as the Registered Pension Schemes (Provision of Information) (Amendment) Regulations 2013 and come into force on 12th August 2013.

(2) The amendments in regulations 3, 4(2) and 5 have effect for the tax year 2014-15 and subsequent years.

(3) The amendments in regulations 4(3) and 6 have effect in relation to recognised transfers which are requested by the member on or after 12th August 2013.

(4) The amendment in regulation 4(4) has effect in relation to pension savings statements for pension input periods ending in tax year 2013-14 and subsequent years(d).

**Amendment of the Registered Pension Schemes (Provision of Information) Regulations 2006**

2. The Registered Pension Schemes (Provision of Information) Regulations 2006(e) are amended as follows.

3. In regulation 2(1) (interpretation) after the definition of “fixed protection”(f) insert—

““fixed protection 2014” means transitional protection provided for under Part 1 of Schedule 22 to the Finance Act 2013(g).”.

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- (a) 2004 c. 12; section 251(4) was amended by paragraph 47 of Schedule 10 to the Finance Act 2005 (c. 7) and section 251(5)(aa) was inserted by section 49 of the Finance Act 2010 (c. 13).
- (b) The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50(1) of that Act provides that insofar as it is appropriate in consequence of section 5, a reference in an enactment, however expressed, to the Commissioners of Inland Revenue is to be treated as a reference to the Commissioners for Her Majesty's Revenue and Customs.
- (c) Section 282(A1) was inserted by section 75(1) of the Finance Act 2009 (c. 10).
- (d) Pension input period is defined in section 238 of the Finance Act 2004. Section 238 was amended by paragraph 16 of Schedule 17 to the Finance Act 2011 (c. 11).
- (e) S.I. 2006/567, amended by S.I. 2011/301, 2011/1797, 2012/884; there are other amending instruments but none is relevant.
- (f) The definition of “fixed protection” was inserted by S.I. 2011/1797.
- (g) 2013 c. 29.

**4.—(1)** The table appended to regulation 3(1) (provision of information by scheme administrator to the Commissioners) is amended as follows.

(2) In entry 6 (benefit crystallisation events and enhanced lifetime allowance, enhanced protection or fixed protection)(**a**)—

- (a) in the heading, for “or fixed protection” substitute “, fixed protection or fixed protection 2014”,
- (b) in the first column omit “or” at the end of paragraph (b)(ii) and insert at the end of paragraph (b)(iii)—
  - “, or
  - (iv) fixed protection 2014.”, and
- (c) in the second column omit “or” at the end of paragraph (a) and insert at the end of paragraph (b)—
  - “, or
  - (c) the Registered Pension Schemes and Relieved Non-UK Pension Schemes (Lifetime Allowance Transitional Protection) (Notification) Regulations 2013(**b**) (where the member relies on fixed protection 2014).”.

(3) In entry 9 (transfers to qualifying recognised overseas pension schemes)(**c**), in the second column after paragraph (a) insert—

“(aa) if the member is no longer resident in the United Kingdom, the date that the residence ceased;”.

(4) After entry 21 (flexible drawdown arrangements)(**d**) insert—

“22 Annual Allowance

The scheme administrator is required to provide a member with a pension savings statement under regulation 14A(1).

The tax year for which the annual allowance was exceeded and the name and national insurance number of the member together with the information specified in regulation 14A(2)(a).”.

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**5.** Regulation 11 (information provided by member to scheme administrator: enhanced lifetime allowance, enhanced protection or fixed protection)(**e**) is amended as follows—

- (a) in the heading, for “or fixed protection” substitute “, fixed protection or fixed protection 2014”,
- (b) omit “or” at the end of paragraph (a) and insert at the end of paragraph (b)—
  - “, or
  - (c) fixed protection 2014 by virtue of Part 1 of Schedule 22 to the Finance Act 2013”, and
- (c) after “Regulations 2011” insert “or the Registered Pension Schemes and Relieved Non-UK Pension Schemes (Lifetime Allowance Transitional Protection) (Notification) Regulations 2013”.

**6.** In regulation 11BA (information provided by members to scheme administrators: recognised transfers)(**f**) after paragraph 2(a)(iii) insert—

“(iiia) if the member is no longer resident in the United Kingdom, the date that the residence ceased;”.

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- (a) Entry 6 has been amended by S.I. 2011/301, 2011/1797.
  - (b) S.I. 2013/1741.
  - (c) Entry 9 has been amended by S.I. 2011/301, 2012/884.
  - (d) Entry 21 was inserted by S.I. 2011/1797.
  - (e) Regulation 11 was substituted by S.I. 2011/1797.
  - (f) Regulation 11BA was inserted by S.I. 2012/884.

*Edward Troup  
Ruth Owen*

At 11.07.a.m. on 19th July 2013  
Customs

Two of the Commissioners for Her Majesty's Revenue and

## **EXPLANATORY NOTE**

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

These Regulations amend the Registered Pension Schemes (Provision of Information) Regulations 2006 (S.I. 2006/567) (“the Principal Regulations”) which concern the provision of information by persons such as members and scheme administrators of registered pension schemes.

The amendments made by regulations 3, 4(2) and 5 are consequential on the amendments to Part 4 of the Finance Act 2004 (c. 12) made by sections 48 and 49 of and Schedule 22 to the Finance Act 2013 (c. 29) which reduce the pensions lifetime allowance from £1,500,000 to £1,250,000, and the annual allowance from £50,000 to £40,000, with effect from tax year 2014-15.

Transitional protection (“fixed protection 2014”) is provided for individuals who think they are likely to exceed the reduced lifetime allowance when they become entitled to their pension benefits and who would otherwise face a lifetime allowance charge on the excess. Individuals must apply for fixed protection 2014 before 6 April 2014.

Regulations 4(3), 4(4) and 6 make further changes to the Principal Regulations.

Regulation 1 states when these Regulations come into force and specifies the dates from which the various amendments take effect.

Regulation 1(4) provides that new entry 22, inserted by regulation 4(4), applies to pension savings statements relating to pension input periods that end in tax year 2013-14 and subsequent years. Power to make legislation with retrospective effect is contained in section 282(A1) of the Finance Act 2004, which allows regulations made under Part 4 of that Act (including under section 251) to include provision having effect in relation to times before they are made if that provision does not increase any person's liability to tax.

Regulation 3 inserts a definition of fixed protection 2014 into the Principal Regulations.

Regulation 4(2) adds references to fixed protection 2014 in entry 6 in the table appended to regulation 3(1) of the Principal Regulations.

Regulation 4(3) amends entry 9 in that table to require the scheme administrator to provide HM Revenue and Customs (“HMRC”) with additional information where there is a “recognised transfer” to a qualifying recognised overseas pension scheme (QROPS).

Regulation 4(4) inserts a new entry 22 into that table to require the scheme administrator to provide HMRC with additional information when a scheme administrator is required to provide a member with a pensions savings statement under regulation 14A(1) of the Principal Regulations because the annual allowance for the relevant tax year has been exceeded in that scheme.

Regulation 5 amends regulation 11 of the Principal Regulations so that if a member of a registered pension scheme intends to rely on fixed protection 2014, the member must give to the scheme administrator the reference number issued by HMRC under the Registered Pension Schemes and Relieved Non-UK Pension Schemes (Lifetime Allowance Transitional Protection) (Notification) Regulations 2013 (S.I. 2013/1741).

Regulation 6 amends regulation 11BA of the Principal Regulations to require the member of a registered pension scheme to give additional information to the scheme administrator when the member makes a request for a recognised transfer.

A Tax Information and Impact Note covering the lifetime allowance was published on 11 December 2012 and updated on 20 March 2013 and is available on the HMRC website at <http://www.hmrc.gov.uk/thelibrary/tiins.htm>. It remains an accurate summary of the lifetime allowance impacts that apply to this instrument.

A Tax Information and Impact Note covering regulation 4(4) was published on 17 May 2013 and is available on the HMRC website at <http://www.hmrc.gov.uk/thelibrary/tiins.htm>. It remains an accurate summary of the impacts that apply to that regulation.

A Tax Information and Impact Note covering regulations 4(3) and 6 was published on 24 May and is available on the HMRC website at <http://www.hmrc.gov.uk/thelibrary/tiins.htm>. It remains an accurate summary of the impacts that apply to those regulations.

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