
STATUTORY INSTRUMENTS

2015 No. 879

**The Occupational Pension Schemes
(Charges and Governance) Regulations 2015**

PART 2

RESTRICTIONS ON CHARGES

[^{F1}CHAPTER 1

**DEFAULT ARRANGEMENTS, [^{F1}qualifying collective money purchase schemes,]
NON-CONTRIBUTING MEMBERS AND PAYMENTS TO ADVISERS**

[^{F1}]^{F2}Payments to advisers

11A.—(1) This regulation applies

(a) [^{F3}to a member of a specified scheme if the member is, or was, a worker of a qualifying scheme employer who participates, or has participated ^{F4}..., in that scheme [^{F5}; or]]

[to a member of a specified section, if the member is, or was, a worker of a qualifying ^{F6}(b) section employer who participates or has participated in the section.]

(2) Subject to paragraphs (4) and (6) and regulations 11B(2)[^{F7}, 11B(2B)] and 11C, it is prohibited for the purposes of regulation 4(1A) to impose or permit to be imposed on a member to whom this regulation applies a charge that is used—

- (a) directly or indirectly, to pay an adviser; or
- (b) to reimburse the service provider for a payment that the service provider has made to an adviser,

for advice or a service referred to in sub-paragraph (a) or (b) of paragraph (3).

(3) An adviser is a person who provides, has provided, or agrees to provide—

- (a) advice or a service to the member's employer or former employer who is participating in the specified scheme [^{F8}or specified section, as applicable]; or
- (b) advice or a service to a member of the specified scheme [^{F8}or specified section, as applicable].

(4) [^{F9}The prohibition in paragraph (2)] does not apply to the following services provided by an adviser—

- (a) a service relating to the administration of employee remuneration including tax deductions; and
- (b) a technological service which permits or enhances the ability of the service provider's computing system and the computing system provided by or on behalf of the employer to work together.

(5) Where the adviser is also the service provider, they are to be treated as separate persons for the purposes of this regulation.

[^{F10}(6) The prohibition in paragraph (2) does not apply to a charge imposed to reimburse a service provider for any payment made to an adviser for advice or a service referred to in paragraph (3) (a) or (b) where—

- (a) the charge is imposed under a relevant contract which—
 - (i) was entered into before 6th April 2016; and
 - (ii) has not been varied or renewed on or after that date; and
- (b) the payment was made before 1st October 2017.]]

[
^{F11}(7) Where the prohibition in paragraph (2) applies it overrides any term of a relevant contract to the extent that the term conflicts with it.]]

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| F1 | Ch. 1: reg. 4-13 renumbered as Ch. 1 (1.10.2017) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2017 (S.I. 2017/774) , regs. 1, 4 |
| F2 | Regs. 11A-11C inserted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304) , regs. 1, 6 |
| F3 | Words in reg. 11A(1)(a) in 11A(1) renumbered as reg. 11A(1)(a) (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255) , reg. 1(3), Sch. 7 para. 20(2) |
| F4 | Words in reg. 11A(1) omitted (1.10.2017) by virtue of The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2017 (S.I. 2017/774) , regs. 1, 8(2) |
| F5 | Word in reg. 11A(1)(a) inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255) , reg. 1(3), Sch. 7 para. 20(3) |
| F6 | Reg. 11A(1)(b) inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255) , reg. 1(3), Sch. 7 para. 20(4) |
| F7 | Words in reg. 11A(2) inserted (1.10.2017) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2017 (S.I. 2017/774) , regs. 1, 8(3) |
| F8 | Words in reg. 11A(3) inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255) , reg. 1(3), Sch. 7 para. 20(5) |
| F9 | Words in reg. 11A(4) substituted (1.10.2017) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2017 (S.I. 2017/774) , regs. 1, 8(4) |
| F10 | Reg. 11A(6) substituted (1.10.2017) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2017 (S.I. 2017/774) , regs. 1, 8(5) |
| F11 | Reg. 11A(7) inserted (1.10.2017) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2017 (S.I. 2017/774) , regs. 1, 8(6) |

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Charges and Governance) Regulations 2015, Section 11A.