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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

The Occupational and Personal Pension Schemes  
(Amendment etc.) (EU Exit) Regulations 2018

PART 3

Amendment of secondary legislation

**Amendment of the Occupational Pension Schemes (Contracting-out) Regulations 1996**

**8.**—(1) The Occupational Pension Schemes (Contracting-out) Regulations 1996<sup>(1)</sup> are amended as follows.

(2) In regulation 1(2), in the definition of “overseas scheme”, for “EEA states” substitute “United Kingdom”.

**Amendment of the Contracting-out (Transfer and Transfer Payment) Regulations 1996**

**9.**—(1) The Contracting-out (Transfer and Transfer Payment) Regulations 1996<sup>(2)</sup> are amended as follows.

(2) In regulation 1(2), in the definition of “overseas scheme”—

- (a) in paragraph (a), for “EEA states” substitute “United Kingdom”;
- (b) omit paragraph (b) and the “or” before it.

**Amendment of the Occupational Pension Schemes (Scheme Administration) Regulations 1996**

**10.**—(1) The Occupational Pension Schemes (Scheme Administration) Regulations 1996<sup>(3)</sup> are amended as follows.

(2) In regulation 1(2), in the definition of “qualifying insurance policy” omit paragraph (b) and the “or” before it.

(3) In regulation 11—

- (a) in paragraph (3)(a) omit “or the central bank of another EEA State”;
- (b) omit paragraph 4(a).

(4) In regulation 15, omit paragraph (2)(a)(ii) and the “or” before it.

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(1) S.I. 1996/1172; amended by S.I. 2007/814, 2007/3014, 2011/1245, 2015/1677; there are other amending instruments but none is relevant.  
(2) S.I. 1996/1462; amended by S.I. 2007/814, 2007/3014, 2016/200; there are other amending instruments but none is relevant.  
(3) S.I. 1996/1715; amended by S.I. 2006/778, 2015/575; there are other amending instruments but none is relevant.

### **Amendment of the Occupational Pension Schemes (Winding Up) Regulations 1996**

**11.**—(1) The Occupational Pension Schemes (Winding Up) Regulations 1996(4) are amended as follows.

- (2) In regulation 10, omit paragraph (1)(d).

### **Amendment of the Occupational Pension Schemes (Discharge of Liability) Regulations 1997**

**12.**—(1) The Occupational Pension Schemes (Discharge of Liability) Regulations 1997(5) are amended as follows.

- (2) In regulation 2—

- (a) omit paragraph (1)(b) and the “or” before it;  
(b) in paragraph (2), for “Sub-paragraphs (a) and (b)” substitute “Sub-paragraph (a)”.

### **Amendment of the Pension Sharing (Implementation and Discharge of Liability) Regulations 2000**

**13.**—(1) The Pension Sharing (Implementation and Discharge of Liability) Regulations 2000(6) are amended as follows.

- (2) In regulation 11—

- (a) omit paragraph (1)(b) and the “or” before it;  
(b) in paragraph (2), omit “and (b)”.

### **Amendment of the Pension Sharing (Pension Credit Benefit) Regulations 2000**

**14.**—(1) The Pension Sharing (Pension Credit Benefit) Regulations 2000(7) are amended as follows.

- (2) In regulation 5—

- (a) omit paragraph (3)(b) and the “or” before it;  
(b) in the opening words of paragraph (4), omit “and (b)”.

### **Amendment of the Stakeholder Pension Schemes Regulations 2000**

**15.**—(1) The Stakeholder Pension Schemes Regulations 2000(8) are amended as follows.

- (2) In regulation 1(3), in the definition of “insurer” omit paragraph (b) and the “or” before it.

### **Amendment of the Register of Occupational and Personal Pension Schemes Regulations 2005**

**16.**—(1) The Register of Occupational and Personal Pension Schemes Regulations 2005(9) are amended as follows.

- (2) In regulation 1(4), omit the definition of “scheme undertaking cross-border activities”.  
(3) In regulation 2(1), omit sub-paragraph (c) and the “or” before it.  
(4) In regulation 3(1), omit sub-paragraph (j) and the “and” before it.

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(4) S.I. 1996/3126; amended by S.I. 2006/467; there are other amending instruments but none is relevant.

(5) S.I. 1997/784; amended by S.I. 2001/3649; there are other amending instruments but none is relevant.

(6) S.I. 2000/1053; amended by S.I. 2001/3649; there are other amending instruments but none is relevant.

(7) S.I. 2000/1054; amended by S.I. 2001/3649; there are other amending instruments but none is relevant.

(8) S.I. 2000/1403; amended by S.I. 2001/3649; there are other amending instruments but none is relevant.

(9) S.I. 2005/597; amended by S.I. 2006/467, 2018/1102; there are other amending instruments but none is relevant.

### **Amendment of the Pension Protection Fund (Appointment of Ordinary Members) Regulations 2005**

17.—(1) The Pension Protection Fund (Appointment of Ordinary Members) Regulations 2005(10) are amended as follows.

(2) In Schedule 1, in paragraph 14(c) omit “members of the European Parliament,”.

### **Amendment of the Occupational and Personal Pension Schemes (General Levy) Regulations 2005**

18.—(1) The Occupational and Personal Pension Schemes (General Levy) Regulations 2005(11) are amended as follows.

(2) In regulation 2(1), omit the definition of “cross-border section 615 scheme”.

(3) In regulation 3(1), omit “, other than such a scheme which is a cross-border section 615 scheme,”.

### **Amendment of the Occupational Pension Schemes (Employer Debt) Regulations 2005**

19.—(1) The Occupational Pension Schemes (Employer Debt) Regulations 2005(12) are amended as follows.

(2) In regulation 4(1), omit sub-paragraph (g)(ii) and the “and” before it.

### **Amendment of the Occupational Pension Schemes (Winding up etc.) Regulations 2005**

20.—(1) The Occupational Pension Schemes (Winding up etc.) Regulations 2005(13) are amended as follows.

(2) In regulation 3(1), omit sub-paragraph (h)(ii) and the “and” before it.

### **Amendment of the Pension Protection Fund (PPF Ombudsman) Order 2005**

21.—(1) The Pension Protection Fund (PPF Ombudsman) Order 2005(14) is amended as follows.

(2) In Article 7(2)(j), omit “, an EEA central counterparty” and “, an EEA CSD”.

### **Amendment of the Pensions Regulator (Contribution Notices and Restoration Orders) Regulations 2005**

22.—(1) The Pensions Regulator (Contribution Notices and Restoration Orders) Regulations 2005(15) are amended as follows.

(2) In regulation 3(1), omit sub-paragraph (i)(ii) and the “and” before it.

### **Amendment of the Financial Assistance Scheme Regulations 2005**

23.—(1) The Financial Assistance Scheme Regulations 2005(16) are amended as follows.

(2) In regulation 2(3), omit sub-paragraph (b) and the “or” before it.

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(10) [S.I. 2005/616](#).

(11) [S.I. 2005/626](#); amended by [S.I. 2006/467](#); there are other amending instruments but none is relevant.

(12) [S.I. 2005/678](#); amended by [S.I. 2006/467](#); there are other amending instruments but none is relevant.

(13) [S.I. 2005/706](#); amended by [S.I. 2006/467](#); there are other amending instruments but none is relevant.

(14) [S.I. 2005/824](#); amended by [S.I. 2013/504](#), [2017/1064](#); there are other amending instruments but none is relevant.

(15) [S.I. 2005/931](#); amended by [S.I. 2006/467](#); there are other amending instruments but none is relevant.

(16) [S.I. 2005/1986](#), to which there are amendments not relevant to these Regulations.

### **Amendment of the Financial Assistance Scheme (Provision of Information and Administration of Payments) Regulations 2005**

**24.**—(1) The Financial Assistance Scheme (Provision of Information and Administration of Payments) Regulations 2005(17) are amended as follows.

- (2) In regulation 2(2), omit sub-paragraph (b) and the “or” before it.

### **Amendment of the Occupational Pension Schemes (Trust and Retirement Benefits Exemption) Regulations 2005**

**25.**—(1) The Occupational Pension Schemes (Trust and Retirement Benefits Exemption) Regulations 2005(18) are amended as follows.

- (2) In regulation 1(2), omit the definition of “scheme undertaking cross-border activities”.
- (3) Omit regulation 1A.

### **Amendment of the Pension Schemes (Categories) Regulations 2005**

**26.**—(1) The Pension Schemes (Categories) Regulations 2005(19) are amended as follows.

- (2) In regulation 2, omit paragraph (2)(b) but not the final “and”.

### **Amendment of the Financial Assistance Scheme (Appeals) Regulations 2005**

**27.**—(1) The Financial Assistance Scheme (Appeals) Regulations 2005(20) are amended as follows.

- (2) In regulation 28(3)(k), omit “, EEA central counterparty”, and “, EEA CSD”.

### **Amendment of the Occupational Pension Schemes (Scheme Funding) Regulations 2005**

**28.**—(1) The Occupational Pension Schemes (Scheme Funding) Regulations 2005(21) are amended as follows.

- (2) For regulation 17(1)(d), substitute—
- “(d) a scheme which is treated as such by virtue of paragraph 4 or 5 of Schedule 2 to these Regulations and applies to members in employment outside the United Kingdom;”.
- (3) In Schedule 2—
- (a) in paragraph 4, in sub-paragraphs (2)(b) and (d)(i) and (3)(a), for “EEA states” in each place where it occurs substitute “United Kingdom”;
- (b) omit paragraph 6 (schemes undertaking cross-border activities).

### **Amendment of the Occupational Pension Schemes (Investment) Regulations 2005**

**29.**—(1) The Occupational Pension Schemes (Investment) Regulations 2005(22) are amended as follows.

- (2) In regulation 1(2)—
- (a) in the definition of “qualifying insurance policy”, omit paragraph (b) and the “or” before it;

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(17) S.I. 2005/2189, to which there are amendments not relevant to these Regulations.

(18) S.I. 2005/2360; amended by S.I. 2005/3381.

(19) S.I. 2005/2401; amended by S.I. 2007/3014; there are other amending instruments but none is relevant.

(20) S.I. 2005/3273; amended by S.I. 2013/504; there are other amending instruments but none is relevant.

(21) S.I. 2005/3377; amended by S.I. 2007/3014; there are other amending instruments but none is relevant.

(22) S.I. 2005/3378; amended by S.I. 2009/615, 2015/575, 2017/701; there are other amending instruments but none is relevant.

- (b) omit the definition of “scheme undertaking cross-border activities”.
- (3) In regulation 4(11)—
  - (a) in the definition of “derivative instrument”, for the words from “of Section C” to “financial instruments” substitute “of Part 1 of Schedule 2 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(23)”;
  - (b) in the definition of “regulated market”—
    - (i) omit paragraph (a);
    - (ii) for paragraph (b) substitute the following—
      - “(b) a UK regulated market or an EU regulated market within the meaning of Article 2.1.13A and 2.1.13B respectively of Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments; or”.
- (4) In regulation 15A, omit paragraph (2)(b) but not the final “or”.
- (5) Omit regulation 17.

#### **Amendment of the Occupational Pension Schemes (Regulatory Own Funds) Regulations 2005**

**30.**—(1) The Occupational Pension Schemes (Regulatory Own Funds) Regulations 2005(24) are amended as follows.

- (2) In regulation 10, omit paragraphs (3) and (8).
- (3) In regulation 15—
  - (a) in paragraph (1)(d)—
    - (i) omit paragraph (i);
    - (ii) in paragraph (ii), for “paragraphs 4(3) and 5(2)(b)” substitute “paragraphs 4(2) and (3) and 5(2)(a) and (b)”;
  - (b) omit paragraph (2);
  - (c) in paragraph (3), omit the definition of “scheme undertaking cross-border activities”.

#### **Amendment of the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006**

**31.**—(1) The Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006(25) are amended as follows.

- (2) In regulation 4(1), in sub-paragraph (e), for “EEA states” substitute “United Kingdom”.

#### **Amendment of the Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 2006**

**32.**—(1) The Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 2006(26) are amended as follows.

- (2) In regulation 1(2), in the definition of “insurer” omit paragraph (b) and the “or” before it.

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(23) S.I. 2001/544; amended by S.I. 2006/3384, 2017/488.

(24) S.I. 2005/3380; amended by S.I. 2007/814, 2007/3014; there are other amending instruments but none is relevant.

(25) S.I. 2006/349; amended by S.I. 2007/3014; there are other amending instruments but none is relevant.

(26) S.I. 2006/714, to which there are amendments not relevant to these Regulations.

### **Amendment of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010**

**33.**—(1) The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(27) are amended as follows.

(2) In regulation 32E, in paragraph (1), omit the words “or which is an occupational pension scheme within section 18(b) of the Act.”.

(3) Omit regulation 32J.

(4) In regulation 35—

(a) in paragraph (1)(a)(i), omit “or (b)”;

(b) omit paragraph (1)(b) together with the final “and”;

(c) in paragraph (2), for the definition of “competent authority” substitute—

““competent authority” means the Financial Conduct Authority or the Pensions Regulator;”.

(5) In regulation 39, omit paragraph (7)(a).

(6) In regulation 44, in the heading and the body of the regulation, for “EEA States” substitute “United Kingdom”.

(7) In regulation 45—

(a) in paragraphs (1) to (5) and (7), for “18(b) or (c)” substitute “18(c)”;

(b) in paragraphs (1), (3) and (7), omit sub-paragraph (b) and the “or” before it.

(8) In regulation 46, omit paragraph (b) and the “or” before it.

### **Amendment of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013**

**34.**—(1) The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013(28) are amended as follows.

(2) In Schedule 1 (description of schemes), omit paragraph 1(2)(c) but not the final “or”.

### **Amendment of the Pensions Act 2011 (Transitional, Consequential and Supplementary Provisions) Regulations 2014**

**35.**—(1) The Pensions Act 2011 (Transitional, Consequential and Supplementary Provisions) Regulations 2014(29) are amended as follows.

(2) Omit Part 18 (cross-border schemes).

### **Amendment of the Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015**

**36.**—(1) The Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015(30) are amended as follows.

(2) In regulation 6(2), for “EEA states” substitute “United Kingdom”.

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(27) *S.I. 2010/772*; amended by *S.I. 2012/1257*, *2013/3115*, *2015/501*, *2015/575*, *2017/701*; there are other amending instruments but none is relevant.

(28) *S.I. 2013/2734*, to which there are amendments not relevant to these Regulations.

(29) *S.I. 2014/1711*.

(30) *S.I. 2015/1677*, to which there are amendments not relevant to these Regulations.

