

1986 No. 1718

PENSIONS

The Occupational Pension Schemes (Managers) Regulations 1986

<i>Made</i> - - - -	<i>3rd October 1986</i>
<i>Laid before Parliament</i>	<i>10th October 1986</i>
<i>Coming into Operation</i>	<i>1st November 1986</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 5 of the Social Security Act 1985(a), and of all other powers enabling him to that behalf, hereby makes the following regulations;

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Occupational Pension Schemes (Managers) Regulations 1986, and shall come into operation on 1st November 1986.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the ¹Pension Schemes Act 1993(b);

“appropriate administering authority” has the same meaning—

(a) in the case of an authority situated in England or Wales as in Schedule 1 to the Local Government Superannuation Regulations 1986(c);

(b) in the case of an authority situated in Scotland as in regulation A3 of the Local Government Superannuation (Scotland) Regulations 1974(d);

“fire authority” has the same meaning as in the Fire Services Act 1947(e);

“the Firemen’s Scheme” means the scheme having particulars from time to time set out in orders made under section 26 of the Fire Services Act 1947’

“a government scheme” means any scheme administered by a government department;

“a local government scheme” means any scheme having particulars from time to time set out in regulations made under section 7 of the Superannuation Act 1972(f);

“member” and “prospective member” have the same meaning as in regulation 2 of the Occupational Pension Schemes (Disclosure of Information) Regulations 1986(g);

“police authority” and “police force” have the same meaning as in the Police Pensions Act 1976(h);

¹Words in defn. of “the Act” in reg. 1(2) substituted by para. 9(a) of Sch. 2 to S.I. 1994/1062 as from 12.5.94.

(a) 1985 c. 53.

(b) 1993 c. 48.

(c) S.I. 1986/24, amended by S.I. 1986/380.

(d) S.I. 1974/812, to which there are amendments not relevant to these regulations.

(e) 1947 c. 41.

(f) 1972 c. 11.

(g) S.I. 1986/1046, to which there are amendments not relevant to these regulations.

(h) 1976 c. 35.

Regs. 1–3

“the Police Scheme” means the scheme having particulars from time to time set out in regulations made under section 1 of the Police Pensions Act 1976; and other expressions have the same meaning as in the Act.

Managers of public service pension schemes

¹Words in reg. 2 substituted by para. 9(b) of Sch. 2 to S.I. 1994/1062 as from 12.5.94.

2. For the purposes of ¹sections 113 to 115 of the Act (disclosure of information about occupational pension schemes) in their application to the making available of information and documents to a particular member or prospective member of a public service pension scheme, or by reason of his membership or prospective membership to any other person or body, the following persons or bodies shall be treated as managers of the scheme—

- (a) in the case of a local government scheme, the appropriate administering authority;
- (b) in the case of the Firemen’s Scheme, the fire authority by whom the member or prospective member is employed, or if he is not employed by a fire authority, the fire authority by which he was last employed;
- (c) in the case of the Police Scheme, the police authority of the police force in which the member or prospective member is serving, or if he is not serving in a police force the police authority of the police force in which he last served;
- (d) in the case of a government scheme, the government department responsible for its administration;
- (e) in any other case the board, council, commission or other person or body responsible for its administration.

²Reg. 3 inserted by reg. 7(2) of S.I. 1988/476 as from 6.4.88.

Person to be treated as manager of scheme established outside the United Kingdom

³Words substituted, and words inserted, in reg. 3 by para. 9(b) of Sch. 2 to S.I. 1994/1062 as from 12.5.94.

3. For the purposes of ³sections 113 to 115 of the Act (disclosure of information about occupational pension schemes) ³and Part VIII of the Act as it applies for the purposes of those sections, in their application to the making available of information and documents to a particular member or prospective member of any occupational pension scheme established outside the United Kingdom, or by reason of his membership or prospective membership to any other person or body, the person or body to be treated as the manager of the scheme shall be such person as is for the time being treated by the Board of Inland Revenue as the ⁴scheme administrator of the scheme for the purposes of section 270 of the Finance Act 2004 (meaning of “scheme administrator”).

⁴Words substituted in reg. 3 by art. 2 of S.I. 2006/744 as from 6.4.06.

Signed by authority of the Secretary of State for Social Services.

3rd October 1986

John Major
Minister of State,
Department of Health and Social Security

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations are made under section 5 of the Social Security Act 1985 before the expiry of the period of 12 months beginning with the commencement (on 1st January 1986) of that section. Consequently by virtue of section 61(5) of the Social Security Act 1986 (c.50), the provisions of section 61(2) and (3) of the Social Security Pensions Act 1975 (which require reference to the Occupational Pensions Board of, and a report by the Board on proposals to make regulations for certain purposes of that Act) do not apply to them.

Sections 56A and 56E of the Social Security Pensions Act 1975 enable regulations to be made with regard to the disclosure of information and documents by occupational pension schemes to their members and prospective members, and to other specified persons. The relevant regulations are the Occupational Pension Schemes (Disclosure of Information) Regulations 1986 as amended by the Occupational Pension Schemes (Disclosure of Information) (Amendment) Regulations 1986 (S.I. 1986 No. 1717). Section 56L provides a person who is entitled to disclosure under section 56A or section 56E with a means of enforcing his rights.

Responsibility for disclosure rests with the trustees of schemes, or where there are no trustees, the managers. These regulations make provision as to who is to be treated as a manager of an occupational pension scheme which is a public service pension scheme.

