

1990 No. 2278

**PENSIONS**

**The Register of Occupational and Personal Pension  
Schemes Regulations 1990**

<i>Made - - - -</i>	<i>15th November 1990</i>
<i>Laid before Parliament</i>	<i>23rd November 1990</i>
<i>Coming into force -</i>	
<i>    except regulation 6</i>	<i>1st January 1991</i>
<i>    regulation 6</i>	<i>1st April 1991</i>

The Secretary of State for Social Security, in exercise of the powers conferred by section 166(1) to (3A) of the Social Security Act 1975(a), section 59K of the Social Security Pensions Act 1975(b) and section 54(1) of the Social Security Act 1986(c) and of all other powers enabling him in that behalf, by this instrument, which contains only regulations made by virtue of or consequential upon section 13 of the Social Security Act 1990 and which is made before the end of the period of 6 months beginning with the coming into force of that section(d), makes the following Regulations:-

**Citation, extent, commencement and interpretation**

1.—(1) These Regulations may be cited as the Register of Occupational and Personal Pension Schemes Regulations 1990.

(2) Regulations 2, 3 and 6, and this regulation in so far as it applies to those regulations, extend to Northern Ireland.

(3) These Regulations, except for regulation 6, shall come into force on 1st January 1991, and regulation 6 shall come into force on 1st April 1991.

(4) In these Regulations -

“active member” means -

- (a) a member of a registrable scheme by or in respect of whom contributions are payable to the scheme; or
- (b) in the case of a registrable scheme which is an occupational pension scheme, a member whose employment in the United Kingdom qualifies him for benefits under the scheme (whether or not contributions are currently payable to the scheme by or in respect of him) other than only benefits payable on his death while in that employment;

“address of the scheme” means the place in the United Kingdom, or if more than one, the principal place, at which the management of the scheme is conducted;

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(a) 1975 c.14. Section 166(1) to (3A) applies to certain powers to make regulations under the Social Security Pensions Act 1975 by virtue of section 66(2) of that Act. (b) 1975 c.60. Section 59K was inserted by section 13 of the Social Security Act 1990 (c.27). (c) 1986 c.50. (d) See the Social Security Act 1986, section 61(5) as substituted by the Social Security Act 1989 (c.24), Schedule 8, paragraph 12(3). Section 13 of the Social Security Act 1990 was brought into force by S.I.1990/1446.

“closed scheme” means a registrable scheme to which no new members may be admitted, but to which contributions are payable by or in respect of, and benefits accrue to, existing members;

“employment in the United Kingdom” means –

- (a) the employment of members in the United Kingdom; or
- (b) the employment of members elsewhere in circumstances where –
  - (i) they are liable to make primary Class 1 contributions within the meaning of section 1(2) of the Social Security Act 1975 or section 1(2) of the Social Security (Northern Ireland) Act 1975<sup>(a)</sup> (outline of contributory system); or
  - (ii) would be so liable but for the fact that their income falls below the lower earnings limit within the meaning of section 4 of the Social Security Act 1975 or, as the case may be, section 4 of the Social Security (Northern Ireland) Act 1975 (incidence of Class 1 contributions);

“insured scheme” means a registrable scheme the benefits of which are secured by one or more policies of insurance or annuity contracts and which is managed by the insurance company which issued the policy or contract;

“open scheme” means a registrable scheme which has active members and to which new members may be admitted;

“paid up or frozen scheme” means a registrable scheme under which benefits continue to be payable to existing members and to which –

- (a) no new members may be admitted;
- (b) no further contributions are payable by or in respect of existing members; and
- (c) no further benefits accrue to existing members although benefits which have already accrued to them may be increased;

“personal pension scheme” includes a self-employed pension arrangement within the meaning of regulation 2D(3) of the Occupational Pension Schemes (Transfer Values) Regulations 1985<sup>(b)</sup> or regulation 2D(3) of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985<sup>(c)</sup>;

“register” means the register of occupational and personal pension schemes compiled and maintained under regulation 3;

“registrable scheme” means an occupational or personal pension scheme –

- (a) which either –
  - (i) is established in the United Kingdom; or
  - (ii) has a place at which its management is conducted in the United Kingdom and has a representative appointed to carry out the functions of a trustee or manager in the United Kingdom;
- (b) which either –
  - (i) is a scheme in respect of which a person has applied for, or received, the approval of the Board of Inland Revenue for the purposes of section 590 or section 591 (other than subsection (2)(g)) of the Income and Corporation Taxes Act 1988<sup>(d)</sup> (conditions for approval of retirement benefit schemes and discretionary approval), or for the purposes of Chapter IV of Part XIV of that Act (personal pension schemes); or
  - (ii) is a scheme which is a public service pension scheme; and
- (c) is not a scheme which –
  - (i) has less than 2 active members; or
  - (ii) only provides benefits on the death of a member while in employment;

“registrar” means the registrar of occupational and personal pension schemes appointed under regulation 2;

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<sup>(a)</sup> 1975 c.15. <sup>(b)</sup> S.I. 1985/1931. Regulation 2D was inserted by regulation 2(d) of S.I. 1988/1016. <sup>(c)</sup> S.R. 1985 No. 358. Regulation 2D was inserted by regulation 2(d) of S.R. 1988 No. 214. <sup>(d)</sup> 1988 c.1.

“scheme administrator” means the person in the United Kingdom having the management of the scheme;

“self-administered scheme” means a registrable scheme which is an occupational pension scheme and which is not an insured scheme;

“the Act” means the Social Security Pensions Act 1975; and

“trustees”, in the case of a scheme which is not set up under a trust or which is established outside the United Kingdom, means the person who is treated as the administrator of the scheme for the purposes of Chapter I or Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988.

### **The Registrar of Occupational and Personal Pension Schemes**

2.—(1) There shall be a registrar of occupational and personal pension schemes.

(2) The Occupational Pensions Board established by section 66 of the Social Security Act 1973(a) shall be the registrar.

(3) The registrar may appoint an agent to perform any function of the registrar.

### **The register**

3.—(1) The registrar shall compile and maintain a register of every registrable scheme.

(2) The register shall contain the following information in so far as it is applicable to the scheme –

- (a) the name and address of the scheme;
- (b) the names of the trustees of the scheme;
- (c) the name of the scheme administrator;
- (d) whether the scheme is an open, closed or paid-up or frozen scheme;
- (e) the name (and, if there has been a change of name, the previous name) and address of every employer of earners in employment to which the scheme relates or has at any time since 6th April 1975 related;
- (f) the number of active members;
- (g) whether the scheme is self-administered or insured and, if the latter, the name and address of the insurance company with which the benefits are secured;
- (h) the year in which the scheme commenced; and
- (i) any reference number assigned to the scheme by the Inland Revenue.

### **Information required in respect of a registrable scheme**

4.—(1) Subject to paragraph (3), it is the duty of the trustees of a registrable scheme to provide the registrar with the information specified in regulation 3(2) and, upon written notice from the registrar to the trustees, with such other information incidental to that so specified as the registrar may reasonably require for the purposes of the register.

(2) Information required for the registration of a registrable scheme shall be provided to the registrar –

- (a) in the case of a scheme which is established before 1st May 1991, not later than 31st July 1991; and
- (b) in any other case, within 3 months of the date on which the scheme commenced.

(3) If it is not practicable for the trustees to supply all of the information required by paragraph (1) above by the dates specified in paragraph (2) above, the trustees shall supply –

- (a) as much of that information as it is practicable to supply, within the time allowed by paragraph (2); and
- (b) the remainder of that information, as soon thereafter as it is practicable to do so.

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(a) 1973 c. 38.

(4) Where the registrar has received all, or a part of, the information required by paragraph (1) and the corresponding Northern Ireland legislation above from the trustees of a registrable scheme, the registrar shall make an entry relating to that scheme in the register.

#### **Notification of changes**

5. The trustees of a registrable scheme shall be under a duty to notify the registrar of any change in the information provided to the registrar under regulation 4(1) above (except a change in the number of active members of the scheme) within 6 months of the occurrence of that change.

#### **Inspection of the Register**

6.—(1) The registrar shall, on receipt of a written request containing sufficient information to enable the registrar to identify the scheme in question, supply a copy of an extract from the register relating to a registrable scheme to —

- (a) any person who is, or may be, or may become entitled to benefit under the scheme or any person or body acting on behalf of such a person;
- (b) the Pensions Ombudsman appointed under section 59B of the Act (a).

(2) The trustees of a registrable scheme shall be entitled, on the first written request by them in any period of 12 months, to a copy of an extract from the register relating to that scheme.

(3) A person or body may inspect the register and make copies of it or of extracts from it, if the registrar is satisfied that the person or body is bona fide engaged in research connected with occupational or personal pension schemes and that such inspection or copying will not unduly interfere with the performance of the functions of the registry.

(4) There shall be payable in connection with any inspection or copying of the register under paragraph (3) above a fee to defray the cost of making provision for that inspection or copying and any facilities or services provided in connection with it.

#### **Offences and penalties**

7.—(1) Any person who —

- (a) has a duty under regulation 4 or 5 of these Regulations to provide information to the registrar; and
- (b) without reasonable cause fails to provide that information in accordance with the provisions of these Regulations;

is guilty of an offence.

(2) For an offence under this regulation a person is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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

15th November 1990

*Gillian Shephard*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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(a) Section 59B was inserted by Schedule 3 to the Social Security Act 1990.

## EXPLANATORY NOTE

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

These Regulations provide for the establishment of a register of occupational and personal pension schemes and for the appointment of the Occupational Pensions Board to be the registrar of such schemes. Regulations 2, 3 and 6, and regulation 1 in so far as it applies to those regulations, extend to Northern Ireland. Provision for Northern Ireland corresponding to other provisions of these Regulations will be contained in separate regulations to be made by the Department of Health and Social Services for Northern Ireland.

Regulation 1 provides for the citation and commencement of the Regulations and contains definitions.

Regulation 2 provides that the Occupational Pensions Board shall be the registrar and allows for the appointment of an agent to perform any of the functions of the registrar.

Regulation 3 requires the registrar to compile and maintain a register of occupational and personal pension schemes and specifies what information it shall contain.

Regulation 4 imposes a duty on the trustees of a scheme to supply information to the registrar and lays down the time limits within which it must be supplied. Provision is made by paragraph (3) for cases where it is not practicable to provide all of the required information at the time specified.

Regulation 5 requires notification to the Registrar of any changes in the information supplied under regulation 4.

Regulation 6 specifies the persons and bodies who may inspect the register or be provided with copies of extracts from it, and the circumstances in which that may be done.

Regulation 7 makes it an offence punishable by a fine for a person to breach these Regulations by failing, without reasonable cause, to provide information to the registrar.

These Regulations are made by virtue of, or are consequential upon, the coming into force of section 13 of the Social Security Act 1990 and are made before the end of the period of 6 months beginning with the commencement of that section and therefore, under section 61(5) of the Social Security Act 1986, no proposals to make them have been submitted to the Occupational Pensions Board or the Social Security Advisory Committee.