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## STATUTORY INSTRUMENTS

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**1996 No. 1216**

## PENSIONS

### The Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 1996

*Made* - - - - - *2nd May 1996*

*Laid before Parliament* *10th May 1996*  
*Coming into force in accordance with*  
*regulation 1(2)*

### THE OCCUPATIONAL PENSION SCHEMES (MEMBER-NOMINATED TRUSTEES AND DIRECTORS) REGULATIONS 1996

#### PART I GENERAL PROVISIONS

##### *Preliminary*

1. Citation and commencement
2. General interpretation
3. Scheme membership

##### *Application of sections 16 and 18*

4. Exceptions from member-nominated trustee requirements
5. Extension of section 18
6. Exceptions from member-nominated director requirements

#### PART II MEMBER-NOMINATED TRUSTEES

##### *Section 16 arrangements and rules*

7. Implementation of requirements as to member-nominated trustees: general
8. Appropriate rules as to the selection and eligibility of member-nominated trustees

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

*Proposals by employers for alternative arrangements*

9. Proposals by the employer for alternative arrangements under section 17
10. Time limits for making alternative arrangements under section 17

*Power of trustees to modify schemes by resolution*

11. Modification of schemes affected by requirements

*Cessation of application of requirements*

12. Cessation of application of requirements

PART III

MEMBER-NOMINATED DIRECTORS

*Section 18 arrangements and rules*

13. Implementation of requirements as to member-nominated directors: general
14. Appropriate rules as to the selection and eligibility of member-nominated directors

*Proposals by employers for alternative arrangements*

15. Proposals by the employer for alternative arrangements under section 19
16. Time limits for making alternative arrangements under section 19

*Cessation of application of requirements*

17. Cessation of application of requirements

*Aggregation of schemes*

18. Aggregation of linked schemes

PART IV

GENERAL AND SUPPLEMENTARY PROVISIONS

*Modifications for special cases*

19. Modifications

*General provisions about rules and arrangements*

20. Cessation of approval of appropriate rules and alternative arrangements
21. Appropriate rules in cases where insufficient nominations are received

*Miscellaneous and supplementary*

22. Records
  23. Notices
  24. Transitional provisions
- Signature

- “The proposer”
- 1. In this Schedule— “the proposer” has the meaning given in...
  - Notice to be given by the proposer
- 2. The proposer must give each of the eligible members notice...
  - The appropriate general statement
- 3. (1) The notice must contain the appropriate general statement.
  - Notices concerning appropriate rules: requirement for general information about arrangements
- 4. (1) A notice in respect of proposals for appropriate rules...
  - Particulars of rules or arrangements proposed
- 5. (1) The notice must specify the appropriate rules or, as...
  - Statement as to approval procedure
- 6. (1) The notice must state that the proposed appropriate rules...
- 7. In a case where the trustees have made a determination...
  - Approval in absence of objections
- 8. (1) If the notice contains the statement mentioned in paragraph...
  - Approval by ballot
- 9. (1) This paragraph applies if— (a) the notice specifies that...
  - Immaterial omissions etc.
- 10. (1) This paragraph applies where— (a) the proposer of appropriate...

## SCHEDULE 2 — THE PRESCRIBED APPROPRIATE RULES

### PART I — MEMBER-NOMINATED TRUSTEES

#### *Eligibility and procedure for nomination*

- 1. (1) The trustees of the scheme shall invite nominations to...

#### *Selection of nominees*

- 2. (1) If the number of persons duly nominated to fill...
  - PART II — MEMBER-NOMINATED DIRECTORS
- 3. The prescribed rules for the purposes of section 20(1)(b) in...

## SCHEDULE 3 — MODIFICATIONS OF PENSIONS ACT 1995 AND THESE REGULATIONS

### — Multi-employer schemes

- 1. (1) In their application to any scheme which applies to...
  - Cases where the employer is sole trustee
- 2. (1) Where a person who is not a company to...
  - Cases where a section 18 company is the employer
- 3. (1) Where a company to which section 18 applies is...
  - Schemes with few or no active members
- 4. (1) Subject to sub-paragraph (2), in the application of sections...
  - Shorter periods of office: casual vacancies etc.
- 5. (1) Section 16 has effect with the substitution for subsection...
  - Schemes requiring amendment: disapplication of s.591B of the Taxes Act
- 6. In its application to a scheme which requires to be...
  - Removal of member-nominated directors
- 7. In its application to a company which is not a...
  - **Modifications of section 18: aggregation**
- 8. (1) Where, apart from this paragraph, in its application to...

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## SCHEDULE 4 — TRANSITIONAL PROVISIONS

### *Preliminary*

1. In this Schedule— “the pre-commencement period” means the period beginning...

*General disregard of action taken before commencement date*

2. Except as provided in this Schedule, anything done before the...

*Waiver of employer’s rights under sections 17 and 19*

3. (1) If at any time during the pre-commencement period the...
4. (1) If at any time during the pre-commencement period the...

*Pre-commencement period proposals by the employer*

5. If during the pre-commencement period the employer gave notice in...
6. If during the pre-commencement period the employer gave notice in...

*Pre-commencement period action*

7. (1) Where such a notice as is mentioned in paragraph...

*Scheme alterations, overriding provisions and records*

8. (1) Where such a notice as is mentioned in paragraph...

Explanatory Note

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**Changes and effects yet to be applied to :**

- Sch.1 para.9(3) applied by [S.I. 1996/1216 reg.19Sch.3 para.2\(a\)](#)
- Sch.2 para.1(3)(a) amended by [S.I. 1996/1216 reg.19Sch.3 para.2\(b\)\(i\)](#)
- Sch.2 para.1(3)(b) substituted by [S.I. 1996/1216 reg.19Sch.3 para.2\(b\)\(ii\)](#)
- Sch.4 paras.4(1)6 amended by [S.I. 1996/1216 reg.19Sch.3 para 3\(7\)\(a\)](#)
- Sch.4 para.6(c) amended by [S.I. 1996/1216 reg.19Sch.3 para.3\(7\)\(b\)](#)
- Sch.4 applied by [S.I. 1996/1216 reg.19Sch.3 para.2\(a\)](#)
- reg.20(1)(g)( ii) amended by [S.I. 1996/1216 reg.19Sch.3 para.2\(5\)\(a\)\(b\)](#)
- reg.16(2)(b)( i) applied by [S.I. 1996/1216 reg.19Sch.3 para.2\(a\)](#)
- reg.9 applied by [S.I. 1996/1216 reg.19Sch.3 para.2\(a\)](#)
- reg.9(1)(a) amended by [S.I. 1996/1216 reg.19Sch.3 para 2\(3\)\(a\)\(i\)](#)
- reg.9(1)(b)(ii) rep.in pt. by [S.I. 1996/1216 reg.19Sch.3 para.2\(3\)\(a\)\(ii\)](#)
- reg.9(2)(c)(i) rev.in pt. by [S.I. 1996/1216 reg.19Sch.3 para.2\(3\)\(b\)\(i m](#)
- reg.9(3) substituted by [S.I. 1996/1216 reg.19Sch.3 para.2\(3\)\(c\)](#)
- reg.10(2)(b)(i) amended by [S.I. 1996/1216 reg.19Sch.3 para.2\(4\)](#)
- reg.10(2)(b)(i) applied by [S.I. 1996/1216 reg.19Sch. 3 para.2\(a\)](#)
- reg.13(2)(d) applied by [S.I. 1996/1216 reg.19Sch.3 para.2\(a\)](#)
- reg.15 applied by [S.I. 1996/1216 reg.19Sch.3 para.2\(a\)](#)
- reg.15(1)(a) amended by [S.I. 1996/1216 reg.19Sch.3 para.3\(3\)\(a\)\(i\)](#)
- reg.15(1)(b)(ii) revoked by [S.I. 1996/1216 reg.19Sch.3 para.3\(3\)\(a\)\(i 0](#)
- reg.15(2)(c)(i) rev.in pt. by [S.I. 1996/1216 reg.19Sch.3 para.3\(3\)\(b\)\(i ii\)](#)
- reg.15(3) substituted by [S.I. 1996/1216 reg.19Sch.3 para.3\(3\)\(c\)](#)
- reg.16(2)(b)(i) amended by [S.I. 1996/1216 reg.19Sch.3 para.3\(4\)](#)
- reg.20(1) applied by [S.I. 1996/1216 reg.19Sch.3 para 2\(a\)](#)
- reg.20(1)(d) amended by [S.I. 1996/1216 reg.19Sch.3 para.2\(5\)\(a\)\(b\)](#)
- reg.20(1)(f) amended by [S.I. 1996/1216 reg.19Sch.3 para.3\(5\)\(a\)](#)
- reg.20(1)(h)(ii) amended by [S.I. 1996/1216 reg.19Sch.3 para.3\(5\)\(b\)](#)
- reg.20(3) applied by [S.I. 1996/1216 reg.19Sch.3 para.2\(a\)](#)
- reg.20(3) rep.in pt. by [S.I. 1996/1216 reg.19Sch.3 para.2\(5\)\(c\)](#)
- reg.20(3) rev.in pt. by [S.I. 1996/1216 reg.19Sch.3 para.3\(5\)\(c\)](#)
- reg.20(4) applied by [S.I. 1996/1216 reg.19Sch.3 para.2\(a\)](#)
- reg.20(4)(a) revoked by [S.I. 1996/1216 reg.19Sch.3 para.2\(5\)\(d\)](#)
- reg.20(5) applied by [S.I. 1996/1216 reg.19Sch.3 para.2\(a\)](#)
- reg.20(5)(a) revoked by [S.I. 1996/1216 reg.19Sch.3 para.3\(5\)\(d\)](#)
- reg.22(3) applied by [S.I. 1996/1216 reg.19Sch.3 para.2\(a\)](#)
- reg.23(3) rev.in pt. by [S.I. 1996/1216 reg.19Sch.3 para.2\(6\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch.4 para.3(1)(5) amended by [S.I. 1996/1216 reg.19Sch.3 para.2\(7\)\(a\)](#)
- Sch.4 para.3(5)(e) amended by [S.I. 1996/1216 reg.19Sch.3 para.2\(7\)\(b\)](#)
- reg.15(2)(a)(i)reg.15(2)(a)(ii)(b)(i) amended by [S.I. 1996/1216 reg.19Sch .3 para.3\(3\) \(b\)\(i\)\(ii\)](#)
- reg.13(2)(d) substituted by [S.I. 1996/1216 reg.19Sch.3 para.3\(2\)](#)
- reg.2 (defns. of alternative arrangements and opt- out failure date) applied by [S.I. 1996/1216 reg.19Sch.3 para 2\(a\)](#)

— reg.9(2)(a)(i)reg.9(2)(a)(ii)(b)(i) amended by [S.I. 1996/1216 reg.19Sch.3 para.2\(3\)](#)  
(b)(i)(ii)