
STATUTORY INSTRUMENTS

1996 No. 1216

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

PART I

GENERAL PROVISIONS

Application of sections 16 and 18

Exceptions from member-nominated trustee requirements

4.—(1) Section 16 (requirement for member-nominated trustees) does not apply to any trust scheme—

- (a) each trustee of which is a company;
- (b) which is a relevant scheme in relation to a company in respect of which alternative arrangements under section 19(1) are for the time being approved;
- (c) which has less than two members;
- (d) the only benefits provided by which are death benefits;
- (e) to which section 119 of the Pension Schemes Act 1993 ^{M1} (requirement for independent trustee where employer becomes insolvent etc.) or section 22 (circumstances for application of requirement for an independent trustee) applies;
- (f) which is an occupational pension scheme which provides relevant benefits, but is neither an approved scheme nor a relevant statutory scheme;
- (g) which is a relevant self-administered scheme;
- (h) which is a relevant approved centralised scheme;
- (i) which is a direct payment, paid-up insured scheme;
- (j) which is a former old code scheme;
- (k) which is a section 615(6) scheme;
- (l) which is made under section 2 of the Parliamentary and other Pensions Act 1987 ^{M2} (power to provide for pensions for Members of the House of Commons etc.); ^{F1}...
- (m) which has been modified under Schedule 5 to the Coal Industry Act 1994 ^{M3};
[^{F2}or
- (n) which is a stakeholder pension scheme within the meaning of section 1 of the Welfare Reform and Pensions Act 1999.]
- [^{F3}(o) which is a Republic of Ireland scheme within the meaning of the Occupational Pension Schemes (Republic of Ireland Schemes Exemption) Regulations 2000.]

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

^{F4}(2)

F1	Word in reg. 4(1) deleted (1.10.2000) by The Stakeholder Pension Schemes Regulations 2000 (S.I. 2000/1403) , regs. 1(2), 30(2)(a)
F2	Reg. 4(1)(n) and word added (1.10.2000) by The Stakeholder Pension Schemes Regulations 2000 (S.I. 2000/1403) , regs. 1(2), 30(2)(b)
F3	Reg. 4(1)(o) inserted (31.12.2000) by The Occupational Pension Schemes (Republic of Ireland Schemes Exemption) Regulations 2000 (S.I. 2000/3198) , regs. 1(1), 6(2)
F4	Reg. 4(2) revoked (6.4.1997) by The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/786) , reg. 1, Sch. 1 para. 5(4), Sch. 2 (with Sch. 1 para. 5(15))
Marginal Citations	
M1	1993 c.48.
M2	1987 c.45.
M3	1994 c.21.

Extension of section 18

5.—(1) In addition to the case specified in subsection (1) of section 18 (which applies that section where a company which is connected with the employer is trustee of a scheme), that section also applies where a company is a trustee of a trust scheme and either—

- (a) it is the sole trustee of the scheme; or
- (b) all the other trustees are companies,

unless that section is disapplied by section 19 or regulation 6.

^{F5}(2)

^{F5}(3)

F5	Reg. 5(2)(3) revoked (6.4.1997) by The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/786) , reg. 1, Sch. 1 para. 5(5), Sch. 2 (with Sch. 1 para. 5(15))
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Exceptions from member-nominated director requirements

6.—(1) Section 18 (requirement for member-nominated directors for certain corporate trustees) does not apply to any company by virtue of its being a trustee of a trust scheme—

- (a) which has another trustee who is not a company;
- (b) in respect of which alternative arrangements under section 17(1) are for the time being approved;
- (c) which has less than two members;
- (d) the only benefits provided by which are death benefits;
- (e) to which section 119 of the Pension Schemes Act 1993 ^{M4} (requirement for independent trustee where employer becomes insolvent etc.) or section 22 (circumstances for application of requirement for an independent trustee) applies;
- (f) which is an occupational pension scheme which provides relevant benefits, but is neither an approved scheme nor a relevant statutory scheme;
- (g) which is a relevant self-administered scheme;

- (h) which is a relevant approved centralised scheme;
- (i) which is a relevant executive pension scheme in relation to the company;
- (j) which is a direct payment, paid-up insured scheme;
- [^{F6}(ja) which is a relevant wholly insured scheme;
- (k) which is a former old code scheme;
- (l) which is a section 615(6) scheme;
- (m) which is made under section 2 of the Parliamentary and other Pensions Act 1987 (power to provide for pensions for Members of the House of Commons etc.); ^{F7}...
- (n) which has been modified under Schedule 5 to the Coal Industry Act 1994.
[^{F8}or
- (o) which is a stakeholder pension scheme within the meaning of section 1 of the Welfare Reform and Pensions Act 1999.]
- [^{F9}(p) which is a Republic of Ireland scheme within the meaning of the Occupational Pension Schemes (Republic of Ireland Schemes Exemption) Regulations 2000.]
- ^{F10}(2)

- F6** Reg. 6(1)(ja) inserted (6.4.1997) by [The Personal and Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/786\)](#), reg. 1, **Sch. 1 para. 5(6)(a)** (with Sch. 1 para. 5(15))
- F7** Word in reg. 6(1)(m) deleted (1.10.2000) by [The Stakeholder Pension Schemes Regulations 2000 \(S.I. 2000/1403\)](#), regs. 1(2), **30(3)(a)**
- F8** Reg. 6(1)(o) and word added (1.10.2000) by [The Stakeholder Pension Schemes Regulations 2000 \(S.I. 2000/1403\)](#), regs. 1(2), **30(3)(b)**
- F9** Reg. 6(1)(p) inserted (31.12.2000) by [The Occupational Pension Schemes \(Republic of Ireland Schemes Exemption\) Regulations 2000 \(S.I. 2000/3198\)](#), regs. 1(1), **6(3)**
- F10** Reg. 6(2) revoked (6.4.1997) by [The Personal and Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/786\)](#), reg. 1, Sch. 1 para. 5(6)(b), **Sch. 2** (with Sch. 1 para. 5(15))

Marginal Citations

- M4** 1993 c.48.

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- [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\(a\)](#)

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\(3\)\(b\)\(i\)\(ii\)](#)