
STATUTORY INSTRUMENTS

2001 No. 934

**The Stakeholder Pension Schemes
(Amendment) (No.2) Regulations 2001**

Amendment of regulation 24

16.—(1) Regulation 24 (payroll deduction of contributions) shall be amended as follows.

(2) In paragraph (1)—

- (a) for “Subject to paragraph (2)” substitute “ Subject to paragraphs (2) and (2A) ”; and
- (b) for “the end of the pay period following that in which the request is made.” substitute—
“the end of—
 - (a) the pay period following that in which the request is made; or
 - (b) where the request relates to a pay period later than the one following that in which the request is made, that later pay period.”.

(3) In paragraph (2)—

- (a) for sub-paragraph (a) substitute—
 - “(a) that—
 - (i) he is not complying with the request; and
 - (ii) the reason he is not complying with it is that it was made within 6 months of the employee requesting him to make, vary or cease such deductions and the employer is permitted by these Regulations not to comply with it in such circumstances;”;

and

(b) in sub-paragraph (c)—

- (i) in sub-paragraph (i) omit “immediately”; and
- (ii) in sub-paragraph (ii) after “the employee may make payments,” insert—
“(subject to the trustees or manager refusing to accept them as permitted by or under these Regulations)”.

(4) After paragraph (2) insert—

“(2A) Where the trustees or manager of the scheme in relation to which the request is made inform the employer that they will refuse, in accordance with regulation 17, to accept payment—

- (a) of a contribution to which the request relates, the employer need not comply with the request so far as the request relates to that contribution;
- (b) of contributions of a particular type, the employer need not comply with the request so far as the request relates to a contribution of that particular type.

(2B) Where the employer, on a ground mentioned in paragraph (2A), does not comply with the request, he must give notice to the employee in writing—

- (a) that, and of the extent to which, he is not complying with the request;

- (b) that the reason he is not complying with the request to that extent is that—
 - (i) the trustees or manager have informed the employer that they will refuse, in accordance with regulation 17, to accept payment of a contribution to which the request relates or of contributions of a particular type; and
 - (ii) the employer is permitted by these Regulations not to comply with the request so far as the request relates to that contribution or to a contribution of that particular type;
 - (c) where the trustees or manager cite to the employer the ground of refusal in regulation 17 on which they will rely to refuse that contribution or contributions of that particular type, informing him that the trustees or manager have cited that ground of refusal in relation to that contribution or to contributions of that particular type; and
 - (d) informing him that—
 - (i) he may require the employer to cease such deductions (if deductions are being made at the time of the request) but, if the employee makes such a request, the employer is not required to comply with any further request to make such deductions if that further request is made within 6 months of the employee requesting that the deductions cease; and
 - (ii) the employee may make payments, (subject to the trustees or manager refusing to accept them as permitted by or under these Regulations) at a rate of his choosing, directly to the qualifying scheme.”.
- (5) For paragraph (3) substitute—
- “(3) Where an employee requests an employer to cease to make deductions from the employee’s remuneration on account of contributions to a qualifying scheme, the employer must—
- (a) comply with that request as soon as possible, but no later than the end of—
 - (i) the pay period following that in which that request is made; or
 - (ii) where that request relates to a pay period later than the one following that in which that request is made, that later pay period; and
 - (b) give notice to the employee in writing—
 - (i) that the employer is not required to comply with any further request to make such deductions if that further request is made within 6 months of the employee requesting that the deductions cease; and
 - (ii) that the employee may make payments, (subject to the trustees or manager refusing to accept them as permitted by or under these Regulations) at a rate of his choosing, directly to the qualifying scheme.”.
- (6) After paragraph (5) insert—
- “(6) Any notice to be given under any of paragraphs (2), (2B) and (3) must be given prior to the end of—
- (a) the pay period following that in which the request to which the notice relates is made; or
 - (b) where that request relates to a pay period later than the one following that in which that request is made, that later pay period.
- (7) In this regulation and in regulation 25 references, in relation to an employer, to an employee are references to a relevant employee of that employer where that relevant employee is a member of a qualifying scheme.”.

Changes to legislation:

There are currently no known outstanding effects for the The Stakeholder Pension Schemes (Amendment) (No.2) Regulations 2001, Section 16.