
STATUTORY INSTRUMENTS

2005 No. 3378

**The Occupational Pension Schemes
(Investment) Regulations 2005**

Disapplication of section 35 of the 1995 Act and of regulations 2 and 3 in respect of certain schemes

6.—(1) Section 35 of the 1995 Act and regulations 2 and 3 do not apply to any of the following schemes—

- (a) a scheme which has fewer than 100 members; or
- (b) a scheme which—
 - (i) is established by or under an enactment (including a local Act), and
 - (ii) is guaranteed by a public authority.

(2) In this regulation—

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

“local authority” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Greater London Authority, the Common Council of the City of London in its capacity as a local authority or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or county borough council;
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽¹⁾ (constitution of councils);
- (d) an administering authority as defined in Schedule 1 to the Local Government Pension Scheme Regulations 1997⁽²⁾ (interpretation);

“public authority” means—

- (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975)⁽³⁾;
- (b) a government department (including any body or authority exercising statutory functions on behalf of the Crown);
- (c) the Scottish Ministers;
- (d) the National Assembly for Wales, or
- (e) a local authority.

⁽¹⁾ 1994 c. 39.

⁽²⁾ S.I. 1997/1612.

⁽³⁾ 1975 c. 26.