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STATUTORY INSTRUMENTS

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**2006 No. 572**

**The Taxation of Pension Schemes  
(Transitional Provisions) Order 2006**

**Application of 308A ITEPA 2003**

17.—(1) This article applies where—

- (a) Revenue and Customs allow an employee (an “exempt employee”) to be exempted from income tax under section 390 ITEPA 2003 in relation to contributions made between 6th April 2005 and 5th April 2006 by his employer under a pension scheme; and
- (b) the conditions in paragraph (2) are met.

(2) The conditions are

*Condition A*

The scheme manager of the pension scheme referred to in paragraph (1)(a) complies with any prescribed benefit crystallisation information requirements imposed on the scheme manager.

*Condition B*

Revenue and Customs are satisfied that the pension scheme corresponds to such a scheme as is registered under Part 4 of this Act.

(3) For the purposes of this article, the provisions of regulation 2 of the Overseas Information Requirements Regulations shall apply to exempt employees.

(4) Section 308A of ITEPA 2003<sup>(1)</sup> (exemption of contributions to overseas pension scheme) shall apply in relation to any contributions made on or after 6th April 2006 for the benefit of the employee by an employer under the pension scheme as if—

- (a) the pension scheme were a qualifying overseas pension scheme, and
- (b) the contributions were relevant migrant member contributions.

(5) The references in paragraphs (1) and (2) to a pension scheme include a pension scheme to which there has been a block transfer on or after 6th April 2006 from a pension scheme to which paragraphs (1) and (2) apply.

(6) In this article “block transfer” has the same meaning as in paragraph 22(6) of Schedule 36 but treating the references there to “the member” as references to the exempt employee.

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(1) 2003 c. 1. Section 308A was inserted by paragraph 3 of Schedule 33 to the Finance Act 2004.