

2006 No. 935

PENSIONS

**The Occupational Pension Schemes (Levies) (Amendment)
Regulations 2006**

Made - - - - - *28th March 2006*

Coming into force - - - - - *1st April 2006*

These Regulations are made in exercise of the powers conferred by sections 117(1) and (3), 126(1)(b), 181(8)(a), 209(7) and (8), 315(2) and 318(1) of the Pensions Act 2004(a).

In accordance with section 117(4) of that Act the Secretary of State for Work and Pensions has consulted the Board of the Pension Protection Fund(b).

In accordance with section 317(1) of that Act the Secretary of State for Work and Pensions has consulted such persons as he considers appropriate.

In accordance with section 316(2)(a) and (g) of that Act a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly the Secretary of State for Work and Pensions makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Levies) (Amendment) Regulations 2006 and shall come into force on 1st April 2006.

(2) In these Regulations “the Levies Regulations” means the Occupational Pension Schemes (Levies) Regulations 2005(c).

Amendment of the Levies Regulations

2.—(1) The Levies Regulations shall be amended in accordance with this regulation.

(2) In paragraph (4) of regulation 4 (liability for the levies)—

- (a) for “year” substitute “years”; and
- (b) after “31st March 2006” insert “and 31st March 2007”.

(3) In regulation 5 (the reference day)—

- (a) in paragraphs (2) and (3), in both places—

(a) 2004 c.35. Section 126 is modified in its application to multi-employer schemes by S.I. 2005/441, amended by S.I. 2005/993 and 2113. Section 318(1) is cited because of the meaning there given to “prescribed” and “regulations”.
(b) The Board of the Pension Protection Fund is established by section 107 of the Pensions Act 2004.
(c) S.I. 2005/842.

- (i) for “years” substitute “year”; and
- (ii) omit “and 1st April 2006”; and
- (b) in paragraph (4), for “1st April 2007” substitute “1st April 2006”.
- (4) In paragraph (2) of regulation 6 (the amount payable)—
 - (a) for “year” substitute “years”; and
 - (b) after “31st March 2006” insert “and 31st March 2007”.
- (5) In regulation 13 (meaning of “the levies” in Part 4)—
 - (a) in paragraph (1), after “the administration levy,” insert “the pension protection levy,”; and
 - (b) in paragraph (2), after “14(3)” add “or, as the case may be, 15(7)”.
- (6) In paragraph (3) of regulation 14 (attribution of payments in respect of levies), omit “any pension protection levy and”.
- (7) After paragraph (6) of regulation 15 (multi-employer schemes) add—
 - “(7) This regulation does not apply to any pension protection levy.”.
- (8) In paragraph (4) of regulation 18 (avoidance of double liability: schemes in Northern Ireland)—
 - (a) in sub-paragraph (b), for “, and” substitute “;”; and
 - (b) in sub-paragraph (c), after “regulation 9” insert—
 - “; and
 - (d) in the case of the pension protection levy, if it is imposed under any equivalent provision to section 175 of the 2004 Act”.

Signed by authority of the Secretary of State for Work and Pensions.

28th March 2006

Stephen C. Timms
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Occupational Pension Schemes (Levies) Regulations 2005 (S.I. 2005/842) (“the Levies Regulations”).

Regulation 2(2) amends regulation 4(4) of the Levies Regulations to provide that the PPF Ombudsman levy is not payable in respect of the financial year ending on 31st March 2007.

Regulation 2(3) amends regulation 5 of the Levies Regulations to provide that in respect of the administration levy, for the financial year beginning on 1st April 2006, the general rule (as set out in regulation 5(4) of those Regulations) for determining the reference day for a scheme is to apply.

Regulation 2(4) amends regulation 6(2) of the Levies Regulations to provide for the amount payable in respect of the administration levy for the financial year ending on 31st March 2007.

Regulation 2(5) amends regulation 13 of the Levies Regulations to provide that, other than in relation to regulation 15 of those Regulations (multi-employer schemes), a reference to “the levies” in Part 4 of those Regulations includes the pension protection levy.

Regulation 2(6) amends regulation 14 of the Levies Regulations consequentially.

Regulation 2(7) amends regulation 15 of the Levies Regulations to provide that that regulation does not apply to any pension protection levy.

Regulation 2(8) amends regulation 18 of the Levies Regulations to add a reference to the corresponding provision (for the pension protection levy) which has effect in Northern Ireland.

An assessment of the impact on business, charities or the voluntary sector of the provisions in these Regulations for the administration levy was included in the Regulatory Impact Assessment that accompanied the Pensions Act 2004 (c.35). A copy of that assessment has been placed in the libraries of both Houses of Parliament. Copies may be obtained from the Department for Work and Pensions, Better Regulation Unit, level 4, Adelphi, John Adam Street, London WC2N 6HT.

The provisions of these Regulations in respect of the PPF Ombudsman levy have no impact on the costs of business, charities or the voluntary sector.

STATUTORY INSTRUMENTS

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