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STATUTORY INSTRUMENTS

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**2007 No. 3014**

**The Occupational Pension Schemes  
(EEA States) Regulations 2007**

**Citation and commencement**

1. These Regulations may be cited as the Occupational Pension Schemes (EEA States) Regulations 2007 and shall come into force on 26th November 2007.

**Amendment of pensions legislation**

2. In the provisions of pensions legislation specified in the Schedule —
- (a) for “member State” or “Member State” substitute “EEA state”; and
  - (b) for “member States” substitute “EEA states”.

**Amendment of the Pensions Act 1995**

3. In section 49(8A)(c) of the Pensions Act 1995(1) (other responsibilities of trustees, employers, etc.) for “a member state” substitute “an EEA state”.

**Amendment of the Pensions Act 2004**

4. In the Pensions Act 2004(2)—
- (a) in section 253(1) and (6) (non-European scheme to be trust with UK-resident trustee) for “the member States” substitute “the EEA states”;
  - (b) in section 254(1) (representative of non-European scheme to be treated as trustee) for “the member States” substitute “the EEA states”;
  - (c) in section 287(6) (occupational pension scheme receiving contributions from European employer)—
    - (i) for ““host member State”” substitute ““host EEA state””;
    - (ii) for “a member State” substitute “an EEA state”;
  - (d) in section 289(1)(c) and (2)(a)(i) (approval in relation to particular European employer) for “host member State” substitute “host EEA state”;
  - (e) in section 290(1)(a) and (b) and (2)(b) (notification of legal requirements of host member State outside United Kingdom) for “host member State” substitute “host EEA state”;
  - (f) in section 291(1) (duty of trustees or managers to act consistently with law of host member State) for “host member State” substitute “host EEA state”;
  - (g) in section 293 (functions of Regulator in relation to institutions administered in other member States)—
    - (i) in paragraph (1) for “host member State” substitute “host EEA state”;

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(1) 1995 c.26. Section 49(8A) was inserted by S.I. 2001/3649.

(2) 2004 c.35.

- (ii) in paragraph (2) for “another member State” substitute “another EEA state”;
- (iii) in paragraph (4)(b) for “the member State” substitute “the EEA state”;
- (iv) in paragraph (8) for “a member State” substitute “an EEA state”;
- (h) in section 294(1) (stopping disposal of assets of institutions administered in other member States)—
  - (i) for “a member State” substitute “an EEA state”;
  - (ii) for “that member State” substitute “that EEA state”;
- (i) in section 295 (interpretation of Part 7)—
  - (i) for “a member State” in both places substitute “an EEA state”;
  - (ii) for ““host member State”” substitute ““host EEA state””.

### **Amendment of the Occupational Pension Schemes (Cross-border Activities) Regulations 2005**

**5.—(1)** The Occupational Pension Schemes (Cross-border Activities) Regulations 2005**(3)** shall be amended in accordance with the provisions of this regulation.

- (2) In regulation 2(1) (interpretation)—
  - (a) for ““host member State”” substitute ““host EEA state””;
  - (b) in the definition of “qualifying person”—
    - (i) for “a member State” in both places substitute “an EEA state”;
    - (ii) for “that member State” substitute “that EEA state”;
  - (c) in the definition of “qualifying self-employed person”—
    - (i) for “a member State” substitute “an EEA state”;
    - (ii) for “that member State” in both places substitute “that EEA state”;
  - (d) in the definition of “seconded worker” for “a member State” substitute “an EEA state”.
- (3) In regulation 3 (meaning of “European employer” and “host member State” in Part 7 of the Pensions Act 2004)—
  - (a) in paragraph (1)—
    - (i) for “host member State” substitute “host EEA state”;
    - (ii) for “that member State” in both places substitute “that EEA state”;
  - (b) in paragraph (5)—
    - (i) for ““host member State”” substitute ““host EEA state””;
    - (ii) for “the member State or States” in both places substitute “the EEA state or states”.
- (4) In regulation 12(2) (conditions for approval in relation to particular European employer) for “host member State” substitute “host EEA state”.
- (5) In regulation 13 (revocation of approval in relation to particular European employer)—
  - (a) in paragraphs (1), (4), (5) and (6) for “host member State” in each place where those words appear substitute “host EEA state”;
  - (b) in paragraph (7) for “host member States” in both places substitute “host EEA states”.
- (6) In paragraph 6 of Schedule 1 (additional information to be contained in applications for authorisation or approval)—

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(3) [S.I. 2005/3381](#); the relevant amending instrument is [S.I. 2007/814](#).

- (a) in sub-paragraphs (2)(c) and (7)(b), (c), (f), (h) and (i) for “host member State” substitute “host EEA state”;
- (b) in sub-paragraph (7)(a) for “member States” substitute “EEA states”.

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

22nd October 2007

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