
STATUTORY INSTRUMENTS

2015 No. 879

**The Occupational Pension Schemes
(Charges and Governance) Regulations 2015**

PART 2

RESTRICTIONS ON CHARGES

[^{F1}CHAPTER 1

**DEFAULT ARRANGEMENTS, [^{F1}qualifying collective money purchase schemes,]
NON-CONTRIBUTING MEMBERS AND PAYMENTS TO ADVISERS**

[^{F1}Member agreement for services

9.—(1) Subject to paragraph (3), [^{F2}in the case of a member of a relevant scheme (that is not a collective money purchase scheme),] the restrictions in regulation 4 do not apply in relation to [^{F3}advice or] a service for which the member has entered into an agreement with a person for the provision of that [^{F4}advice or] service, provided the conditions in paragraph (2) are satisfied.

[
^{F5}(1A) Subject to paragraph (3), in the case of the members of a relevant scheme (that is a qualifying collective money purchase scheme), the restrictions in regulation 4 (with the exception of regulation 4(1A)) do not apply in relation to advice or a service for which a member has entered into an agreement with a person for the provision of that advice or service, provided the conditions in paragraph (2) are satisfied.]

- (2) The conditions referred to in [^{F6}paragraphs (1) and (1A)] are that the agreement must—
- (a) be in writing; and
 - (b) include a statement that entering into the agreement—
 - (i) is not a condition of becoming or remaining a member of a relevant scheme;
 - (ii) is not a condition of the member's contributions being allocated under a default arrangement [^{F7}or under a qualifying collective money purchase scheme, as applicable]; and
 - (iii) will incur charges at a rate or of an amount specified in the agreement and that such charges may be higher than would otherwise be permitted under these Regulations;
 - (c) be entered into before the charges are imposed.
- (3) This regulation does not apply to [^{F8}advice or] a service which—
- (a) the provider is under a statutory obligation to provide; or
 - (b) is a core service.
- (4) In this regulation “core service” includes (but is not limited to)—
- (a) designing and implementing an investment strategy;

- (b) investment of contributions to the scheme;
- (c) holding investments relating to scheme members;
- (d) a transfer out of a default arrangement into a different arrangement, fund or scheme;
- (e) a transfer into a default arrangement^{F9}...]
 - [^{F10};
- (f) a transfer out of a qualifying collective money purchase scheme into a different scheme;
- (g) a transfer into a qualifying collective money purchase scheme.]

F1	Ch. 1: reg. 4-13 renumbered as Ch. 1 (1.10.2017) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2017 (S.I. 2017/774), regs. 1, 4
F2	Words in reg. 9(1) inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255), reg. 1(3), Sch. 7 para. 17(2)
F3	Words in reg. 9(1) inserted (1.10.2017) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2017 (S.I. 2017/774), regs. 1, 7(2)(a)
F4	Words in reg. 9(1) inserted (1.10.2017) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2017 (S.I. 2017/774), regs. 1, 7(2)(b)
F5	Reg. 9(1A) inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255), reg. 1(3), Sch. 7 para. 17(3)
F6	Words in reg. 9(2) substituted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255), reg. 1(3), Sch. 7 para. 17(4)(a)
F7	Words in reg. 9(2)(b)(ii) inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255), reg. 1(3), Sch. 7 para. 17(4)(b)
F8	Words in reg. 9(3) inserted (1.10.2017) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2017 (S.I. 2017/774), regs. 1, 7(3)
F9	Reg. 9(4) full-stop omitted (1.8.2022) by virtue of The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255), reg. 1(3), Sch. 7 para. 17(5)
F10	Words in reg. 9(4) inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255), reg. 1(3), Sch. 7 para. 17(5)

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Charges and Governance) Regulations 2015, Section 9.