

SCHEDULE 1

Regulations 7(4)(a) and 10(6)

ACTUARY'S CERTIFICATES

Form of actuary's certification of the calculation of technical provisions

Name of scheme

Calculation of technical provisions

I certify that, in my opinion, the calculation of the scheme's technical provisions as at *[insert effective date of valuation on which the calculation is based]* is made in accordance with regulations under section 222 of the Pensions Act 2004. The calculation uses a method and assumptions determined by the *[trustees][managers][delete whichever does not apply]* of the scheme and set out in the Statement of Funding Principles dated *[dd/mm/yyyy]*.

Signature:

Date:

Name:

Qualification:

Address:

Name of employer (if applicable):

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Form of actuary’s certification of schedule of contributions

Name of scheme

Adequacy of rates of contributions

1. I certify that, in my opinion, the rates of contributions shown in this schedule of contributions are such that—

the statutory funding objective can be expected to be met by the end of the period specified in the recovery plan dated [dd/mm/yyyy](a).

the statutory funding objective can be expected to continue to be met for the period for which the schedule is to be in force(b).

[delete whichever alternative does not apply]

Adherence to statement of funding principles

2. I hereby certify that, in my opinion, this schedule of contributions is consistent with the Statement of Funding Principles dated [dd/mm/yyyy].

The certification of the adequacy of the rates of contributions for the purpose of securing that the statutory funding objective can be expected to be met is not a certification of their adequacy for the purpose of securing the scheme’s liabilities by the purchase of annuities, if the scheme were to be wound up.

Signature:

Date:

Name:

Qualification:

Address:

Name of employer (if applicable)

(a) This applies where the statutory funding objective was not met on the effective date of the last actuarial valuation.

(b) This applies where the statutory funding objective was met on the effective date of the last actuarial valuation.

SCHEDULE 2

Regulation 19

MODIFICATIONS OF THE ACT AND REGULATIONS

Multi-employer schemes

1.—(1) Where—

- (a) a scheme in relation to which there is more than one employer is divided into two or more sections, and
- (b) the provisions of the scheme are such that they meet conditions A and B,

Part 3 of the 2004 Act and these Regulations shall apply as if each section of the scheme were a separate scheme.

(2) Condition A is that contributions payable to the scheme by an employer, or by a member in employment under that employer, are allocated to that employer's section (or, if more than one section applies to the employer, to the section which is appropriate in respect of the employment in question).

(3) Condition B is that a specified part or proportion of the assets of the scheme is attributable to each section and cannot be used for the purposes of any other section.

(4) In their application to a scheme—

- (a) which has been such a scheme as is mentioned in sub-paragraph (1);
- (b) which is divided into two or more sections, at least one of which applies only to members who are not in pensionable service under the section;
- (c) the provisions of which have not been amended so as to prevent conditions A and B being met in relation to two or more sections, and
- (d) in relation to one or more sections of which those conditions have ceased to be met at any time by reason only of there being no members in pensionable service under the section and no contributions which are to be allocated to it,

Part 3 of the 2004 Act and these Regulations apply as if the section in relation to which those conditions have ceased to be satisfied were a separate scheme.

(5) For the purposes of sub-paragraphs (1) to (4), any provisions of the scheme by virtue of which contributions or transfers of assets may be made to make provision for death benefits are disregarded.

(6) But if sub-paragraph (1) or (4) applies and, by virtue of any provisions of the scheme, contributions or transfers of assets to make provision for death benefits are made to a section ("the death benefits section") the assets of which may only be applied for the provision of death benefits, the death benefits section is also to be treated as if it were a separate scheme for the purpose of Part 3 of the 2004 Act and these Regulations.

(7) For the purpose of this paragraph, any provisions of a scheme by virtue of which assets attributable to one section may on the winding up of the scheme or a section be used for the purposes of another section are disregarded.

(8) In their application in a case of the kind described in sub-paragraph (1) or (4), the forms set out in Schedule 1 are modified as follows—

- (a) after "*Name of scheme*", there is inserted "*and name of section*", and
- (b) for "scheme" and "scheme's", wherever else they occur, there is substituted "section" and "section's".

2. In the application of section 229 of the 2004 Act to a scheme in relation to which there is more than one employer, references to the employer have effect as if they were references to a person nominated by the employers, or by the rules of the scheme, to act as the employers' representative for the purposes of the section or, if no such nomination is made—

- (a) for the purposes of agreement to any of the matters mentioned in subsection (1) of that section, to all of the employers other than any employer who has waived his rights under that sub-section, and
- (b) for the purposes of agreement to a modification of the scheme under subsection (2) of that section, to all of the employers.

Frozen or paid-up schemes

3. In the application of Part 3 of the 2004 Act and these Regulations to a scheme which has no active members, references to the employer have effect as if they were references to the person who

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was the employer immediately before the occurrence of the event after which the scheme ceased to have any such members.

Schemes covering United Kingdom and foreign employment

- 4.—(1) This paragraph applies in the cases described in sub-paragraphs (2) and (3).
- (2) The first case referred to in sub-paragraph (1) is where a scheme—
- (a) has its main administration in the United Kingdom;
 - (b) applies to members in employment in the member States and members in employment outside the member States;
 - (c) is divided into two or more sections, and
 - (d) makes provision whereby—
 - (i) different sections of the scheme apply to members in employment in the member States and to members in employment outside the member States;
 - (ii) contributions payable to the scheme in respect of a member are allocated to the section applying to that member’s employment, and
 - (iii) a specified part or proportion of the assets of the scheme is attributable to each section and cannot be used for the purposes of any other section.
- (3) The second case referred to in sub-paragraph (1) is where a scheme—
- (a) has its main administration outside the member States;
 - (b) applies to members in employment in the United Kingdom and members in employment outside the United Kingdom;
 - (c) is divided into two or more sections, and
 - (d) makes provision whereby—
 - (i) different sections of the scheme apply to members in employment in the United Kingdom and to members in employment outside the United Kingdom;
 - (ii) contributions payable to the scheme in respect of a member are allocated to the section applying to that member’s employment, and
 - (iii) a specified part or proportion of the assets of the scheme is attributable to each section and cannot be used for the purposes of any other section.
- (4) Where this paragraph applies, Part 3 of the 2004 Act and these Regulations shall apply as if each section of the scheme were a separate scheme.
- 5.—(1) This paragraph applies in the case described in sub-paragraph (2).
- (2) The case referred to in sub-paragraph (1) is where a scheme either—
- (a) satisfies the criteria in sub-paragraphs (a) and (b) of paragraph 4(2), but is not divided into sections in the manner described in sub-paragraphs (c) and (d) of that paragraph, or
 - (b) satisfies the criteria in sub-paragraphs (a) and (b) of paragraph 4(3), but is not divided into sections in the manner described in sub-paragraphs (c) and (d) of that paragraph,
- and part of the scheme is or was treated as a separate scheme under section 611(3) of the Income and Corporation Taxes Act 1988⁽¹⁾.
- (3) Where this paragraph applies, Part 3 of the 2004 Act and these Regulations shall apply as if the separated parts of the scheme were separate schemes.

(1) 1988 c. 1; section 611 is repealed by Part 3 of Schedule 42 to the Finance Act 2004 with effect from 6th April 2006.

Schemes undertaking cross-border activities

6.—(1) This paragraph applies where the trustees or managers of a scheme are authorised under section 288 of the 2004 Act to accept contributions from European employers or approved under section 289 of that Act to accept contributions from a particular European employer.

(2) Where this paragraph applies, and subject to sub-paragraphs (3) and (4), Part 3 of the 2004 Act and these Regulations shall apply as if they were subject to the following modifications—

- (a) in section 224 of the Act—
 - (i) in subsection (1)(a), the words from “or,” to the end of the subsection are omitted;
 - (ii) paragraphs (c) and (d) of subsection (2) are omitted;
 - (iii) the word “and” at the end of paragraph (a) of subsection (3) and paragraph (b) of that subsection are omitted;
 - (iv) the words “or report” in subsections (4), (6) and (7) and the words “or reports” in subsection (5) are omitted;
 - (b) in section 226—
 - (i) in subsection (1), for the words from “within the prescribed time” to the end of the subsection there is substituted—
 - “(a) send a summary of the valuation to the Regulator within a reasonable period, and
 - (b) take such steps as are necessary to ensure that the statutory funding objective is met within two years after that date.”, and
 - (ii) subsections (2) to (6) are omitted;
 - (c) in section 227, for the words “by the end of the period specified in the recovery plan” in subsection (6)(b)(i) there is substituted “within two years after that date”;
 - (d) in section 231, the words from “with respect to” in paragraph (d) of subsection (1) to the end of that paragraph are omitted;
 - (e) in regulations 6(2) and (3)(a), 7(2)(a), 9(1) and (2)(a) and 13 of these Regulations, for “15 months” there is substituted “12 months”;
 - (f) in regulation 7(2), the words “or an actuarial report” are omitted;
 - (g) regulations 7(2)(c) and (5), 8, 9(2)(c) and 17(1)(a) and (e) to (i) are omitted;
 - (h) in regulation 10—
 - (i) in paragraph (2), for “five years”, where those words first appear, there is substituted “two years”, and the words from “or, in a case where” to the end of that paragraph are omitted;
 - (ii) in paragraph (4), for “give effect to a recovery plan”, there is substituted “comply with section 226”, and
 - (i) in Schedule 1, in the first of the alternative statements in the form of certification of the adequacy of the rates of contributions, for “by the end of the period specified in the recovery plan dated [dd/mm/yyyy]” there is substituted “within two years after the effective date of the last actuarial valuation”.
- (3) In the case of a pre-23rd September 2005 scheme—
- (a) section 226 of the 2004 Act applies as if it were subject to the following modifications in place of the modifications in sub-paragraph (2)(b)—
 - (i) for the words from “they must, within the prescribed time” in subsection (1) to the end of that subsection there is substituted—

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“they must—

- (a) send a summary of the valuation to the Regulator within a reasonable period, and
- (b) take such steps as are necessary to ensure that the statutory funding objective is met—
 - (i) if the valuation is the first valuation the trustees or managers have obtained under section 224, by 22nd September 2008, and
 - (ii) in any other case, within two years after that date.”, and

(ii) subsections (2) to (6) are omitted;

- (b) these Regulations apply as if, in addition to the modifications in sub-paragraph (2)(e) to (i), paragraph 2(a)(i) of Schedule 4 is modified so that, after “this Schedule” there is inserted “and, without prejudice to any of those requirements, by reference to an effective date which is no later than 22nd September 2006”.

(4) In sub-paragraph (3), “pre-23rd September 2005 scheme” has the meaning given by article 3 of the Pensions Act 2004 (Commencement No. 8) Order 2005(2).

Schemes with a partial guarantee by a public authority

7. Where such a guarantee has been given as is mentioned in regulation 17(1)(a)(ii) in respect of only part of a scheme, Part 3 of the 2004 Act and these Regulations shall apply as if that part and the other part of the scheme were separate schemes.

Schemes relating to certain defence contractors

8.—(1) This paragraph applies in the case of a scheme under which variations to the rate of contributions payable towards the scheme by the employer are subject, either in particular cases or generally, to the consent of—

- (a) the Secretary of State for Defence;
- (b) a person duly authorised by him, or
- (c) a company of which the Secretary of State for Defence or a nominee of his is a shareholder, or a subsidiary (within the meaning of section 736 of the Companies Act 1985(3)) of such a company.

(2) Where this paragraph applies, sections 224(7) and 229 of the 2004 Act shall apply as if references to the employer were both to the employer and the Secretary of State for Defence or, in a case where the consent of a company is required, both to the employer and that company.

Schemes under which the rates of contributions are determined by the trustees or managers or by the actuary

9.—(1) In the case of a scheme under which—

- (a) the rates of contributions payable by the employer are determined by the trustees or managers without the agreement of the employer, and
- (b) no person other than the trustees or managers is permitted to reduce those rates or to suspend payment of contributions,

(2) S.I.2005/3331 (C.141).

(3) 1985 c. 6; section 736 was substituted by section 144(1) of the Companies Act 1989 (c. 40).

section 229 of the 2004 Act and regulation 13 shall apply as if they were subject to the modifications set out in sub-paragraphs (2) and (3), and the reference to section 229 in paragraph 8(2) above shall be read as a reference to that section as modified by sub-paragraph (2).

- (2) The modifications of section 229 of the 2004 Act are as follows—
 - (a) in the heading, for “**agreement of the employer**” there is substituted “**consultation or agreement**”;
 - (b) in subsection (1), for “obtain the agreement of the employer to” there is substituted “consult the employer regarding”;
 - (c) in subsection (2), for the words before “(if the employer agrees)” there is substituted “After consulting the employer regarding any such matter, the trustees or managers may”;
 - (d) subsection (5) is omitted, and
 - (e) in subsection (6), for “(1), (4) or (5)” there is substituted “(1) or (4)”.
- (3) The modifications of regulation 13 are as follows—
 - (a) in the heading, for “**obtaining employer’s agreement**” there is substituted “**consulting employer**”, and
 - (b) in the text, for “obtain the agreement of the employer to” there is substituted “consult the employer regarding”.

(4) Where the power of the trustees or managers to determine the rates of contributions payable by the employer without the employer’s agreement is subject to conditions, the modifications provided for in sub-paragraphs (2) and (3) have effect only in circumstances where the conditions are satisfied.

(5) In the case of a scheme under which the rates of contributions payable by the employer are determined by the actuary without the agreement of the employer, section 227(6) of the 2004 Act shall apply as if it required that, in addition to the matters specified there, the actuary’s certificate must state that the rates shown in the schedule of contributions are not lower than the rates he would have provided for if he, rather than the trustees or managers of the scheme, had the responsibility of preparing or revising the schedule, the statement of funding principles and any recovery plan.

(6) In the case to which sub-paragraph (5) applies, regulation 10(6) and Schedule 1 apply as if the form of certification of the adequacy of the rates of contributions shown in the schedule of contributions included an additional statement that—

“I also certify that the rates of contributions shown in this schedule are not lower than I would have provided for had I had responsibility for preparing or revising the schedule, the statement of funding principles and any recovery plan”.

(7) Where the power of the actuary to determine the rates of contributions payable by the employer without the employer’s agreement is subject to conditions, the modifications provided for in sub-paragraphs (5) and (6) have effect only in circumstances where the conditions are satisfied.

(8) In the case of a scheme to which paragraph 8 applies, the references to the employer’s agreement in sub-paragraphs (4), (5) and (7) of this paragraph shall be read as if the extended meaning of “employer” given by paragraph 8(2) applied.

Schemes which are not required to appoint an actuary

10. Where a scheme is exempt from the application of section 47(1)(b) of the 1995 Act (requirement to appoint a scheme actuary) by virtue of regulations made under subsection (5) of that section, Part 3 of the 2004 Act and these Regulations shall apply as if references to the actuary were to an actuary authorised by the trustees or managers to provide such valuations and certifications as may be required under that Part and these Regulations.

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Schemes with fewer than 100 members

- 11.**—(1) This paragraph applies in the case of a scheme which—
- (a) had fewer than 100 members on the effective date of its last actuarial valuation;
 - (b) is not exempted from the application of Part 3 of the 2004 Act by regulation 17(1), and
 - (c) is not a scheme in relation to which the application of that Part of the Act is modified by paragraph 6 of this Schedule.
- (2) Where this paragraph applies—
- (a) section 224(1)(a) of the 2004 Act shall apply as if it required the trustees or managers of the scheme to obtain an actuarial valuation the effective date of which is not more than three years after that of the last such valuation, and an actuarial report for any intervening year at any time in which the scheme had 100 or more members, and
 - (b) section 224(3) of that Act shall apply as if—
 - (i) all but paragraph (b) were omitted, and
 - (ii) that paragraph required that the effective date of any actuarial report must be an anniversary of the effective date of the last actuarial valuation.

Schemes subject to a change of circumstances affecting the certification of the schedule of contributions

12.—(1) In circumstances where the actuary considers that, because of the possibility of significant changes in the value of the assets of the scheme or in the scheme’s technical provisions since the effective date of the last actuarial valuation, he is unable to certify the schedule of contributions in the terms set out in paragraph (b) of section 227(6) of the 2004 Act, that paragraph applies as if it provided for a statement that the rates shown in that schedule are such that—

- (a) where the statutory funding objective was not met on the effective date of the last actuarial valuation, the statutory funding objective could have been expected on that date to be met by the end of the period specified in the recovery plan, or
- (b) where the statutory funding objective was met on the effective date of the last actuarial valuation, the statutory funding objective could have been expected on that date to continue to be met for the period for which the schedule is to be in force.

(2) In circumstances where the statutory funding objective was met on the effective date of the last actuarial valuation but the actuary considers that, having regard to—

- (a) the rates of contributions payable towards the scheme since that date, or
- (b) the rates of contributions payable since that date taken together with the possibility of significant changes in the value of the assets of the scheme or in the scheme’s technical provisions,

he is unable to certify the schedule of contributions in the terms set out in paragraph (b)(ii) of section 227(6) of the 2004 Act, that paragraph applies as if it provided for a statement that the rates shown in that schedule are such that the statutory funding objective could have been expected on that date to be met by the end of the period for which the schedule is to be in force.

(3) In the case to which sub-paragraph (1) applies, regulation 10(6) and Schedule 1 apply as if the alternative statements in the form of certification of the adequacy of the rates of contributions shown in the schedule of contributions were as follows—

““the statutory funding objective could have been expected on [*effective date of valuation on which the schedule is based*] to be met by the end of the period specified in the recovery plan.

the statutory funding objective could have been expected on [*effective date of valuation on which the schedule is based*] to continue to be met for the period for which the schedule is to be in force.”.

(4) In the case to which sub-paragraph (2) applies, regulation 10(6) and Schedule 1 apply as if the alternative statements in the form of certification of the adequacy of the rates of contributions shown in the schedule of contributions were replaced by the following statement—

““the statutory funding objective could have been expected on [*effective date of valuation on which the schedule is based*] to be met by the end of the period for which the schedule is to be in force.”.

(5) Where paragraph 6 of this Schedule applies, sub-paragraphs (1) and (3) of this paragraph apply as if the references to the period specified in the recovery plan were to the period of two years from the effective date of the last actuarial valuation.

SCHEDULE 3

Regulation 20(1)

SUPPLEMENTARY AND CONSEQUENTIAL PROVISIONS

Occupational Pension Schemes (Contracting-out) Regulations 1996

1.—(1) The Occupational Pension Schemes (Contracting-out) Regulations 1996(4) are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the 1995 Act” insert—

““the 2004 Act” means the Pensions Act 2004;”;

(b) omit the definition of “minimum funding requirement”.

(3) In regulation 6(2) (information to be confirmed by an employer in writing), for sub-paragraph (g) substitute—

“(g) in the case of a scheme to which Part 3 of the 2004 Act (scheme funding) applies, that the requirements of sections 224, 225, 226 (if applicable) and 227 of that Act and any regulations under those provisions are complied with.”.

(4) In regulation 18 (requirement as to the resources of a salary-related contracted-out scheme)—

(a) in paragraph (1), for the words from “the amount of the resources of the scheme must be” to the end substitute “either the resources of the scheme must be sufficient to enable the scheme to meet the statutory funding objective provided for in section 222(1) of the 2004 Act, or the actuary to the scheme must have certified under section 227(6)(b)(i) of that Act that in his opinion the rates shown in the schedule of contributions are such that the statutory funding objective can be expected to be met by the end of the period specified in the recovery plan.”;

(b) in paragraph (2), for “section 56 of the 1995 Act” substitute “Part 3 of the 2004 Act”;

(c) after paragraph (2) add the following paragraph—

“(3) In a case where the trustees of a scheme are authorised under section 288 of the 2004 Act to accept contributions from European employers or approved under section 289 of that Act to accept contributions from a particular European employer, paragraph (1) has effect with the substitution for the words “by the end of the period specified in the recovery

(4) S.I. [1996/1172](#); relevant amending instruments are S.I. [1997/786](#) and [2002/681](#).

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plan” of “within two years after the date of the last actuarial valuation under section 224 of the 2004 Act”.”.

(5) In regulation 49(4)(a)(i) (determination of cash equivalent of rights under a scheme which is not a money purchase scheme)—

(a) for “section 56 of the 1995 Act applies (minimum funding requirement)” substitute “Part 3 of the 2004 Act applies (scheme funding)”;

(b) for “subsection (1) of that section” substitute “section 222(1) of that Act”.

(6) In regulation 72 (transitional requirements as to sufficiency of resources of salary-related schemes)—

(a) in paragraph (1A), for “section 58 of the 1995 Act” substitute “section 227 of the 2004 Act”;

(b) in paragraph (3), for “section 56(3) of the 1995 Act (minimum funding requirement)” substitute “section 222(3) of the 2004 Act (statutory funding objective)”;

(c) in paragraph (6), for “section 56 of the 1995 Act” substitute “Part 3 of the 2004 Act”.

(7) The amendments in this paragraph have effect subject to paragraph 17 of Schedule 4.

Occupational Pension Schemes (Disclosure of Information) Regulations 1996

2.—(1) Subject to paragraph 3, the Occupational Pension Schemes (Disclosure of Information) Regulations 1996(5) (“the Disclosure Regulations”) are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the 1995 Act” insert—

““the 2004 Act” means the Pensions Act 2004;”;

(b) after the definition of “public service pension scheme” insert—

““the Regulator” means the Pensions Regulator established under section 1 of the 2004 Act;”.

(3) In regulation 5 (information to be made available to individuals)—

(a) in paragraph (1), for “paragraphs (2) to (12)” substitute “paragraphs (2) to (12ZA)”;

(b) after paragraph (12) insert the following paragraph—

“(12ZA) Where the trustees of a scheme to which Part 3 of the 2004 Act applies have obtained an actuarial valuation or report under section 224 of that Act, they shall furnish the information mentioned in paragraphs 17 to 22 of Schedule 2, in the form of a summary funding statement, as of course to all members and beneficiaries (except excluded persons), within a reasonable period after the date by which they are required by that section to ensure that the valuation or report is received by them.”;

(c) after paragraph (12AA) insert the following paragraph—

“(12AB) If a scheme has been modified by the Regulator under section 231(2)(a) of the 2004 Act (modifications as regards the future accrual of benefits), the trustees must inform all active members of the fact within one month of the modification taking effect.”;

(d) in paragraph (12A) (sectionalised multi-employer schemes)—

(i) for “Schedule 5 to the Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations 1996” substitute “Schedule 2 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005”;

(5) S.I. 1996/1655; relevant amending instruments are S.I. 1997/786 and 2002/459.

- (ii) for “section 56 of the 1995 Act” substitute “Part 3 of the 2004 Act”, and
 - (iii) for “section 56 does not apply” substitute “Part 3 does not apply”.
- (4) In regulation 6(1)(c) (annual report to contain actuary’s certificate)—
- (a) for “section 56 of the 1995 Act” substitute “Part 3 of the 2004 Act”, and
 - (b) before “that Act” insert “section 227 of”.
- (5) For the heading to regulation 7, substitute “**Availability of other documents**”.
- (6) For sub-paragraphs (a) to (c) in regulation 7(1), substitute the following sub-paragraphs—
- “(a) the statement of funding principles where required under section 223 of the 2004 Act;
 - (b) where Part 3 of the 2004 Act applies to the scheme, the last actuarial valuation under section 224 of that Act received by the trustees, or, if an actuarial report under that section was received by them more recently than the last actuarial valuation, both that valuation and any report received subsequently;
 - (c) any recovery plan prepared under section 226 of the 2004 Act which is currently in force;
- (ca) the payment schedule where required under section 87 of the 1995 Act or schedule of contributions where required under section 227 of the 2004 Act, and”.
- (7) In Schedule 2 (information to be made available to individuals), after paragraph 16 add—
- “**17.** A summary, based on the last actuarial valuation under section 224 of the 2004 Act received by the trustees and any actuarial report received subsequently, of the extent to which the assets of the scheme are adequate to cover its technical provisions.
- 18.** An explanation of any change in the funding position of the scheme—
- (a) in the case of the first summary funding statement issued in respect of the scheme, since the last actuarial valuation in respect of the scheme under regulation 30 of the Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations 1996⁽⁶⁾ (ongoing actuarial valuations), or, if no such valuation was obtained, since the last actuarial valuation under the rules of the scheme, and
 - (b) in the case of any subsequent summary funding statement, since the date of the last summary funding statement.
- 19.** The actuary’s estimate of solvency contained in the last actuarial valuation under section 224 of the 2004 Act received by the trustees.
- 20.** A summary of any recovery plan prepared under section 226 of the 2004 Act which is currently in force.
- 21.** Whether the scheme has been modified under section 231(2)(a) of the 2004 Act, is subject to directions under section 231(2)(b) of that Act or bound by a schedule of contributions imposed under section 231(2)(c) of that Act, and if so an account of the circumstances in which the modification was made, the direction given or the schedule of conditions imposed.
- 22.** Whether any payment has been made to the employer under section 37 of the 1995 Act **(7)**(payment of surplus to employer)—
- (a) in the case of the first summary funding statement issued in respect of the scheme, in the 12 months preceding the date on which it is prepared, and
 - (b) in the case of any subsequent summary funding statement, since the date of the last such statement,

⁽⁶⁾ S.I. 1996/1536. Regulation 30 was amended by S.I. 1997/786.

⁽⁷⁾ Section 37 is substituted by section 250 of the Pensions Act 2004.

and, if so, the amount of the payment.”.

3.—(1) Until the trustees or managers of a scheme have prepared a schedule of contributions under section 227 of the 2004 Act (in accordance with regulation 9(1) of, or paragraph 5 of Schedule 4 to, these Regulations), the Disclosure Regulations have effect in relation to a scheme to which Part 3 of the 2004 Act applies as if—

- (a) the amendments in paragraph 2 of this Schedule had not been made;
- (b) those Regulations included the requirement in sub-paragraph (2) of this paragraph, and
- (c) regulations 1(2) (so far as material), 10 and 11 of those Regulations applied in respect of that requirement.

(2) The requirement referred to in paragraph (1)(b) is that, before 22nd September in 2006 and each subsequent year the trustees or managers of the scheme furnish all members and beneficiaries (except excluded persons) with the following information, in the form of a summary funding statement—

- (a) a summary, based on the last actuarial valuation under regulation 30 of the Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations 1996 (“the MFR Regulations”) received by the trustees or managers or, if no such valuation was obtained, the last actuarial valuation under the rules of the scheme, of the extent to which the assets of the scheme are adequate to meet its liabilities as they fall due;
- (b) an explanation of any change in the funding position of the scheme—
 - (i) in the case of the first summary statement issued in respect of the scheme, since the last actuarial valuation in respect of the scheme under regulation 30 of the MFR Regulations, or, if no such valuation was obtained, since the last actuarial valuation under the rules of the scheme, and
 - (ii) in the case of any subsequent summary funding statement, since the date of the last summary funding statement;
- (c) any estimate by the actuary of the solvency of the scheme, or, if the actuary has made more than one estimate of solvency, the latest such estimate;
 - (i) whether any payment has been made to the employer under section 37 of the 1995 Act—in the case of the first summary funding statement issued in respect of the scheme, in the 12 months preceding the date on which it is prepared, and
 - (ii) in the case of any subsequent summary funding statement, since the date of the last such statement,

and, if so, the amount of the payment.

(3) The trustees or managers of a scheme are not required to comply with the requirement in sub-paragraph (2) in any year if the scheme had fewer than 100 members during the 12 months ending on 31st August in that year.

(4) A summary funding statement furnished under sub-paragraph (2) must be accompanied by a written statement that further information about the scheme is available, giving the address to which enquiries about it should be sent.

Occupational Pension Schemes (Scheme Administration) Regulations 1996

4.—(1) The Occupational Pension Schemes (Scheme Administration) Regulations 1996(8) are amended as follows.

(8) S.I. 1996/1715; relevant amending instruments are S.I. 2000/679 and 2005/2426.

(2) In regulation 1(2) (interpretation), after the definition of “the 1995 Act” insert—

““the 2004 Act” means the Pensions Act 2004;”.

(3) In regulation 16A(2)(9) (circumstances in which notice of an employer’s failure to make payments to trustees or managers need not be given), for sub-paragraph (b) substitute the following—

“(b) where the scheme is exempt from the requirement to prepare, review and if necessary revise a schedule of contributions under section 227 of the 2004 Act, by virtue of any of sub-paragraphs (a) to (i) and (k) to (m) of regulation 17(1) of the Occupational Pension Schemes (Scheme Funding) Regulations 2005; or”.

Occupational Pension Schemes (Transfer Values) Regulations 1996

5.—(1) The Occupational Pension Schemes (Transfer Values) Regulations 1996(10) are amended as follows.

(2) In regulation 1(2) (interpretation), after the definition of “the 1995 Act” insert—

““the 2004 Act” means the Pensions Act 2004;”.

(3) In regulation 7 (manner of calculation and verification of cash equivalents)—

- (a) insert the word “and” at the end of paragraph (3)(b)(ii);
- (b) omit the word “and” at the end of paragraph (3)(b)(iii), and
- (c) omit paragraphs (3)(b)(iv) and (4).

(4) In regulation 8 (further provisions as to calculation of cash equivalents)—

- (a) in paragraph (4), for “section 56 of the 1995 Act (minimum funding requirement)” substitute “Part 3 of the 2004 Act (scheme funding)”;
- (b) in paragraph (4B), omit “then, subject to paragraph (4D)”;
- (c) omit paragraphs (4D) to (4I), (4K) and (4L);
- (d) in paragraph (5)—
 - (i) for “section 61 of the 1995 Act” substitute “section 232 of the 2004 Act”;
 - (ii) for “section 56” substitute “Part 3”, and
 - (iii) for “paragraphs (4), (4A) and (4G)” substitute “paragraphs (4) and (4A)”, and
- (e) omit paragraph (6).

Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1996

6.—(1) The Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1996(11) are amended as follows.

(2) In regulation 4(2) (compliance with particular requirements excluded from ombudsman’s jurisdiction), after sub-paragraph (g) add—

““or the requirements under Part 3 of the Pensions Act 2004.”.

(9) Regulation 16A was inserted by S.I. [2000/679](#) and amended by S.I. [2005/2426](#).

(10) S.I. [1996/1847](#); relevant amending instruments are S.I. [1997/786](#), [2003/1727](#) and [2005/706](#).

(11) S.I. [1996/2475](#), to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made).

Occupational Pension Schemes (Winding Up) Regulations 1996

7.—(1) The Occupational Pension Schemes (Winding Up) Regulations 1996(12) are amended as follows.

- (2) In regulation 12(3) (winding up of sectionalised schemes etc.)—
 - (a) for “Schedule 5 to the MFR Regulations” substitute “Schedule 2 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005”, and
 - (b) for “section 56” substitute “Part 3 of the Pensions Act 2004”.
- (3) In regulation 13 (hybrid schemes), omit paragraphs (6) and (7).

Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996

8.—(1) The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(13) are amended as follows.

- (2) In regulation 49(4)(a)(i) (determination of cash equivalent of rights under a scheme which is not a money purchase scheme)—
 - (a) for “Article 56 of the Order applies (minimum funding requirement)” substitute “Part IV of the 2005 Order(14) applies (scheme funding)”, and
 - (b) for “Article 56(1)” substitute “Article 201(1) of that Order”.

Pension Sharing (Valuation) Regulations 2000

9.—(1) The Pension Sharing (Valuation) Regulations 2000(15) are amended as follows.

- (2) In regulation 1(2) (interpretation), after the definition of “the 1999 Act” insert—
“the 2004 Act” means the Pensions Act 2004;”.
- (3) In regulation 4 (calculation and verification of cash equivalents)—
 - (a) insert the word “and” at the end of paragraph (3)(b)(i);
 - (b) omit the word “and” at the end of paragraph (3)(b)(ii), and
 - (c) omit paragraphs (3)(b)(iii) and (4).
- (4) In regulation 5 (further provisions as to calculation of cash equivalents)—
 - (a) in paragraph (3), for “section 56 of the 1995 Act” substitute “Part 3 of the 2004 Act”;
 - (b) in paragraph (3B), omit “then, subject to paragraph (3D)”;
 - (c) omit paragraphs (3D) to (3I), (3K) and (3L);
 - (d) in paragraph (4)—
 - (i) for “Schedule 5 to the Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations 1996” substitute “Schedule 2 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005”;
 - (ii) for “section 56 of the 1995 Act” substitute “Part 3 of the 2004 Act”, and
 - (iii) for “paragraphs (3), (3A) and (3G)” substitute “paragraphs (3) and (3A)”, and
 - (e) in paragraph (5), for “paragraphs (3) and (3F)” substitute “paragraph (3)”.

(12) S.I. 1996/3126, to which there are amendments not relevant to these Regulations.

(13) S.R. (NI) 1996 No. 493; to which there are amendments not relevant to these Regulations.

(14) For the purposes of these Regulations “2005 Order” refers to S.I. 2005/255 (N.I. 1).

(15) S.I. 2000/1052; relevant amending instruments are S.I. 2000/2691 and 2005/706.

Pension Sharing (Implementation and Discharge of Liability) Regulations 2000

10.—(1) The Pension Sharing (Implementation and Discharge of Liability) Regulations 2000(**16**) are amended as follows.

- (2) In regulation 1(2) (interpretation), after the definition of “the 1999 Act” insert—
““the 2004 Act” means the Pensions Act 2004;”.
- (3) In regulation 16 (adjustments to the amount of pension credit)—
- (a) in paragraph (2), for “section 56 of the 1995 Act” substitute “Part 3 of the 2004 Act (scheme funding)”;
 - (b) in paragraph (2B), omit “then, subject to paragraph (2D)”;
 - (c) omit paragraphs (2D) to (2I), (2K) and (2L), and
 - (d) in paragraph (3)—
 - (i) for “Schedule 5 to the Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations 1996” substitute “Schedule 2 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005”;
 - (ii) for “section 56 of the 1995 Act (minimum funding requirement)” substitute “Part 3 of the 2004 Act”, and
 - (iii) for “paragraphs (2), (2A) and (2G)” substitute “paragraphs (2) and (2A)”.

Pension Sharing (Pension Credit Benefit) Regulations 2000

11.—(1) The Pension Sharing (Pension Credit Benefit) Regulations 2000(**17**) are amended as follows.

- (2) In regulation 1(2) (interpretation), after the definition of “the 1999 Act” insert—
““the 2004 Act” means the Pensions Act 2004;”.
- (3) In regulation 24 (calculation and verification of cash equivalents)—
- (a) insert the word “and” at the end of paragraph (3)(b)(ii);
 - (b) omit the word “and” at the end of paragraph (3)(b)(iii), and
 - (c) omit paragraphs (3)(b)(iv) and (4).
- (4) In regulation 27 (increases and reductions of cash equivalents)—
- (a) in paragraph (4), for “section 56 of the 1995 Act” substitute “Part 3 of the 2004 Act”;
 - (b) in paragraph (4B), omit “then, subject to paragraph (4D)”;
 - (c) omit paragraphs (4D) to (4I), (4K) and (4L);
 - (d) in paragraph (4M), for “paragraphs (4J) and (4K)” substitute “paragraph (4J)”, and
 - (e) in paragraph (5)—
 - (i) for “Schedule 5 to the Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations 1996” substitute “Schedule 2 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005”;
 - (ii) for “section 56 of the 1995 Act” substitute “Part 3 of the 2004 Act”, and
 - (iii) for “paragraphs (4), (4A) and (4G)” substitute “paragraphs (4) and (4A)”.

(16) S.I. 2000/1053, amended by S.I. 2005/706; there are other amending instruments but none is relevant.

(17) S.I. 2000/1054, amended by S.I. 2005/706; there are other amending instruments but none is relevant.

Status: This is the original version (as it was originally made).

Stakeholder Pension Schemes Regulations 2000

- 12.**—(1) The Stakeholder Pension Schemes Regulations 2000(**18**) are amended as follows.
- (2) In regulation 19 (requirement for trustees of a stakeholder pension scheme established under a trust), omit “except the reference to section 56 in section 35(2) and 35(5)(b) of that Act”.

Occupational Pension Schemes (Republic of Ireland Schemes Exemption) Regulations 2000

- 13.**—(1) The Occupational Pension Schemes (Republic of Ireland Schemes Exemption) Regulations 2000(**19**) are amended as follows.
- (2) In regulation 1(3) (interpretation), after the definition of “the 1995 Act” insert—
 ““the 2004 Act” means the Pensions Act 2004;”.
- (3) In regulation 2 (exemption of Republic of Ireland schemes – general provision), after “the 1995 Act” insert “or the 2004 Act”.
- (4) In the Schedule, at the end insert—

<i>Provision of the 2004 Act</i>	<i>Purpose of provision</i>
Part 3	Scheme funding

Occupational Pension Schemes (Administration and Audited Accounts) (Amendment) Regulations 2005

- 14.**—(1) The Occupational Pension Schemes (Administration and Audited Accounts) (Amendment) Regulations 2005(**20**) are amended as follows.
- (2) In the substituted regulation 16A of the Occupational Pension Schemes (Scheme Administration) Regulations 1996 set out in regulation 4(5) (circumstances in which trustees or managers do not need to notify failure to pay contributions), for paragraph (d) substitute the following—
 “(d) the scheme is exempt from the requirement to prepare, review and if necessary revise a schedule of contributions under section 227 of the 2004 Act, by virtue of any of sub-paragraphs (a) to (i) and (k) to (m) of regulation 17(1) of the Occupational Pension Schemes (Scheme Funding) Regulations 2005.”.

SCHEDULE 4

Regulation 20(2)

TRANSITIONAL PROVISIONS AND SAVINGS

PART 1

Transitional provisions

1. Paragraphs 2 to 7 of this Schedule apply to a scheme which—

(18) S.I. [2000/1403](#), to which there are amendments not relevant to these Regulations.
 (19) S.I. [2000/3198](#), to which there are amendments not relevant to these Regulations.
 (20) S.I. [2005/2426](#).

- (a) is either—
 - (i) subject to section 56 of the 1995 Act (minimum funding requirement), or
 - (ii) exempted from the application of that section by regulation 28 of the Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations 1996(21) (“the 1996 Regulations”),
immediately before the commencement date, and
 - (b) becomes subject to Part 3 of the 2004 Act (scheme funding) on that date.
2. Section 224 of the 2004 Act (actuarial valuations and reports) applies to the scheme as if—
- (a) it included a requirement for the trustees or managers of the scheme—
 - (i) to obtain an actuarial valuation (“the first valuation under the 2004 Act”), in accordance with the requirements specified in paragraph 3 of this Schedule, and
 - (ii) to ensure that the first valuation under the 2004 Act is received by them within the relevant period specified in paragraph 4 of this Schedule;
 - (b) neither paragraph (a) of subsection (1) nor subsection (4) applied in relation to the first valuation under the 2004 Act, and
 - (c) paragraph (a) of subsection (3) were omitted.
- 3.—(1) Except where sub-paragraph (3), (5) or (7) applies, the trustees or managers of the scheme must obtain the first valuation under the 2004 Act by reference to an effective date not more than one year after the commencement date.
- (2) Sub-paragraph (3) applies where—
- (a) the trustees or managers received, before the commencement date, in accordance with any provisions of section 57 of the 1995 Act (valuation and certification of assets and liabilities) and the 1996 Regulations, or receive—
 - (i) on or after the commencement date, and
 - (ii) within one year of its effective date,in accordance with any such provisions which continue in force under Part 2 of this Schedule, an actuarial valuation by reference to an effective date on or after 21st September 2002, and
 - (b) neither sub-paragraph (5) nor sub-paragraph (7) applies.
- (3) Where this sub-paragraph applies, the trustees or managers must obtain the first actuarial valuation under the 2004 Act by reference to an effective date which is—
- (a) no earlier than 22nd September 2005, and
 - (b) not more than three years after the effective date of the last valuation they received under the 1995 Act.
- (4) Subject to sub-paragraph (8), sub-paragraph (5) applies where—
- (a) immediately before the commencement date, the trustees or managers were required under section 57(2)(a) of the 1995 Act to obtain an actuarial valuation by virtue of a certificate in the terms set out in that provision, or
 - (b) on or after the commencement date, the trustees or managers receive a certificate in the terms set out in section 57(2)(a) of the 1995 Act in consequence of the requirements saved by paragraph 15 of this Schedule,

(21) S.I. 1996/1536; relevant amending instruments are S.I. 1997/786 and 1997/3038.

Status: This is the original version (as it was originally made).

and the trustees or managers have determined before that date, or determine subsequently, that the valuation should be obtained by reference to an effective date which is no earlier than 22nd September 2005 and not more than three years after the effective date of the last valuation they received under the 1995 Act.

(5) Where this sub-paragraph applies, the trustees or managers must obtain the first valuation under the 2004 Act by reference to the effective date they have determined.

(6) Subject to sub-paragraph (8), sub-paragraph (7) applies where—

- (a) immediately before the commencement date, the trustees or managers were required under section 57(2)(b) of the 1995 Act to obtain an actuarial valuation by virtue of the occurrence of an event of the kind described in regulation 13 of the 1996 Regulations (section 75 debts in multi-employer schemes), and
- (b) they have determined before that date, or determine subsequently, that the valuation should be obtained by reference to an effective date which is no earlier than 22nd September 2005 and not more than three years after the effective date of the last valuation they received under the 1995 Act.

(7) Where this sub-paragraph applies, the trustees or managers must obtain the first valuation under the 2004 Act by reference to the effective date they have determined.

(8) In a case where, but for this provision, sub-paragraph (5) would apply, by virtue of the receipt by the trustees or managers of a certificate in the terms set out in section 57(2)(a) of the 1995 Act, and sub-paragraph (7) would also apply, by virtue of the occurrence of an event of the kind described in regulation 13 of the 1996 Regulations, sub-paragraph (5) applies only if the certificate was received before the event occurred and sub-paragraph (7) applies only if the event occurred before the certificate was received.

4. The trustees or managers must ensure that the first valuation under the 2004 Act is received by them—

- (a) where paragraph 3(1) applies, or where paragraph 3(3) applies and the trustees or managers obtained that valuation by reference to an effective date which is after 29th December 2005, within 15 months after its effective date;
- (b) where paragraph 3(3) applies and the trustees or managers obtained that valuation by reference to an effective date between 22nd September and 29th December 2005, within 18 months after its effective date;
- (c) where paragraph 3(5) applies, within 18 months after the date on which the certificate referred to in paragraph 3(4) is signed, and
- (d) where paragraph 3(7) applies, within 18 months after the date on which the event referred to in paragraph 3(6) occurred.

5. Section 227 of the 2004 Act (schedule of contributions) applies to the scheme as if it included a requirement for the trustees or managers of the scheme to prepare a schedule of contributions (“the first schedule of contributions under the 2004 Act”) within the same period as that within which they are required by paragraph 4 to ensure that they receive the first valuation under the 2004 Act.

6. In the circumstances described in paragraph 4(b), (c), and (d), regulation 6(2) of these Regulations (first statement of funding principles) applies to the scheme, and regulations 8(1)(a) and 13 apply in relation to the first valuation under the 2004 Act, as if the period there referred to were the same period as that within which the trustees or managers are required by paragraph 4 to ensure that they receive the first valuation under the 2004 Act.

7. References in sections 224 to 231 of the 2004 Act to actuarial valuations or schedules of contributions shall be taken to exclude any such valuation or schedule of contributions under the

1995 Act as in force before the commencement date or as continued in force by paragraphs 9 to 16 of this Schedule.

PART 2

Savings

8. Paragraphs 9 to 19 of this Schedule apply to a scheme which—

- (a) is subject to section 56 of the 1995 Act immediately before the commencement date, and
- (b) becomes subject to Part 3 of the 2004 Act on that date.

9. Sections 56 and 58 to 60 of the 1995 Act, regulations 15 to 17 and 19 to 27 of the 1996 Regulations and Schedules 2 and 4 to those Regulations continue to apply to the scheme from the commencement date until the date on which the first schedule of contributions under the 2004 Act comes into force.

10. Where—

- (a) immediately before the commencement date, the trustees or managers of the scheme were required under section 57(1)(a) of the 1995 Act and regulation 10 of the 1996 Regulations (time limits for minimum funding valuations) to obtain an actuarial valuation within a period ending on or after the commencement date, and
- (b) they have determined before that date, or determine subsequently, that the valuation should be obtained by reference to an effective date before 22nd September 2005,

those provisions apply to the scheme on and after the commencement date in respect of that valuation.

11. Where—

- (a) immediately before the commencement date, the trustees or managers of the scheme were required under section 57(2)(a) of the 1995 Act to obtain an actuarial valuation within the period specified in section 57(4)(a) of that Act, and
- (b) they have determined before that date, or determine subsequently, that the valuation should be obtained by reference to an effective date before 22nd September 2005,

those provisions apply to the scheme on and after the commencement date in respect of that valuation.

12. Where—

- (a) immediately before the commencement date, the trustees or managers of the scheme were required under section 57(2)(b) of the 1995 Act to obtain an actuarial valuation by virtue of the occurrence of an event of the kind described in regulation 13 of the 1996 Regulations, and
- (b) they have determined before that date, or determine subsequently, that the valuation should be obtained by reference to an effective date before 22nd September 2005,

those provisions apply to the scheme on and after the commencement date in respect of that valuation, subject to the modification that the valuation must be obtained within the period of six months beginning with the date on which the relevant event occurred.

13. Where—

- (a) immediately before the commencement date, the trustees or managers of the scheme were required under section 41(1)(a) and (2)(c) of the 1995 Act and regulation 30 of the 1996 Regulations (ongoing actuarial valuations and statements) to obtain an actuarial valuation within a period ending on or after the commencement date, and an accompanying statement in the form set out in Schedule 6 to those Regulations, and

- (b) they have determined before that date, or determine subsequently, that the valuation should be obtained by reference to an effective date before 22nd September 2005,

those provisions apply to the scheme on and after the commencement date in respect of that valuation and statement.

14. Where a requirement to obtain a valuation is preserved by any of paragraphs 10 to 13 of this Schedule, section 57(5) to (7) of the 1995 Act, regulations 3 to 9 of the 1996 Regulations and (except in the case to which paragraph 13 applies) regulation 14 of and Schedule 1 to those Regulations apply in respect of that valuation.

15. Where, immediately before the commencement date, the trustees or managers of the scheme were required under section 57(1)(b) of the 1995 Act and regulation 18 of the 1996 Regulations (occasional and periodic certification of adequacy of contributions) to obtain annual certificates as to the adequacy of contributions payable towards the scheme, those provisions, sections 57(5) to (7) of that Act and Schedule 3 to the 1996 Regulations apply to the scheme until the effective date of the first valuation under the 2004 Act relating to the scheme.

16. Section 61 of the 1995 Act (supplementary), regulation 2 of the 1996 Regulations (interpretation) and regulation 29 of, and Schedule 5 to, those Regulations (modifications) apply, so far as material, on and after the commencement date in relation to the provisions of the Act and Regulations saved by paragraphs 9 to 15 of this Schedule.

17. Where any provision of the 1995 Act or the 1996 Regulations applies to the scheme on or after the commencement date by virtue of this Schedule, any reference to that provision in the Occupational Pension Schemes (Contracting-out) Regulations 1996(**22**) (“the Contracting-out Regulations”) applies in relation to the scheme on and after the commencement date as if—

- (a) in the case of a provision of the 1995 Act, the repeal of that provision by the 2004 Act had not come into force on that date in accordance with the Pensions Act 2004 (Commencement No. 8) Order 2005(**23**) (“the Commencement Order”);
- (b) in the case of a provision in the 1996 Regulations, those Regulations had not been revoked by regulation 21, and
- (c) the amendments of the Contracting-out Regulations in paragraph 1 of Schedule 3 to these Regulations had not come into force.

18. Where any provision of the 1995 Act or the 1996 Regulations applies to the scheme on or after the commencement date by virtue of this Schedule, regulation 4(2) of the Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1996(**24**) shall be taken to include a reference to that provision notwithstanding its repeal by the 2004 Act in accordance with the Commencement Order or the revocation of the 1996 Regulations by regulation 21.

19. Any reference to the 1995 Act or the 1996 Regulations in—

- (a) the Occupational Pension Schemes (Winding Up) Regulations 1996(**25**);
- (b) the Occupational Pension Schemes (Deficiency on Winding Up etc.) Regulations 1996(**26**), or
- (c) the Occupational Pension Schemes (Employer Debt) Regulations 2005(**27**),

applies to the scheme on and after the commencement date as if, where the reference is to a provision of the Act, the repeal of that provision by the 2004 Act had not come into force on that date in

(22) S.I. 1996/1172; relevant amending instruments are S.I. 1997/786 and 2002/681.

(23) S.I. 2005/3331.

(24) S.I. 1996/2475, to which there are amendments not relevant to these Regulations.

(25) S.I. 1996/3126, to which there are amendments not relevant to these Regulations.

(26) S.I. 1996/3128, amended by S.I. 1997/786 and 3038, 1999/3198, 2002/380, 2004/403, 2005/72 and 678.

(27) S.I. 2005/678, amended by S.I. 2005/2224.

accordance with the Commencement Order, and, where the reference is to a provision in the 1996 Regulations, those Regulations had not been revoked by regulation 21.

SCHEDULE 5

Regulation 21

REVOCATIONS

(1) <i>Regulations revoked</i>	(2) <i>References</i>	(3) <i>Extent of revocation</i>
The Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Regulations 1996	S.I. 1996/1536	The whole Regulations
The Occupational Pension Schemes (Investment) Regulations 1996	S.I. 1996/3127	Regulation 12
The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1997	S.I. 1997/786	Paragraph 8 of Schedule 1 and the entry relating to SI 1996/1536 in Schedule 2
The Personal and Occupational Pension Schemes (Miscellaneous Amendments) (No. 2) Regulations 1997	S.I. 1997/3038	Regulation 4
The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1999	S.I. 1999/3198	Regulation 8
The Occupational Pension Schemes (Miscellaneous Amendments) Regulations 2000	SI 2000/679	Regulation 3
The Pension Sharing (Consequential and Miscellaneous Amendments) Regulations 2000	S.I. 2000/2691	Regulation 4
The Occupational Pension Schemes (Minimum Funding Requirement and Miscellaneous Amendments) Regulations 2002	S.I. 2002/380	Regulation 2
The Occupational Pension Schemes (Minimum Funding Requirement and Actuarial Valuations) Amendment Regulations 2004	S.I. 2004/3031	The whole Regulations

Status: This is the original version (as it was originally made).

(1) <i>Regulations revoked</i>	(2) <i>References</i>	(3) <i>Extent of revocation</i>
The Occupational Pension Schemes (Employer Debt) Regulations 2005	S.I. 2005/678	Paragraph 1 of Schedule 2
The Occupational Pension Schemes (Winding up etc.) Regulations 2005	S.I. 2005/706	Paragraph 9 of the Schedule
The Occupational Pension Schemes (Employer Debt etc.) (Amendment) Regulations 2005	SI 2005/2224	Regulation 6