
STATUTORY INSTRUMENTS

2006 No. 349

The Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006

Miscellaneous

Employment rights and protections in connection with consultation

17. The Schedule to these Regulations contains provision as to employment rights and protections which, in connection with consultation under these Regulations, apply to the employees of an employer in relation to an occupational or personal pension scheme.

[^{F1}Remedies for failure to comply]

18.—[^{F1}(1) The only remedies for a failure to comply with any obligations under regulations 6 to 16 in respect of any proposal or decision to make a listed change are—

- (a) making a complaint to the Regulator,
 - (b) an improvement notice issued under section 13 of the Pensions Act 2004 (improvement notices), and
 - (c) a penalty imposed under regulation 18A.]
- (2) A complaint [^{F2}under paragraph (1)(a)] may be made by—
- (a) any representative of affected members who falls within regulation 12(2)(a) or (3) or 13(2) (including any such representative who is not consulted), and
 - (b) any active or prospective member of an occupational or personal pension scheme who considers that he is or may be an affected member.

F1 Reg. 18(1) substituted (6.4.2009) by [Occupational, Personal and Stakeholder Pensions \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/615\)](#), regs. 1(2), **20(2)(a)**

F2 Words in reg. 18(2) inserted (6.4.2009) by [Occupational, Personal and Stakeholder Pensions \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/615\)](#), regs. 1(2), **20(2)(b)**

[^{F3}Penalties]

18A.—(1) Where a person fails, without reasonable excuse, to comply with a requirement to consult under regulation 7(3), the Regulator may by notice in writing require that person to pay a penalty.

- (2) Any such penalty must be paid within 28 days and must not exceed—
- (a) in the case of an individual, £5,000; and
 - (b) in any other case, £50,000.]

F3 Reg. 18A inserted (6.4.2009) by Occupational, Personal and Stakeholder Pensions (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/615), regs. 1(2), **20(3)**

Powers of the Regulator to waive or relax requirements

19.—(1) The Regulator may by order waive or relax any of the requirements of regulations 6 to 16.

(2) The power under paragraph (1) may be exercised only if the Regulator is satisfied that it is necessary to do so in order to protect the interests of the generality of the members of the scheme.

Waiver or relaxation of requirements: amendment of Schedule 2 to the Pensions Act 2004

20. After paragraph 44 of Schedule 2 to the Pensions Act 2004 (the reserved regulatory functions) add—

“PART 5
OTHER FUNCTIONS

45. The power to make an order under regulation 19 of the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 (S.I. 2006/349) to waive or relax any of the requirements of regulations 6 to 16 of those Regulations.”.

Waiver or relaxation of requirements: prescribed regulatory function

21. The Regulator's power to make an order under regulation 19 to waive or relax any of the requirements of regulations 6 to 16 is prescribed for the purposes of section 97(5)(u) of the Pensions Act 2004 (special procedure: applicable cases).

Miscellaneous amendment

22. In regulation 5(3) of the Financial Assistance Scheme (Internal Review) Regulations 2005^{M1} (time for making an application for a review of a reviewable determination), for “or (b)” substitute “ or (c) ”.

Marginal Citations

M1 S.I. 2005/1994, amended by S.I. 2005/3256.

Changes to legislation:

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006, Miscellaneous.