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STATUTORY INSTRUMENTS

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**2006 No. 778**

**The Occupational and Personal Pension Schemes  
(Miscellaneous Amendments) Regulations 2006**

**Amendment of the Scheme Administration Regulations**

4.—(1) The Scheme Administration Regulations are amended in accordance with this regulation.

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

(a) after the definition of “business days”, insert—

““insurance policy” means a contract of a kind referred to in Article 2 of the Life Directive, but excluding a contract of a kind referred to in Article 2(2)(c) or (d) of that Directive;

“the Life Directive” means Directive [2002/83/EC](#) of the European Parliament and of the Council of 5th November 2002 concerning life assurance(1);”;

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

““qualifying insurance policy” means an insurance policy issued by an insurer which is—

(a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000(2) (permission to carry on regulated activities) to effect or carry out contracts of long term insurance; or

(b) an undertaking established in an EEA State (as defined in paragraph 8 of Schedule 3 to the Financial Services and Markets Act 2000) other than the United Kingdom, which is authorised by the competent authorities of that State to carry on the business of direct insurance for the class of assurance as listed in Annex I to the Life Directive in which the insurance policy falls;”;

(c) after the definition “scheme year”, insert—

““specified qualifying insurance policy” means a qualifying insurance policy which is a contract falling within paragraph I or III of Part II of Schedule 1 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(3) (contracts of insurance);”;

(d) for the definition of “wholly insured scheme”, substitute—

““wholly insured scheme” means a trust scheme, other than a stakeholder pension scheme within the meaning of section 1 of the Welfare Reform and Pensions Act 1999(4) (meaning of “stakeholder pension scheme”), which has no investments other than specified qualifying insurance policies.”; and

(e) after paragraph (2), insert—

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(1) OJ No.L345, 19.12.2002 p.1.

(2) [2000 c. 8.](#)

(3) [S.I. 2001/544.](#)

(4) [1999 c. 30.](#) Section 1 was amended by section 285 of, and paragraphs 71 and 72 of Schedule 12 to, the Pensions Act 2004.

“(2A) For the purposes of the definition of “wholly insured scheme”, “investments” shall not include—

- (a) cash held on deposit by the trustees or managers pending payment to the insurer or to members of the scheme;
- (b) cash held on deposit by the trustees or managers to meet accrued liabilities or administrative expenses; or
- (c) any investments arising from voluntary contributions.”.

(3) In regulation 3, (exemptions from the professional advisers requirements), in paragraph (2) (b)(i), for “(d) to” substitute “(e) to”.

(4) In regulation 21 (circumstances where notice of non-payment of any amount payable to a scheme need not be given), for paragraph (4), substitute—

“(4) Where, under section 49(9)(b) of the 1995 Act(5) (other responsibilities of trustees, employers, etc), there is a requirement on the trustees or managers to give notice within a reasonable time of a failure to pay within a prescribed time an amount corresponding to any contribution payable on behalf of an active member which has been deducted from the member’s earnings, the trustees or managers shall not be required to give notice of a failure to pay such amount by the due date for the purposes of subsection (1) of section 88 of that Act, in a case to which that subsection would otherwise apply.”.

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(5) Section 49(9)(b) is substituted by section 269(1) of the Pensions Act 2004.