

2006 No. 925

PENSIONS

**The Occupational Pension Schemes (Cross-border Activities)
(Amendment) Regulations 2006**

<i>Made</i>	- - - -	<i>27th March 2006</i>
<i>Laid before Parliament</i>		<i>27th March 2006</i>
<i>Coming into force</i>	- -	<i>28th March 2006</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 288(1), 289(1), 315(2) and 318(1) of the Pensions Act 2004(a).

These Regulations are made before the end of the period of six months beginning with the coming into force of the provisions of that Act by virtue of which they are made(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Cross-border Activities) (Amendment) Regulations 2006 and shall come into force on 28th March 2006.

(2) In these Regulations “the Principal Regulations” means the Occupational Pension Schemes (Cross-border Activities) Regulations 2005(c).

Amendment of the Principal Regulations

2.—(1) The Principal Regulations are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of “section 615 scheme”.

(3) In—

- (a) regulation 5(3)(a) (applications for general authorisation to accept contributions from European employers: established schemes which are carrying on cross-border activity), and
- (b) regulation 10(3)(a) (applications for approval in relation to particular European employer: established schemes which are carrying on cross-border activity),

for “section 615” substitute “pre-23rd September 2005”.

(a) 2004 c.35. Section 318(1) is cited because of the meaning there given to “prescribed” and “regulations”.

(b) See section 317 of the Pensions Act 2004 which provides that the Secretary of State must consult such persons as he considers appropriate before making regulations by virtue of the provisions of that Act (other than Part 8). This duty does not apply where regulations are made before the end of six months beginning with the coming into force of the provisions of that Act by virtue of which the regulations are made.

(c) S.I. 2005/3381, amended by S.I. 2006/467.

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

27th March 2006

Stephen C. Timms
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Occupational Pension Schemes (Cross-border Activities) Regulations (S.I. 2005/3381, as amended by S.I. 2006/467) (“the Principal Regulations”).

Regulations 5 and 10 of the Principal Regulations prescribe the manner and form in which occupational pension schemes that currently carry out cross-border activity within the European Union must apply to the Pensions Regulator for authorisation and approval to carry out such activity, and specify that such applications must be made by 29th March 2006.

These Regulations amend those provisions so that, provided that they do make such applications by that date, such schemes may submit some of the information required to be included as part of such an application after that date, provided that the remaining information is submitted by 15th May 2006.

The amendment is made in order to comply with the requirements of Article 9 of the European Union Directive on the activities and supervision of institutions for occupational retirement provision (Directive 2003/41/EC; OJ No. L 235, 23.9.03, p.10) (“the Directive”).

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the costs of business, charities or voluntary bodies. Copies of a transposition note concerning the implementation of the Directive by these Regulations have been placed in the libraries of both Houses of Parliament, and may also be obtained from Private Pensions, Department for Work and Pensions, 3rd floor, Adelphi, 1-11 John Adam Street, London WC2N 6HT.

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