STATUTORY INSTRUMENTS

2017 No. 397

INCOME TAX

The Registered Pension Schemes (Authorised Payments) (Amendment) Regulations 2017

Made - - - -	*14th March 2017*
Laid before the House of Commons - - - -	*16th March 2017*
Coming into force - -	*6th April 2017*

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by section 164(1)(f) of the Finance Act 2004(**1**), and now exercisable by them(**2**).

Citation and commencement

1. These Regulations may be cited as the Registered Pension Schemes (Authorised Payments) (Amendment) Regulations 2017 and come into force on 6th April 2017.

Amendments to the Registered Pension Schemes (Authorised Payments) Regulations 2009

2. The Registered Pension Schemes (Authorised Payments) Regulations 2009(**3**) are amended as follows.

3. In regulation 1(2) (citation, commencement and effect) omit "and" before sub-paragraph (c) and after that sub-paragraph insert—

"; and

(d) for payments of a description within Part 6, in relation to payments made on or after 6th April 2017.".

(**1**) 2004 c. 12. Section 164 was amended by paragraph 6 of Schedule 23 to the Finance Act 2006 (c. 25), paragraph 1 of Schedule 29 to the Finance Act 2008 (c. 9), section 75(2) of the Finance Act 2009 (c. 10), paragraph 63 of Schedule 16 to the Finance Act 2011 (c. 11), paragraph 85 of Schedule 1 to the Taxation of Pensions Act 2014 (c. 30) and paragraph 3(1)(a) of Schedule 5 to the Finance Act 2016 (c. 24).

(**2**) The functions of the Board of Inland Revenue were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50(1) of that Act provides that in so far as it is appropriate in consequence of section 5, a reference in an enactment to the Commissioners of Inland Revenue (however expressed) shall be taken as a reference to the Commissioners for Her Majesty's Revenue and Customs.

(**3**) S.I. 2009/1171 amended by S.I. 2012/1881; there are other amending instruments but none is relevant.

4. After regulation 5A(**4**) insert—

"**5B.** A payment by a registered pension scheme that is described in Part 6 of these Regulations is a payment of a prescribed description for the purposes of section 164(1)(f) of the Finance Act 2004.".

5. After regulation 20 insert—

"PART 6

Pension Advice Allowance Payment

21.—(1) A payment made by an arrangement in respect of which the conditions in paragraph (2) are satisfied.

(2) The conditions are that—

(a) the payment is made for—

(i) retirement financial advice provided to the person, or

(ii) the implementation of such advice;

(b) the payment is requested in writing by the person;

(c) the written request contains a declaration by the person that the conditions in sub-paragraphs (d), (e) and (f) are satisfied;

(d) no more than two pension advice allowance payments have been requested and made in respect of the person;

(e) no pension advice allowance payment has been requested and made in respect of the person in the tax year in which the request is made;

(f) the advice is regulated financial advice, provided by a financial advisor regulated and authorised by the Financial Conduct Authority to provide such advice;

(g) the payment is made by the registered pension scheme directly to the financial advisor; and

(h) the payment does not exceed £500.

(3) In this regulation—

(a) "arrangement" means

(i) a "money purchase arrangement" within the meaning given by section 152(2); or

(ii) a "hybrid arrangement" within the meaning given by section 152(8);

(b) "retirement financial advice" means advice in respect of the person's financial position, including their pension arrangements and the use of their pension funds;

(c) "regulated financial advice" has the meaning given in Article 53 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(**5**).".

(**4**) Regulations 5A and 20 were inserted by S.I. 2012/1881.
(**5**) S.I. 2001/544. Relevant amending instruments are S.I. 2013/1881, 2016/392.