STATUTORY INSTRUMENTS

2016 No. 427

PENSIONS

The Occupational Pension Schemes (Scheme Administration) (Amendment) Regulations 2016

Made - - - - 21st March 2016

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 35(1), (3) and (4), 36(1) and (1A)(a), 124(1) and 174(2) and (3) of the Pensions Act 1995(**1**) and section 54(5) and (6) of, and paragraphs 2(1), (3) and (5), 6 and 7 of Schedule 18 to, the Pensions Act 2014(**2**) ("the Act"), makes the following Regulations.

In accordance with section 120(1) of the Pensions Act 1995 and paragraph 8 of Schedule 18 to the Act, the Secretary of State has consulted such persons as the Secretary of State considers appropriate.

A draft of these Regulations has been laid before and approved by a resolution of each House of Parliament in accordance with section 54(2)(e) of the Act.

Citation and commencement

1. These Regulations may be cited as the Occupational Pension Schemes (Scheme Administration) (Amendment) Regulations 2016 and come into force on 6th April 2016.

Amendment of the Occupational Pension Schemes (Scheme Administration) Regulations 1996

2. The Occupational Pension Schemes (Scheme Administration) Regulations 1996(**3**) are amended in accordance with regulations 3 to 7.

(**1**) 1995 c.26. Sections 35 and 36(1) and (1A)(a) were substituted by the Pensions Act 2004 (c. 35), sections 244 and 245(2). Section 124(1) is cited for the meaning it gives to "prescribed" and "regulations".
(**2**) 2014 c.19.
(**3**) S.I. 1996/1715. Relevant amendments were made by the Occupational Pension Schemes (Charges and Governance) Regulations 2015 (S.I. 2015/879) ("the 2015 Regulations").

Amendment of regulation 1

3. In regulation 1(2) (interpretation), in the definition of "relevant multi-employer scheme"(**4**), for the words from "in relation to" to "or which is" in the introductory words, substitute "which is or has been".

4. For regulation 1(2ZA) (meanings for the purposes of the definition of "relevant multi-employer scheme")(**5**) substitute—

"(2ZA) For the purposes of the definition of "relevant multi-employer scheme", a participating employer is "connected" to another employer where either of the following conditions is satisfied—

(a) the first condition is that both employers—

(i) are or have been part of the same group of companies consisting of one or more holding companies and subsidiaries of any such companies within the meaning of section 1159(1) of the Companies Act 2006(**6**) (meaning of "subsidiary" etc.); or

(ii) are or have been partnerships, each having the same persons as at least half of its partners;

(b) the second condition is that the participating employer which is not a company within the group referred to in paragraph (a)(i)—

(i) forms or formed a joint venture with that other employer within the group;

(ii) jointly employs or employed members of the scheme with that other employer within the group;

(iii) employs active members of the scheme following a transfer from that other employer within the group;

(iv) holds, held, controls or controlled at least 20% of the voting power in that other employer within the group; or

(v) is or was an employer 20% of whose voting power is or was held or controlled by that other employer within the group.".

Amendment of regulation 22

5.—(1) At the end of regulation 22(5) (duty to appoint a chair of the trustees or managers)(**7**) insert "(but see also paragraph (7))".

(2) After regulation 22(6) insert—

"(7) Paragraph (5) does not apply to a scheme established under section 67 of the Pensions Act 2008.".

Amendment of regulation 23

6. For regulation 23(1)(e) (annual statement regarding governance)(**8**) substitute—

"(e) be signed on behalf of the trustees or managers by—

(i) the chair; or

(**4**) The definition of "relevant multi-employer scheme" was inserted by the 2015 Regulations, regulation 21(a). Paragraph (c) of the definition will be revoked on 6th April 2015 by the effect of regulations 1(3)(b) and 23 of those Regulations.
(**5**) Regulation 1(2ZA) was inserted by the 2015 Regulations, regulation 21(b).
(**6**) 2006 c.46.
(**7**) Regulation 22 was inserted by the 2015 Regulations, regulation 16(1)(b).
(**8**) Regulation 23 was inserted by the 2015 Regulations, regulation 17(1).