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## **Pensions Act 2004**

### **PART 1**

#### **THE PENSIONS REGULATOR**

##### *Exercise of regulatory functions*

#### **93The Regulator’s procedure in relation to its regulatory functions**

- (1) The Regulator must determine the procedure that it proposes to follow in relation to the exercise of its regulatory functions.
- (2) For the purposes of this Part the “regulatory functions” of the Regulator are—
  - (a) the power to issue an improvement notice under section 13,
  - (b) the power to issue a third party notice under section 14,
  - (ba) the power to appoint a skilled person in relation to a public service pension scheme under section 14A,
  - (c) the reserved regulatory functions (see Schedule 2),
  - (d) the power to issue a clearance statement under section 42,
  - (e) the power to issue a notice under section 45(1) approving the details of arrangements,
  - (f) the power to issue a clearance statement under section 46,
  - (g) the power to vary or revoke under section 101 (to the extent that it does not fall within paragraph (c)),
  - (h) the power to make an order under section 154(8), (i) the power to make an order under section 219(4),
  - (j) the power to grant or revoke authorisation under section 288,
  - (k) the power to grant or revoke approval under section 289,
  - (l) the power to issue a notice under section 293(5),

- (m) the power by direction under section 2(3)(a) of the Welfare Reform and Pensions Act 1999 (c. 30) to refuse to register a scheme under section 2 of that Act,
  - (n) the power to make an order under section 7 of the Pensions Act 1995 (c. 26) appointing a trustee (to the extent that it does not fall within paragraph (c)),
  - (o) the power to make an order under section 23 of that Act appointing an independent trustee,
  - (p) the power to give directions under section 72B of that Act (directions facilitating winding up),
  - (pa) the power to give a direction under section 26(7) of the Pension Schemes Act 2017 (direction to submit implementation strategy for Master Trust scheme),
  - (pb) the power to give a direction under section 23(2) of the Pension Schemes Act 2021 (direction to obtain actuarial valuation or take other steps to remedy or mitigate failure in relation to a collective money purchase scheme),
  - (pc) the power to give a notice under section 29(1), (1A) or (4) of that Act (risk notices),
  - (pd) the power to give a direction under section 29(6) of that Act (direction to implement proposals in a resolution plan),
  - (pe) the power to give a direction under section 39(4) of that Act (direction to submit implementation strategy), and
  - (q) such other functions of the Regulator as may be prescribed.
- (3) The Determinations Panel must determine the procedure to be followed by it in relation to any exercise by it on behalf of the Regulator of—
- (a) the power to determine whether to exercise a regulatory function, and
  - (b) where the Panel so determines to exercise a regulatory function, the power to exercise the function in question.
- (4) The procedure determined under this section—
- (a) must provide for the procedure required under—
    - (i) section 96 (standard procedure), and
    - (ii) section 98 (special procedure), and

(b) may include such other procedural requirements as the Regulator or, as the case may be, the Panel considers appropriate.

(5) This section is subject to—

- (a) sections 99 to 104 (the remaining provisions concerning the procedure in relation to the regulatory functions), and
- (b) any regulations made by the Secretary of State under paragraph 19 of Schedule 1.

## **Pension Schemes Act 2017**

### **PART 1**

#### **MASTER TRUSTS**

##### *Definition of a Master Trust scheme*

#### **1 Master Trust schemes: definition**

(1) In this Act, “Master Trust scheme” means an occupational pension scheme which—

- (a) provides money purchase benefits (whether alone or in conjunction with other benefits),
- (b) is used, or intended to be used, by two or more employers,
- (c) is not used, or intended to be used, only by employers which are connected with each other, ~~and~~
- (d) is not a relevant public service pension scheme, ~~and~~
- (e) is not a collective money purchase scheme by virtue of section 1(2)(a) of the Pension Schemes Act 2021.

(1A) Where a Master Trust scheme has a section which is a collective money purchase scheme by virtue of section 1(2)(b) of the Pension Schemes Act 2017, references in the following provisions of this Act to a Master Trust scheme do not include any such section, except as provided in section 39(4A) to (4C).

(2) Where a Master Trust scheme provides money purchase benefits in conjunction with other benefits, references in the following provisions of this Act to a Master Trust scheme are to a Master Trust scheme only to the extent

that it provides money purchase benefits, except as provided in section 39(2) to (4).

(3) For the purposes of this section, an employer (“A”) is connected with another employer (“B”)—

(a) where A is, or has been, a group undertaking in relation to B within the meaning of section 1161(5) of the Companies Act 2006, or

(b) in circumstances specified in regulations made by the Secretary of State.

(4) In this section—

“employer”, in relation to an occupational pension scheme, means a person who employs or engages persons who are, or are entitled to become, members of the scheme;

“money purchase benefits” has the same meaning as in the Pension Schemes Act 1993 (see section 181 of that Act);

“occupational pension scheme” has the same meaning as in the Pension Schemes Act 1993 (see section 1(1) of that Act);

“relevant public service pension scheme” has the meaning given in section 2.

(5) Regulations under this section are subject to affirmative resolution procedure.

### *Supplementary*

## **39 Interpretation of Part 1**

(1) In this Part—

the “accounts” of a Master Trust scheme means the accounts audited by the auditor of the scheme (and see **subsections (2) and (4A)**~~subsection (2)~~); the “accounts” of a scheme funder means—

(a) in a case where regulations under section 10(6) apply to the scheme funder, its accounts prepared in accordance with those regulations;

(b) in any other case, its accounts prepared in accordance with the requirements of the Companies Act 2006;

“accrued rights” has the meaning given by section 100D of the Pension Schemes Act 1993;

“administration charge” has the meaning given by paragraph 1 of Schedule 18 to the Pensions Act 2014;

“authorisation” means authorisation under section 5;

“authorisation criteria” has the meaning given in section 5(3);

“collective money purchase scheme” has the meaning given in section 1(2) of the Pension Schemes Act 2021;

“continuity option 1” and “continuity option 2” have the meanings given in section 23;

“employer” has the meaning given in section 1;

“implementation strategy” has the meaning given in section 27;

“insolvency event” has the meaning given by section 121 of the Pensions Act 2004;

“Master Trust scheme” has the meaning given in section 1;

“Master Trust scheme contract” means a contract between the trustees of the scheme and a person providing services in relation to the scheme;

“member” has the meaning given by section 124 of the Pensions Act 1995 (read with regulations made under section 125(4) of that Act);

“occupational pension scheme” has the meaning given in section 1;

“operate”, in relation to a Master Trust scheme, has the meaning given in section 3;

“pause order” means an order under section 31;

“pension scheme” has the meaning given by section 1(5) of the Pension Schemes Act 1993;

“scheme funder”, in relation to a Master Trust scheme, means a person who—

(a) is liable to provide funds to or in respect of the scheme in circumstances where administration charges received from or in respect of members are not sufficient to cover the costs of establishing or running the scheme, or

(b) is entitled to receive the profits of the scheme in circumstances where those charges exceed those costs;

“scheme rules” has the meaning given by section 318(2) and (3) of the Pensions Act 2004;

“scheme strategist”, in relation to a Master Trust scheme, means a person who is responsible for making business decisions relating to the commercial activities of the scheme;

“triggering event” has the meaning given in section 21;

“triggering event period” has the meaning given in section 21(4);

“trustee”, in relation to a Master Trust scheme which is not a scheme established under a trust, means a manager of the scheme.

(2) In relation to a Master Trust scheme which provides money purchase benefits in conjunction with other benefits, references in this Part to the scheme's accounts are to be read as references to the accounts of the scheme as a whole.

(3) The reference in section 10(3) to activities that relate directly to Master Trust schemes is, in its application to a Master Trust scheme which provides money purchase benefits in conjunction with other benefits, to be read as a reference to activities that relate directly to the scheme as a whole.

(4) This Part applies to a Master Trust scheme—

(a) which provides money purchase benefits in conjunction with other benefits, and

(b) for which there is no power to wind up the scheme to the extent only that it provides money purchase benefits,

as if references to winding up the scheme, or to the scheme being wound up, were to ceasing to operate the scheme, or the scheme ceasing to operate, to the extent that it provides money purchase benefits.

**(4A) In relation to a Master Trust scheme, a section of which is a collective money purchase scheme, references in this Part to the scheme's accounts are to be read as references to the accounts of the scheme as a whole.**

(4B) The reference in section 10(3) to activities that relate directly to Master Trust schemes is, in its application to a Master Trust scheme, a section of which is a collective money purchase scheme, to be read as a reference to activities that relate directly to the scheme as a whole.

(4C) This Part applies to a Master Trust scheme—

(a) a section of which is a collective money purchase scheme, and

(b) for which there is no power to wind up the scheme to the extent only that it is not a collective money purchase scheme,

as if references to winding up the scheme, or to the scheme being wound up, were to ceasing to operate the scheme, or the scheme ceasing to operate, to the extent that it is not a collective money purchase scheme.

(5) The Secretary of State may make regulations providing—

(a) that other descriptions of person may be treated as scheme funders for the purposes of this Part;

(b) that a person who would otherwise be a scheme funder may be treated as not being one, either generally or in circumstances specified in the regulations.

(6) Regulations under this section are subject to affirmative resolution procedure.

## **The Occupational Pension Schemes (Preservation of Benefit) Regulations 1991**

### **Discharge of liabilities by collective money purchase scheme which is winding up**

**12A.**—(1) For the purposes of section 73(4) of the Act, a collective money purchase scheme may provide for the scheme's liability to a beneficiary in respect of the beneficiary's accrued rights to benefits under the scheme to be discharged in accordance with the default discharge option for that beneficiary without the consent of the beneficiary where—

(a) the scheme is pursuing continuity option 1 within the meaning of sections 34 and 36 of the Pension Schemes Act 2021; and

~~(b) the trustees of the scheme do not receive a notice from the beneficiary in accordance with paragraph 14 of Schedule 6 to the~~

~~Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022.~~

(b) the trustees of the scheme do not receive a notice from the beneficiary in accordance with—

(i) where the scheme is a single or connected employer scheme, paragraph 14 of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022(b);

(ii) where the scheme is an unconnected multiple employer scheme, paragraph 14 of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) (Extension to Unconnected Multiple Employer Schemes and Miscellaneous Provisions) Regulations 2025.

(2) In this regulation—

“beneficiary” has the meaning given by section 36(8) of the Pension Schemes Act 2021;

“collective money purchase scheme” means a scheme or a section of a scheme which is a collective money purchase scheme for the purposes of Part 1 of the Pension Schemes Act 2021;

~~“default discharge option” has the meaning given by paragraph 1(1) of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022.~~

“default discharge option” has the meaning given by—

(a) in relation to a single or connected employer scheme, paragraph 1(1) of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022;

(b) in relation to an unconnected multiple employer scheme, paragraph 1(1) of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) (Extension to Unconnected Multiple Employer Schemes and Miscellaneous Provisions) Regulations 2025;

“single or connected employer scheme” and “unconnected multiple employer scheme” have the meanings given by section 1(3) of the Pension Schemes Act 2021.

# **The Occupational Pension Schemes (Transfer Values) Regulations 1996**

## **PART II**

### **RESTRICTIONS ON RIGHT TO CASH EQUIVALENT**

#### **Collective money purchase schemes during winding-up**

**2A.**—(1) Chapter 1 of Part 4ZA of the 1993 Act does not apply to a member of a collective money purchase scheme which is pursuing continuity option 1 within the meaning of sections 34 and 36 of the Pension Schemes Act 2021, during the winding-up period for that scheme:

~~(2) In this regulation, “winding-up period” has the meaning given by paragraph 1(1) of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022.~~

~~(2) In this regulation—~~

~~“single or connected employer scheme” and “unconnected multiple employer scheme” have the meanings given by section 1(3) of the Pension Schemes Act 2021;~~

~~“winding-up period” has the meaning given by—~~

~~(a) in relation to a single or connected employer scheme, paragraph 1(1) of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022;~~

~~(b) in relation to an unconnected multiple employer scheme, paragraph 1(1) of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) (Extension to Unconnected Multiple Employer Schemes and Miscellaneous Provisions) Regulations 2025.~~

## **The Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc.) Regulations 1997**

#### **Exemptions from the inalienability and forfeiture provisions**

**8.**—(1) If a scheme is one the trustees of which have made a loan in respect of which the conditions of regulation 6(8) of the Occupational Pension Schemes

(Investment) Regulations 1996 are met (investments to which the restrictions do not apply), section 91(1) of the 1995 Act shall not apply to the extent that it would prevent enforcement of the security referred to in subparagraph (b) of that regulation 6(8).

(1A) If a scheme is one the trustees of which have given or wish to give security in respect of which the conditions of regulation 6(8A) of the Occupational Pension Schemes (Investment) Regulations 1996 are met (investments to which restrictions do not apply), section 91(1) of the 1995 Act shall not apply to the extent that it would prevent that security being given or enforced.

(2) Section 91(1)(a) of the 1995 Act shall not apply to that part of an occupational pension scheme under which there is an entitlement or an accrued right to a lump sum retirement benefit and the Inland Revenue have granted a concession, in accordance with a statement issued on 11th October 1996, to a member in respect of that lump sum retirement benefit.

(3) Subject to paragraph (4), section 91(2) of the 1995 Act shall not apply in relation to schemes which are not registered schemes.

(4) Paragraph (3) shall not apply to public service pension schemes and the Armed Forces Pension Scheme.

(5) Section 92(4)(a) of the 1995 Act (forfeiture) shall not apply in relation to public service pension schemes.

(6) Section 91(1)(a) of the 1995 Act (inalienability of occupational pension) shall not apply to a scheme to the extent that it would prevent the making of any arrangement to effect a surrender of excess rights, at the option of the person in question, for the purposes of paragraph 12 of Schedule 36 to the Finance Act 2004 (pension schemes etc : transitional provisions and savings).

(7) Section 91(1)(a) of the 1995 Act (inalienability of occupational pension) does not apply to a scheme where —

(a) the scheme administrator satisfies any part of a person's liability to the annual allowance charge under section 237A of the Finance Act 2004 (liability of individual) at the request of that person, to the extent that it would prevent an adjustment to that person's benefits under the scheme as a consequence of the scheme administrator satisfying that liability, or

(b) the scheme administrator satisfies a liability under section 237B of the Finance Act 2004 (liability of scheme administrator) in respect of a person, to the extent that it would prevent a consequential adjustment to

that person's benefits under the scheme under section 237E(1) of that Act (consequential benefit adjustments to be reasonable etc).

(7A) Section 91(1)(c) of the 1995 Act (inalienability of occupational pension) does not apply to a scheme or a section of a scheme which is a collective money purchase scheme for the purposes of Part 1 of the Pension Schemes Act 2021 and which is pursuing continuity option 1 within the meaning of sections 34 and 36 of that Act, to the extent that it would prevent a reduction to the quantification of the value of a beneficiary's accrued rights to benefits under the scheme to take account of any periodic income received by that beneficiary in accordance with—

(a) where the scheme is a single or connected employer scheme, Schedule 6 (continuity option 1: transfer out and winding up) to the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022;

(b) where the scheme is an unconnected multiple employer scheme, Schedule 6 (continuity option 1: transfer out and winding up) to the Occupational Pension Schemes (Collective Money Purchase Schemes) (Extension to Unconnected Multiple Employer Schemes and Miscellaneous Provisions) Regulations 2025.

(8) In paragraph (7)—

“annual allowance charge” has the meaning given in section 227(1) of the Finance Act 2004 (annual allowance charge), and

“scheme administrator” has the meaning given in section 270 of the Finance Act 2004 (meaning of “scheme administrator”).

~~(9) In paragraph (7A), “periodic income” has the meaning given by paragraph 1(1) of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022.~~

(9) In paragraph (7A), “periodic income” has the meaning given by—

(a) in relation to a single or connected employer scheme, paragraph 1(1) of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022;

(b) in relation to an unconnected multiple employer scheme, paragraph 1(1) of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) (Extension to Unconnected Multiple Employer Schemes and Miscellaneous Provisions) Regulations 2025.

(10) In paragraphs (7A) and (9) “single or connected employer scheme” and “unconnected multiple employer scheme” have the meanings given by section 1(3) of the Pension Schemes Act 2021.

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

*Restriction on decision-making pending completion of consultation*

### **Listed changes: exclusions**

**10.**—(1) For the purposes of regulations 8 and 9, no account is to be taken of any change which—

(a) is made for the purposes of complying with a statutory provision,

(aa) is made for the purposes of implementing an adjustment measure within regulation 10 of the Occupational Pension Scheme (Charges and Governance) Regulations 2015,

(ab) is made for either or both of the purposes referred to in regulation 7C(1) (modification of schemes: revaluation of guaranteed minimum pensions) of the Occupational Pension Schemes (Modification of Schemes) Regulations 2006,

(ac) which is or results in an adjustment of the rate or amount of benefits provided under a collective money purchase scheme, provided that such adjustment is made in accordance with—

(i) the most recent actuarial valuation or (as the case may be) any multi-annual reduction in effect, and

(ii) the scheme rules,

(ad) which is made in respect of a **single or connected employer scheme** ~~collective money purchase scheme~~ that is pursuing continuity option 1 in accordance with—

(i) Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022, or

(ii) scheme rules made in accordance with that Schedule,

(ae) is made in respect of an **unconnected multiple employer scheme** that is pursuing continuity option 1 in accordance with—

(i) Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) (Extension to Unconnected Multiple Employer Schemes and Miscellaneous Provisions) Regulations 2025, or

(ii) scheme rules made in accordance with that Schedule,

(b) is made for the purposes of complying with a determination made by the Regulator, or

(c) has no lasting effect on a person's rights to be admitted to a scheme or on the benefits that may be provided under it.

(2) No change which is—

(a) a regulated modification within the meaning of the subsisting rights provisions, and

(b) subject to the requirements of those provisions, falls within regulation 8.

(3) “Statutory provision” means a provision comprised in—

(a) an Act of Parliament or subordinate legislation made under such an Act, whenever passed or made,

(b) an Act of the Scottish Parliament or subordinate legislation made under such an Act, whenever passed or made.

(4) “Subsisting rights provisions” has the meaning given by section 67 of the Pensions Act 1995 (the subsisting rights provisions).

(5) In this regulation—

“collective money purchase scheme” means a scheme or a section of a scheme which is a collective money purchase scheme for the purposes of Part 1 of the Pension Schemes Act 2021;

~~“multi-annual reduction” has the meaning given by regulation 2 of the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022.~~

“multi-annual reduction” has the meaning given by—

(a) in relation to a single or connected employer scheme, regulation 2(1) of the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022;

(b) in relation to an unconnected multiple employer scheme, regulation 24(1) of the Occupational Pension Schemes (Collective Money Purchase Schemes) (Extension to

Unconnected Multiple Employer Schemes and Miscellaneous Provisions) Regulations 2025;

“single or connected employer scheme” and “unconnected multiple employer scheme” have the meanings given by section 1(3) of the Pension Schemes Act 2021.

## **The Occupational Pension Schemes (Modification of Schemes) Regulations 2006**

### **Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Modification of Schemes) Regulations 2006.

(2) Regulations 6 and 7 shall come into force on 30th March 2006 and all other regulations shall come into force on 6th April 2006.

(3) In these Regulations—

“the 1993 Act” means the Pension Schemes Act 1993;

“the 1995 Act” means the Pensions Act 1995;

“the 2004 Act” means the Finance Act 2004;

“the 2015 Act” means the Pension Schemes Act 2015;

“the 2006 Regulations” means the Registered Pension Schemes (Modification of the Rules of Existing Schemes) Regulations 2006;

“collective money purchase scheme” means a scheme or a section of a scheme that is a collective money purchase scheme for the purposes of Part 1 of the Pension Schemes Act 2021;

~~“multi-annual reduction” has the meaning given by regulation 2 of the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022;~~

“multi-annual reduction” has the meaning given by—

(a) in relation to a single or connected employer scheme, regulation 2(1) of the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022;

(b) in relation to an unconnected multiple employer scheme, regulation 24(1) of the Occupational Pension Schemes (Collective Money Purchase Schemes) (Extension to Unconnected Multiple Employer Schemes and Miscellaneous Provisions) Regulations 2025;

“public service pension scheme” has the same meaning as in section 1 of the 1993 Act (categories of pension schemes);

“registered pension scheme” means a scheme which is a registered pension scheme for the purposes of Part 4 of the 2004 Act (pension schemes etc.);

“scheme” means an occupational pension scheme;

“the scheme administrator” has the same meaning as in section 270 of the 2004 Act (meaning of scheme administrator);

“single or connected employer scheme” has the meaning given by section 1(3) of the Pension Schemes Act 2021;

“the transitional period” has the same meaning as in regulation 1(2) of the 2006 Regulations;

“unauthorised member payment” has the same meaning as in section 160(2) of the 2004 Act (payments by registered pension schemes);

“unconnected multiple employer scheme” has the meaning given by section 1(3) of the Pension Schemes Act 2021.

...

### **Non-application of the subsisting rights provisions**

3. For the purposes of section 67(3)(b) of the 1995 Act, the prescribed manner of the exercise of any modification power in relation to a scheme to which the subsisting rights provisions do not apply, is any modification of a scheme—

...

(k) which is or results in an adjustment of the rate or amount of benefits provided under a collective money purchase scheme, provided that such adjustment is made in accordance with—

(i) the most recent actuarial valuation or (as the case may be) any multi-annual reduction in effect; and

(ii) the scheme rules; ~~or~~

(l) which is made in respect of a ~~single or connected employer scheme collective money purchase scheme~~ that is pursuing continuity option 1 in accordance with—

(i) Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022; or

(ii) scheme rules made in accordance with the requirements of that Schedule;

(m) which is made in respect of an unconnected multiple employer scheme that is pursuing continuity option 1 in accordance with—

(i) Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) (Extension to Unconnected Multiple Employer Schemes and Miscellaneous Provisions) Regulations 2025; or

(ii) scheme rules made in accordance with the requirements of that Schedule.