
STATUTORY INSTRUMENTS

2016 No. 308

INCOME TAX

The Registered Pension Schemes (Provision of Information) (Amendment) Regulations 2016

<i>Made</i>	- - - -	<i>7th March 2016</i>
<i>Laid before the House of Commons</i>	- - - -	<i>9th March 2016</i>
<i>Coming into force</i>	- -	<i>6th April 2016</i>

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by section 251 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 (Provision of Information) (Amendment) Regulations 2016 and come into force on 6th April 2016.

Amendment of the Registered Pension Schemes (Provision of Information) Regulations 2006

2. After regulation 14A(1) of the Registered Pension Schemes (Provision of Information) Regulations 2006⁽³⁾ insert—

“(1A) For the tax year 2015-16—

- (a) for the purposes of this regulation the pre-alignment and post-alignment tax years⁽⁴⁾ are treated as a single tax year and references to “tax year”, “the relevant tax year” and “the relevant pension input period” shall be construed accordingly,

(1) 2004 c. 12; section 251(4) was amended by paragraph 47 of Schedule 10 to the Finance Act 2005 (c. 7) and paragraph 93 of Schedule 1 to the Taxation of Pensions Act 2014 (c. 30), section 251(5)(aa) was inserted by section 49 of the Finance Act 2010 (c. 13) and section 251(6) was amended by paragraph 93 of Schedule 1 to the Taxation of Pensions Act 2014.

(2) The functions of the Commissioners 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 insofar as it is appropriate in consequence of section 5, a reference in an enactment, however expressed, to the Commissioners of Inland Revenue is to be treated as a reference to the Commissioners for Her Majesty's Revenue and Customs.

(3) S.I. 2006/567; regulation 14A was inserted by S.I. 2011/1797 and amended by paragraph 88 of Schedule 1 to the Taxation of Pensions Act 2014.

(4) The pre-alignment and post-alignment tax years are defined in section 228C(2) of the Finance Act 2004. Section 228C was inserted by paragraph 6 of Schedule 4 to the Finance (No. 2) Act 2015 (c. 33).

- (b) without prejudice to sub-paragraph (a), the condition in paragraph (1)(b)(i) is satisfied if the aggregate of the pension input amounts for the tax year 2015-16 exceeds £80,000, or the aggregate of the pension input amounts for the post-alignment tax year exceeds £40,000,
- (c) without prejudice to sub-paragraph (a), the information required to be provided pursuant to paragraphs (2)(a), (2)(c), (10)(a), (10)(b), (10)(c) and (10)(f) must be provided separately for the pre-alignment and post-alignment tax years,
- (d) paragraphs (2)(b) and (10)(d) do not apply,
- (e) the annual allowance for that tax year is excluded from the information required to be provided pursuant to paragraph (2)(d), and
- (f) the unadjusted alternative annual allowance for that tax year is excluded from the information required to be provided pursuant to paragraph (10)(e).”

Ruth Owen

Jim Harra

Two of the Commissioners for Her Majesty's
Revenue and Customs

7th March 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Registered Pension Schemes (Provision of Information) Regulations 2006 (S.I. 2006/567) (“the 2006 Regulations”) which concern the provision of information by persons such as members and scheme administrators of registered pension schemes.

Regulation 14A of the 2006 Regulations specifies the information that the scheme administrator of a pension scheme is required to provide to members of that scheme in relation to the annual allowance for tax-relieved pensions savings.

Regulation 2 inserts new regulation 14A(1A) into the 2006 Regulations. This change is consequential upon the amendments to Part 4 of the Finance Act 2004 (c. 12) made by Schedule 4 to the Finance (No. 2) Act 2015 (c. 33) which reduce the pensions annual allowance for high-income individuals with effect from 6th April 2016 and make related changes to pension input periods, the calculation of pension input amounts and the carry-forward of unused annual allowance.

Under those amendments, for the purposes of the annual allowance tax year 2015-16 is treated as consisting of two tax years, the pre-alignment tax year (6th April – 8th July 2015) and the post-alignment tax year (9th July 2015 – 5th April 2016). The modifications made by new paragraph (1A) specify how the information requirements in regulation 14A are to be applied for tax year 2015-16.

New paragraph (1A)(a) provides that the default position is that tax year 2015-16 is to be treated as a single tax year for the purposes of the information requirements in regulation 14A.

New paragraph (1A)(b) modifies regulation 14A(1)(b)(i) so that the scheme administrator will only be required to provide a pension savings statement to a member for tax year 2015-16 if either the member’s pension input amounts for tax year 2015-16 as a whole exceed £80,000, or the member’s pension input amounts for the post-alignment tax year exceed £40,000.

New paragraph (1A)(c) provides that paragraphs 14A(2)(a) and (c) and (10)(a) to (c) and (f) are exceptions to the default position. Separate information must be provided under those paragraphs for the pre-alignment and post-alignment tax years.

New paragraphs (1A)(d) to (f) provide that certain information that is normally required to be provided under regulation 14A is not required to be provided for tax year 2015-16.

A Tax Information and Impact Note was published on 8th July 2015 alongside the Finance (No. 2) Bill as part of the Summer Budget 2015 and is available on the government website at www.gov.uk/government/publications/pensions-tapered-annual-allowance. It remains an accurate summary of the impacts that apply to this instrument.