

Rights of Savers Bill

CONTENTS

PART 1

SAVINGS AND RETIREMENT ACCOUNT SCHEMES

General

- 1 Meaning of “Savings and Retirement Account (SaRA) schemes”
- 2 Registration of SaRA schemes
- 3 Duty of employers to facilitate access to SaRA schemes

Investment rules

- 4 Investment requirements for SaRA schemes

Drawdown

- 5 Drawdown requirements for SaRA schemes

Miscellaneous

- 6 Application of Employment Rights Act 1996
- 7 Application of 1993, 1995 and 2004 Acts to SaRA schemes
- 8 Interpretation and application of Part 1

PART 2

RETIREMENT INCOME REFORM

- 9 Retirement Income Funds
- 10 Amendment of the pension rules
- 11 Minimum Retirement Income
- 12 Removal of age limit for annuity protection lump sum death benefit

PART 3

PROMOTION OF PERSONAL PENSION SCHEMES

- 13 Duty of employers to facilitate access to personal pension schemes

PART 4

MISCELLANEOUS AND FINAL PROVISIONS

- 14 Consequential amendments and repeals
- 15 Regulations and orders
- 16 Financial provisions
- 17 Short title, commencement and extent

Schedule 1 – Consequential amendments
Schedule 2 – Repeals

A
B I L L

TO

Make provision about the rights and choices of savers in relation to pensions and pension schemes, annuities and savings; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

SAVINGS AND RETIREMENT ACCOUNT SCHEMES

General

1 Meaning of “Savings and Retirement Account (SaRA) schemes”

- (1) A pension scheme is a Savings and Retirement Account (SaRA) scheme for the purposes of this Part if it is registered as such a scheme under section 2 and each of the following is fulfilled, namely— 5
- (a) the conditions set out in subsections (2) to (11), and
 - (b) such other conditions as may be prescribed.
- (2) The first condition is that the scheme is established under a trust or in such other way as may be prescribed. 10
- (3) The second condition is that the provisions made by the instruments establishing the scheme comply with such requirements as may be prescribed.
- (4) The third condition is that the scheme complies with the investment requirements set out in section 4. 15
- (5) The fourth condition is that the scheme complies with the drawdown requirements set out in section 5.
- (6) The fifth condition is that the scheme complies with such requirements as may be prescribed as regards the extent to which, and the circumstances in which— 20
- (a) any payment made to the scheme by, or on behalf or in respect of, a member of the scheme,

- (b) any income or capital gain arising from the investment of such a payment, or
- (c) the value of rights under the scheme,
- may be used to defray the administrative expenses of the scheme, to pay commission or in any other way which does not result in the provision of benefits for or in respect of members. 5
- (7) The sixth condition is that the scheme complies with such of the requirements of regulations under section 113 of the 1993 Act (disclosure of information about schemes to members etc.) and of regulations under section 237 of the 2004 Act (combined pension forecasts) as are applicable to it. 10
- (8) The seventh condition is that, subject to such minimum contribution levels and other restrictions as may be prescribed, members of the scheme may make such contributions to the scheme as they think appropriate.
- (9) The eighth condition is that, except in so far as is necessary to ensure that the scheme has tax-exemption or tax-approval (within the meaning of the 1993 Act), the scheme accepts transfer payments in respect of members' rights under— 15
- (a) other pension schemes,
- (b) contracts and schemes approved under Chapter 3 of Part 14 of the Income and Corporation Taxes Act 1988 (c. 1) (retirement annuity contracts); 20
- (c) annuities and insurance policies purchased or transferred for the purpose of giving effect to rights under pension schemes; and
- (d) annuities purchased or entered into for the purpose of discharging liability in respect of pension credits under section 29(1)(b) of the 1999 Act or under corresponding Northern Ireland legislation. 25
- (10) The ninth condition is that the scheme has such exemption or approval as is mentioned in subsection (9).
- (11) The tenth condition is that— 30
- (a) if the scheme is an occupational pension scheme, it is specified in a contracting-out certificate in relation to all categories of employment to which the scheme relates, and
- (b) if the scheme is a personal pension scheme, it is an appropriate scheme within the meaning of section 7(4) of the 1993 Act.
- 2 Registration of SaRA schemes 35**
- (1) The Authority shall keep a register of SaRA schemes.
- (2) Subject to subsection (3), the Authority shall register a pension scheme under this section if the trustees of the scheme, or any person or persons prescribed in relation to the scheme—
- (a) *make an application for the purpose and pay such fee as the Authority may determine;* and 40
- (b) declare that each of the following is fulfilled in relation to the scheme, namely—
- (i) the conditions set out in subsections (2) to (11) of section 1; and
- (ii) such other conditions as may be prescribed under subsection (1) of that section. 45

- (3) Where the Authority are satisfied on reasonable grounds that any of those conditions is not fulfilled in relation to a pension scheme, the Authority may by direction –
 - (a) refuse to register the scheme; or
 - (b) where the scheme is registered under this section, remove it from the register. 5
- (4) Section 10 of the 1995 Act (civil penalties) applies to any trustee of a pension scheme which is or has been registered under this section, and to any person prescribed in relation to such a scheme, if –
 - (a) he fails to take all such steps as are reasonable to secure that each of those conditions is fulfilled in relation to the scheme or (as the case may be) while the scheme was so registered he failed to take all such steps as were reasonable to secure that each of those conditions was so fulfilled; or 10
 - (b) where the scheme was registered on his application, any of those conditions was not fulfilled in relation to the scheme at the time of the application. 15
- (5) The Secretary of State may by regulations make provision –
 - (a) for the register, or extracts from the register, or for copies of the register or of extracts from the register, to be open to inspection by, and 20
 - (b) for copies of the register, or of extracts from it, to be supplied to, such persons, in such manner, at such times, on payment of such fees, and subject to such other terms and conditions, as may be prescribed.

3 Duty of employers to facilitate access to SaRA schemes

- (1) Except in so far as regulations otherwise provide, it shall be the duty of an employer of relevant employees to comply with the requirements set out below. 25
- (2) The first requirement is that the employer shall ensure that at all times there is at least one scheme designated by him for the purposes of this subsection which is registered under section 2 and offers membership to all his relevant employees (whether or not any other scheme registered under that section which does not offer membership to all those employees is for the time being designated by him for those purposes). 30
- (3) Before designating a scheme for the purposes of subsection (2) the employer shall consult with his relevant employees and any organisations representing them. 35
- (4) The second requirement is that the employer shall supply his relevant employees with –
 - (a) the name and address of the designated scheme or, as the case may be, of each of the designated schemes; and 40
 - (b) such other information as may be prescribed.
- (5) The third requirement is that the employer shall allow representatives of the designated scheme or schemes reasonable access to his relevant employees for the purpose of supplying them with information about the scheme or schemes.
- (6) The fourth requirement is that, subject to such exceptions and qualifications as may be prescribed, the employer shall, if he is requested to do so by a relevant employee of his who is a member of a qualifying scheme – 45

- (a) deduct the employee’s contributions to the scheme from his remuneration; and
- (b) pay them to the trustees or managers of the scheme or, if regulations so provide, to a prescribed person.
- (7) The fifth requirement is that the employer shall, if any scheme designated by him for the purposes of subsection (2) ceases to be registered under section 2, withdraw his designation of the scheme (but this requirement is not to be taken as implying that he cannot withdraw his designation of a scheme in other circumstances). 5
- (8) Section 10 of the 1995 Act (civil penalties) applies to an employer who fails to comply with any of the requirements set out above. 10
- (9) An employer is not, whether before designating a scheme for the purposes of subsection (2) or at any time while a scheme is designated by him for those purposes, under any duty –
- (a) to make any enquiries, or act on any information, about the scheme for any purpose not connected with –
- (i) ascertaining whether the scheme is for the time being registered under section 2,
- (ii) ascertaining the persons to whom it offers membership, or
- (iii) enabling him to comply with subsection (4), or 20
- (b) in particular, to investigate or monitor, or make any judgment as to, the past, present or future performance of the scheme.
- (10) In this section –
- “employer” means any employer, whether or not resident or incorporated in any part of the United Kingdom; 25
- “qualifying scheme”, in relation to an employer, means –
- (a) the designated scheme or one of the designated schemes;
- (b) if regulations so provide, any other SaRA scheme; or
- (c) if regulations so provide, any other personal pension as defined in subsection (1) of section 1 of the 1993 Act (categories of pension scheme); 30
- “relevant employees”, in relation to an employer, means all employees of his employed in Great Britain and also, in the case of an employer resident or incorporated in any part of Great Britain, all employees of his employed outside the United Kingdom, but with the exception, in the case of any employer, of any employees of his –
- (a) whose employment qualifies them for membership of an occupational pension scheme of the employer;
- (b) whose earnings fall below the lower earnings limit as defined in section 181 of the 1993 Act; or 35
- (c) who are of such other description as may be prescribed. 40

Investment rules

4 Investment requirements for SaRA schemes

- (1) A SaRA scheme is a scheme of investment, to which an individual may subscribe, and in respect of which the following requirements must be met – 45
- (a) the requirements set out in subsections (2) to (4), and

- (b) such other requirements as may be prescribed.
- (2) The first requirement is that the account is made up of investments of the kinds specified by the Treasury by regulations.
- (3) The second requirement is that each account is an account to which only one individual subscribes. 5
- (4) The third requirement is that each account must at all times be managed by an account manager and under terms agreed in a recorded form between the account manager and the account investor.
- (5) The terms agreed to which subsection (4) refers shall include the following conditions – 10
 - (a) that the account investments shall be in the beneficial ownership of the account investor;
 - (b) that the title to all account investments shall be vested in the account manager or his nominee or jointly in one of them and the account investor; 15
 - (c) that, where a share certificate or other document evidencing title to an account investment is issued, it shall be held by the account manager or as he may direct; and
 - (d) that the account manager shall satisfy himself that any person to whom he delegates any of his functions or responsibilities under the terms agreed with the account investor is competent to carry out those functions or responsibilities. 20
- (6) In this section –
 - “account investment” is an investment under an account which is a qualifying investment for a stocks and shares component or a cash component, as the case may be; 25
 - “account manager” means a person who is approved for the purposes of this section by the Authority.

Drawdown

- 5 Drawdown requirements for SaRA schemes 30**
- (1) In respect of any SaRA scheme the following drawdown requirements must be met –
 - (a) the requirements set out in subsections (2) to (6), and
 - (b) such other requirements as may be prescribed.
 - (2) The first requirement is that the total sum to be taken out of the account amounts to no more than 60 per cent of the value of the account at the time of drawdown. 35
 - (3) The second requirement is that the total sum to be taken out of the account does not exceed £40,000.
 - (4) The third requirement is that the value of the amount that is drawn down is required to be paid into the account by the account investor within such period as the Treasury may by regulations specify; but the period so specified may not be required to begin within four years of the date of the drawdown. 40

- (5) The fourth requirement is that any amount which has been drawn down and not paid into the account by the account investor within the period specified by regulations made under subsection (4) shall not be exempt from taxation.
- (6) The fifth requirement is that drawdown takes place for one of the following purposes – 5
- (a) the purpose of providing financial assistance to the account investor in making his first house purchase for his occupation as his principal residence,
 - (b) the purpose of providing financial assistance to a child in making the child’s first house purchase for his occupation as his principal residence, 10
 - (c) the purpose of providing financial assistance to the account investor when he is undertaking –
 - (i) an apprenticeship of a prescribed description, or
 - (ii) a course of higher or further education at a publicly-funded institution or such class of institution as may be prescribed, 15
 - (d) such other purpose as may be prescribed.
- (7) The Secretary of State shall by regulations amend the amount specified in subsection (3) for the purpose of ensuring that the amount rises annually in line with the retail prices index. 20
- (8) In this section –
- “child” means –
 - (a) a son or daughter of the account investor, or
 - (b) a person in respect of whom the account investor had parental responsibility when that person reached the age of 16; 25
 - “financial assistance” has the prescribed meaning;
 - “first house purchase for his occupation as his principal residence” has the prescribed meaning;
 - “parental responsibility” –
 - (a) in relation to England and Wales, has the meaning given by section 3 of the Children Act 1989 (c. 41), and 30
 - (b) in relation to Scotland, shall be construed as a reference to “parental responsibilities” within the meaning given by section 1(3) of the Children (Scotland) Act 1995 (c. 36);
 - “publicly-funded institution” means – 35
 - (a) any university or other institution receiving grants, loans or other payments under section 65 of the Further and Higher Education Act 1992 (c. 13), or under section 5 of the Education Act 1994 (c. 30), any institution maintained by a local education authority in the exercise of their further and higher education functions, any institution receiving a recurrent grant towards its costs under regulations made under section 485 of the Education Act 1996 (c. 56) or any institution receiving financial resources under section 5 or 34 of the Learning and Skills Act 2000 (c. 21); 40
 - (b) any institution within the higher education sector for the purposes of the Further and Higher Education (Scotland) Act 1992 (c. 37), any college of further education within the meaning of section 36(1) of that Act or any central institution within the 45

	meaning of section 135(1) of the Education (Scotland) Act 1980 (c. 44);	
	(c) the Queen’s University of Belfast, the University of Ulster, a college of education in Northern Ireland within the meaning of Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3)) or any institution providing in Northern Ireland further education as defined in Article 3 of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15));	5
	“the retail prices index” means –	10
	(a) the general index of retail prices (for all items) published by the Office for National Statistics, or	
	(b) where that index is not published for a month, any substituted index or figures published by that Office.	
	<i>Miscellaneous</i>	15
6	Application of Employment Rights Act 1996	
	(1) Sections 46 and 102 of the Employment Rights Act 1996 (c. 18) (occupational pension scheme trustees: protection from unfair dismissal and other detriment) shall apply in relation to an employee who is (or is a director of a company which is) a trustee of a scheme designated by his employer under section 3(2) as they apply in relation to an employee who is (or is a director of a company which is) a trustee of a relevant occupational pension scheme which relates to his employment.	20
	(2) Section 58 of that Act (occupational pension scheme trustees: time off) shall apply to the employer in relation to a designated scheme as it applies to the employer in relation to a relevant occupational pension scheme.	25
	(3) In this section “relevant occupational pension scheme” has the meaning given by section 46 of the Employment Rights Act 1996.	
7	Application of 1993, 1995 and 2004 Acts to SaRA schemes	
	(1) Schedule 1 to the 1999 Act (application of 1993 and 1995 Acts to registered schemes) is amended in accordance with subsection (2).	30
	(2) In paragraph 1(1)(b), at the end, insert the words “of this Act or under section 2 of the Rights of Savers Act 2005”.	
	(3) The provisions of Schedule 1 to the 1999 Act (as amended by subsection (2) of this section) shall have effect subject to the provisions of sections 4 and 5 of this Act.	35
8	Interpretation and application of Part 1	
	(1) In this Part –	
	“the 1993 Act” means the Pension Schemes Act 1993 (c. 48);	
	“the 1995 Act” means the Pensions Act 1995 (c. 26);	40
	“the 1999 Act” means the Welfare Reform and Pensions Act 1999 (c. 30);	
	“the 2004 Act” means the Pensions Act 2004 (c. 35);	
	“account” means an account which is within a SaRA scheme;	

- “account investor” means the individual who subscribes to an account;
- “the Authority” means the Pensions Regulator established under section 1 of the 2004 Act;
- “designated scheme”, in relation to an employer, means a scheme designated by him for the purposes of section 3(2); 5
- “drawdown” means the withdrawal of cash from an account prior to retirement;
- “employee” has the meaning given by section 181(1) of the 1993 Act;
- “occupational pension scheme” and “personal pension scheme” have the meanings given by section 1 of the 1993 Act; 10
- “pension scheme” means an occupational pension scheme or a personal pension scheme;
- “prescribed” means prescribed by regulations made by the Secretary of State;
- “SaRA scheme” shall be construed in accordance with section 1. 15
- (2) The Secretary of State may by regulations make provision for a SaRA scheme which –
- (a) is prescribed or is of a prescribed description, and
- (b) would (apart from the regulations) be an occupational pension scheme, to be treated for all purposes, or for such purposes as may be prescribed, as if it were a personal pension scheme and not an occupational pension scheme. 20
- (3) This Part applies to a pension scheme managed by or on behalf of the Crown as it applies to other pension schemes; and, accordingly, references in this Part to a person in his capacity as a trustee or manager of, or person prescribed in relation to, a pension scheme include the Crown, or a person acting on behalf of the Crown, in that capacity. 25
- (4) This Part applies to persons employed by or under the Crown in like manner as if such persons were employed by a private person; and references in this Part to a person in his capacity as an employer include the Crown, or a person acting on behalf of the Crown, in that capacity. 30
- (5) Subsections (3) and (4) do not apply to any provision of this Part under or by virtue of which a person may be prosecuted for an offence; but such a provision applies to persons in the public service of the Crown as it applies to other persons.
- (6) Nothing in this Part applies to Her Majesty in Her private capacity (within the meaning of the Crown Proceedings Act 1947 (c. 44)). 35

PART 2

RETIREMENT INCOME REFORM

9 Retirement Income Funds

- (1) The Finance Act 2004 (c. 12) is amended as follows. 40
- (2) After section 152 (meaning of “arrangement”), insert –
- “152A Meaning of ‘Retirement Income Fund’**
- (1) In this Part, a Retirement Income Fund means a scheme for the reinvestment of savings in retirement which –

- (a) is operated by or on behalf of a person authorised to operate a registered pension scheme,
 - (b) is a scheme in which investments are approved by the Inland Revenue, and
 - (c) meets the conditions set out in subsections (2) to (9). 5
- (2) The first condition is that, subject to the other conditions in this section, funds held in the Retirement Income Fund may be invested and withdrawn by the member as and when he elects.
- (3) The second condition is that an authorised Retirement Income Fund provider must set an annual maximum withdrawal allowance for each member, based on an assessment of each member’s life expectancy, and a member’s withdrawals from the fund in any one year must not exceed that allowance. 10
- (4) The third condition is that, in setting annual maximum withdrawal allowances, an authorised provider must ensure that no member’s total future annual income falls below the Minimum Retirement Income level (as set under section 11 of the Rights of Savers Act 2005) except in the circumstances provided for in the sixth condition. 15
- (5) The fourth condition is that an authorised provider must set an annual minimum withdrawal allowance so that each member’s total income is at least equivalent to the Minimum Retirement Income level, except in the circumstances provided for in the sixth condition. 20
- (6) The fifth condition is that if a member chooses not to declare his total annual income to the authorised provider he must withdraw funds equivalent to the level of the Minimum Retirement Income level or his annual maximum withdrawal allowance, whichever is the lower. 25
- (7) The sixth condition is that, where there are insufficient funds to enable the annual minimum withdrawal allowance to be set so that a member’s total income is at least equivalent to the Minimum Retirement Income level, the allowance should be set at the highest level consistent with the assessment of the member’s life expectancy. 30
- (8) The seventh condition is that the maximum and minimum withdrawal allowances must be set at the same level if a member’s total annual income, including his maximum withdrawal allowance, is lower than the Minimum Retirement Income level. 35
- (9) The eighth condition is that a Retirement Income Fund, and any income derived from it, must not be capable of assignment or surrender by the member.”

10 Amendment of the pension rules

- (1) Section 165 of the Finance Act 2004 (c. 12) (pension rules) is amended as follows. 40
- (2) In subsection (1) (which sets out the pension rules) –
 - (a) in Pension Rule 4, after paragraph (a), insert –
 - “(aa) a withdrawal from a Retirement Income Fund,”;

- (b) in Pension Rule 4, after the second appearance of the words “scheme pension”, insert the words “a withdrawal from a Retirement Income Fund”;
- (c) in Pension Rule 6, after paragraph (a), insert –
“(aa) a withdrawal from a Retirement Income Fund;” 5
- (d) in Pension Rule 6, after the second appearance of the words “scheme pension”, insert the words “a withdrawal from a Retirement Income Fund”.

11 Minimum Retirement Income

- (1) The amount of the Minimum Retirement Income in respect of each tax year shall be set by the Chancellor of the Exchequer by order at the level of the standard minimum guarantee prescribed under section 2 of the State Pension Credit Act 2002 (c. 16). 10
- (2) Before making an order under subsection (1), the Chancellor of the Exchequer shall consult such persons as he considers appropriate. 15
- (3) An order under this section (other than the order that applies to the first tax year during which this section is in force) must be made on or before 31st January of the tax year before the tax year to which the order applies.

12 Removal of age limit for annuity protection lump sum death benefit

- (1) Schedule 29 to the Finance Act 2004 (c. 12) is amended as follows. 20
- (2) In paragraph 16(1) (definition of annuity protection lump sum death benefit), paragraph (a) shall cease to have effect.

PART 3

PROMOTION OF PERSONAL PENSION SCHEMES

13 Duty of employers to facilitate access to personal pension schemes 25

- (1) Section 3 of the Welfare Reform and Pensions Act 1999 (c. 30) (duty of employers to facilitate access to stakeholder pension schemes) is amended as follows.
- (2) In subsection (9), in the definition of “qualifying scheme”, at the end of paragraph (b), insert “or 30
 - (c) if regulations so provide, any other personal pension as defined in subsection (1) of section 1 of the Pension Schemes Act 1993 (categories of pension scheme);”.

PART 4

MISCELLANEOUS AND FINAL PROVISIONS 35

14 Consequential amendments and repeals

- (1) Schedule 1 (which contains consequential amendments) shall have effect.
- (2) Schedule 2 (which contains repeals) shall have effect.

15 Regulations and orders

- (1) Any power of a Minister of the Crown or the Treasury under this Act to make regulations or an order is exercisable by statutory instrument.
- (2) Any regulations or order made under this Act (other than an order made under section 17) shall be laid before Parliament after being made and is subject to annulment in pursuance of a resolution of either House of Parliament. 5
- (3) Every power conferred by this Act on a Minister of the Crown or the Treasury to make regulations or an order includes power –
 - (a) to make different provision for different cases (including different provision in respect of different areas); 10
 - (b) to make provision subject to such exemptions and exceptions as the person making the regulations or order thinks fit; and
 - (c) to make such incidental, supplemental, consequential and transitional provision as the person making the regulations or order thinks fit.

16 Financial provisions 15

There shall be paid out of money provided by Parliament –

- (a) *any expenditure incurred by a Minister of the Crown or government department under this Act; and*
- (b) *any increase attributable to this Act in the sums which under any other Act are payable out of sums so provided.* 20

17 Short title, commencement and extent

- (1) This Act may be cited as the Rights of Savers Act 2005.
- (2) The following provisions of this Act shall come into force on such day as the Secretary of State may by order determine –
 - (a) Part 1, 25
 - (b) section 12, and
 - (c) Part 3,and different days may be appointed for different purposes.
- (3) Sections 9 to 11 shall come into force on 6th April 2007.
- (4) This Act does not extend to Northern Ireland. 30

SCHEDULES

SCHEDULE 1

Section 14(1)

CONSEQUENTIAL AMENDMENTS

Pension Schemes Act 1993

- 1 (1) The Pension Schemes Act 1993 (c. 48) is amended as follows. 5
- (2) In section 111A (monitoring of employers' payments to personal pension schemes), in subsection (11), after paragraph (a), insert –
- “(aa) required to pay a penalty under that section by virtue of section 3(8) of the Rights of Savers Act 2005 (failures in respect of SaRAs), or”. 10

Pensions Act 1995

- 2 (1) The Pensions Act 1995 (c. 26) is amended as follows.
- (2) In section 49 (other responsibilities of trustees, employers, etc.), in subsection (13), after paragraph (a), insert –
- “(aa) required to pay a penalty under that section by virtue of section 3(8) of the Rights of Savers Act 2005 (failures in respect of SaRAs), or”. 15

Pensions Act 2004

- 3 (1) The Pensions Act 2004 (c. 35) is amended as follows.
- (2) In section 5 (Regulator's objectives) – 20
- (a) in subsection (2), after paragraph (b), insert “and
- (c) where the scheme is a SaRA scheme, any other members.”;
- (b) in subsection (3), after the first word “section”, insert – 25
- “‘SaRA scheme’ means a personal pension scheme which is or has been registered under section 2 of the Rights of Savers Act 2005 (register of SaRA schemes);”; and
- (c) in the same subsection, in the definition of “work-based pension scheme”, after paragraph (b), insert – 30
- “(ba) a SaRA scheme, or”.
- (3) In section 12 (provision of information, education and assistance) –
- (a) in subsection (3), at the end, insert the words “and, in the case of SaRA schemes, the persons upon whom duties are imposed by or by

- virtue of section 3 of the Rights of Savers Act 2005 (duty of employers to facilitate access to SaRA schemes)”; and
- (b) in subsection (4), after the second word “assistance”, insert the words “‘SaRA scheme’”.
- (4) In section 73 (inspection of premises) – 5
- (a) after subsection (3), insert –
- “(3A) An inspector may, for the purposes of investigating whether, in the case of a SaRA scheme sections 1 and 2(4) of the Rights of Savers Act 2005 (SaRA schemes: registration etc.) are being, or have been, complied with, at any reasonable time, enter premises liable to inspection.”; 10
- (b) in subsection (7), after the first word “section”, insert –
- “‘SaRA scheme’ means an occupational pension scheme or a personal pension scheme which is or has been registered under section 2 of the Rights of Savers Act 2005 (register of SaRA schemes);”. 15
- (5) In section 80 (offences of providing false or misleading information), in subsection (1), after paragraph (b), insert –
- “(ba) is provided in applying for registration of a scheme under section 2 of the Rights of Savers Act 2005 (registration of SaRA schemes), or”. 20
- (6) In section 101 (powers to vary or revoke orders, notices or directions, etc.), in subsection (2), after paragraph (c), insert –
- “(ca) a direction under section 2(3) of the Rights of Savers Act 2005 refusing to register a scheme under section 2 of that Act or removing a scheme from the register of SaRA schemes, or”. 25
- (7) In section 268 (form of protection) –
- (a) in subsection (3), after the word “pension”, insert the words “or SaRA”;
- (b) in subsection (5), after the word “pension”, insert the words “or SaRA”; and 30
- (c) in subsection (7), at the appropriate place, insert –
- “‘SaRA scheme’ means a scheme which is registered under section 2 of the Rights of Savers Act 2005;”. 35
- (8) In Schedule 2 (the reserved regulatory functions), at the end, insert –

“PART 5

FUNCTIONS UNDER THE RIGHTS OF SAVERS ACT 2005

- 45 The power by direction under section 2(3)(b) to remove a scheme from the register of SaRA schemes.”

SCHEDULE 2

Section 14(2)

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Pension Schemes Act 1993 (c. 48)	In section 111A(11), the word “or” after paragraph (a).	5
Pensions Act 1995 (c. 26)	In section 49(13), the word “or” after paragraph (a).	
Welfare Reform and Pensions Act 1999 (c. 30)	In section 3(9), in the definition of “qualifying scheme”, the word “or” after paragraph (a).	
Finance Act 2004 (c. 12)	In Schedule 29, paragraph 16(1)(a).	10
Pensions Act 2004 (c. 35)	In section 4(2), the word “and” after paragraph (a).	
	In section 4(3), in the definition of “work-based pension scheme”, the word “or” after paragraph (b).	15
	In section 80(1), the word “or” after paragraph (b).	
	In section 101(2), the word “or” after paragraph (c).	

Rights of Savers Bill

A

B I L L

To make provision about the rights and choices of savers in relation to pensions and pension schemes, annuities and savings; and for connected purposes.

*Presented by Sir Malcolm Rifkind
supported by
Mr David Heathcoat-Amory, Mr Nigel Waterson,
Mr Tim Boswell and Mr Paul Goodman.*

*Ordered, by The House of Commons,
to be printed, 22nd June 2005.*

© Parliamentary copyright House of Commons 2005
*Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St. Clements House, 2-16 Colegate, Norwich, NR3 1BQ*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx