STATUTORY INSTRUMENTS

2005 No. 3450

INCOME TAX

The Registered Pension Schemes (Minimum Contributions) Regulations 2005

Made - - - -	*14th December 2005*
Laid before the House of Commons	*15th December 2005*
Coming into force - -	*6th April 2006*

The Commissioners for Her Majesty's Revenue and Customs, in exercise of the powers conferred upon them by section 202(5)(b) of the Finance Act 2004(**a**),and now exercisable by them,(**b**) make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Registered Pension Schemes (Minimum Contributions) Regulations 2005 and shall come into force on 6th April 2006.

Recovery of amounts representing basic rate tax

2.—(1) Subsections (1), (1B), (4) and (5) of section 30 of the Taxes Management Act 1970 (recovery of overpayments of tax, etc.)(**c**) shall apply in relation to the payment by the Commissioners for Her Majesty's Revenue and Customs of an amount, by way of minimum contributions under section 202 of the Finance Act 2004, which—

(a) they were not required to pay, or

(b) they were required to pay, but which they paid to persons other than the scheme administrator of the registered pension scheme to whom they should have made the payment,

as if a sum representing income tax at the basic rate on the amount paid ("the notional repayment sum") had been income tax repaid to the person to whom, or in respect of whom, the amount was paid, and to which that person was not entitled.

(**a**) 2004 c.12.

(**b**) The functions of the Commissioners of Inland Revenue, including those under which this instrument is made, were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5 of the Commissioners for Revenue and Customs Act 2005 (c. 11).

(**c**) 1970 c. 9. Section 30 was substituted by section 149(1) of the Finance Act 1982(c. 39). Subsection (1) was amended by paragraph 13(2) of Schedule 19 to the Finance Act 1999 (c. 16). Subsection (1B) was inserted by paragraph 4(1) of Schedule 19 to the Finance Act 1994 (c. 9). Subsection (4) was substituted by paragraph 13(7) of Schedule 19 to the Finance Act 1998 (c. 36). Subsection (5) was substituted by paragraph 4(2) of Schedule 19 to the Finance Act 1994, and amended by paragraph 13(9) of Schedule 19 to the Finance Act 1998 and paragraph 23 of Part 5 of Schedule 29 to the Finance Act 2001 (c. 9).

(2) An assessment made by virtue of paragraph (1) shall be made by an officer of Revenue and Customs and the provisions of the Taxes Management Act 1970 shall apply to the assessment as if it were an assessment to tax for the year of assessment in respect of which the amount of the notional repayment sum was paid.

D. A. Hartnett
M. J. Eland

14th December 2005 Two of the Commissioners for Her Majesty's Revenue and Customs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision supplementing the provisions of section 202 of the Finance Act 2004 (c. 12).

Regulation 1 provides for the citation and commencement of the Regulations.

Regulation 2 provides for the application of provisions of the Taxes Management Act 1970 (c. 9) as if a sum representing basic rate tax payable on the amount of minimum contributions paid by Commissioners for Her Majesty's Revenue and Customs were a repayment of tax to which the recipient was not entitled.

A regulatory impact assessment in respect of the provisions of Part 4 of the Finance Act 2004 and subordinate legislation under it was published by the Board of Inland Revenue on 8 April 2004, and is available on the HM Revenue and Customs website at www.hmrc.gov.uk/ria/simplifying-pensions.pdf or (for hard copies) by writing to the Ministerial Correspondence Unit, Capital and Savings 1st Floor Ferrers House, PO Box 38, Castle Meadow Road, Nottingham, NG2 1BB.

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