

2005 No. xx

INCOME TAX

**The Pension Schemes (Relevant Migrant Members) Regulations
2005**

Made - - - - *xxxx*
Laid before the House of Commons *xxxx*
Coming into force - - *6th April 2006*

The Commissioners for Her Majesty's Revenue and Customs, in exercise of the powers conferred by paragraph 4(c) of Schedule 33 to 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 Pension Schemes (Relevant Migrant Members) Regulations 2005 and shall come into force on 6th April 2006.

Alternative condition for relevant migrant member relief

2.—(1) For the purposes of paragraph 4(c) of Schedule 33 to the Finance Act 2004 (meaning of “relevant migrant member”), the prescribed condition, in relation to the individual is set out in paragraph (2).

(2) The individual was at any time in the 10 years before the beginning of that period of residence, whether before or after the coming into force of these Regulations, entitled to tax relief in respect of contributions paid under the pension scheme under the law of the country or territory in which the individual was then resident.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Schedule 33 to the Finance Act 2004 (c. 12) contains provisions about migrant member relief in respect of contributions to overseas pension schemes. Paragraph 4 of that Schedule sets out the

(a) 2004 c. 12.

(b) Paragraph 4(c) of Schedule 33 was amended by paragraph 46 of Schedule 10 to the Finance Act 2005 (c. 7). The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(2) of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50(1) of that Act provides that a reference to the Commissioners of Inland Revenue (however expressed) shall be taken as a reference to the Commissioners for Her Majesty's Revenue and Customs.

conditions an individual member of an overseas pension scheme would need to satisfy in order to be considered a relevant migrant member of that scheme. Paragraph 4(c) provides a power for alternative conditions to be prescribed. These regulations prescribe an alternative condition to that already contained in paragraph 4(c) of Schedule 33.

Regulation 1 provides for the citation and commencement.

Regulation 2 prescribes the condition. An individual is a relevant migrant member of an overseas pension scheme on condition that he was entitled to tax relief on contributions paid under the pension scheme in the country of residence at any time in the 10 years prior to coming to the United Kingdom.

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