

## **THE PRIVATE PENSION SCHEMES ACT**

### **FSC Rules made by the Financial Services Commission under section 93 of the Financial Services Act and sections 17(1)(b), 26(3) and 27 of the Private Pension Schemes Act**

1. These Rules may be cited as the Private Pension Schemes (Administration) (Amendment) Rules 2024.
2. In these Rules –  
  
“principal rules” means the Private Pension Schemes (Administration) Rules 2014.
3. The principal rules are amended -
  - (a) in Rule 2, by inserting, in the appropriate alphabetical order, the following new definition –  
  
“certificate” means a certificate issued by the Commission under section 90A of the Workers’ Rights Act.
  - (b) in Rule 9 –
    - (i) by deleting paragraph 5 and replacing it by the following new paragraph –
      - (5)(a) A sponsoring employer shall remit contributions to its private pension scheme on a monthly basis, by latest the 28th of each month, for the preceding month.
      - (b) Notwithstanding paragraph (5)(a), where a sponsoring employer of an underfunded private pension scheme, has developed a contingency plan, it shall remit contributions to the scheme, for the financing of any deficit, in accordance with its contingency plan.
      - (c) Where a sponsoring employer fails to remit contributions to its private pension scheme, within the prescribed time specified in paragraph (5)(a), or

as specified in its contingency plan, it shall, in addition to the contributions outstanding, remit to the private pension scheme, interest at the rate of 1% for each month or part of the month during which any contributions remain unpaid.

- (d) Where a sponsoring employer of a private pension scheme fails to remit any contribution due to the scheme, for two consecutive months, the administrator of the scheme shall make a written request to the sponsoring employer for the necessary payments.

(ii) by deleting paragraph 6 and replacing it by the following new paragraph –

- (6)(a) Where the administrator fails to recover the contribution due from the sponsoring employer within 30 days from the date of the written request referred to in paragraph (5)(d), it shall forthwith notify, in writing, the governing body of the scheme, the Commission and the members of the scheme.
- (b) The governing body of the scheme shall submit a report to the Commission, within 2 months of the notification made by the administrator under paragraph (6)(a), detailing all necessary measures taken to recover the outstanding contributions from the sponsoring employer, in the best interests of the beneficiaries of the scheme.
- (c) Sponsoring employers who do not meet the requirements of paragraphs (5)(a) and (5)(b) shall take such measures as may be necessary to comply with the provisions within 6 months from the date of publication of these Rules.

(c) in Rule 10, by inserting after paragraph 3, the following new paragraphs –

- (4) An administrator of a defined contribution private pension scheme or a private pension scheme with a defined contribution section shall ensure that the monthly contribution of every sponsoring employer is in accordance with section 90(1)(c)(ii) of the Workers' Rights Act.
- (5) The Commission may withdraw a sponsoring employer's certificate, where, in accordance with the information submitted by the administrator of a private pension scheme referred to in paragraph (4) above, the sponsoring employer does not satisfy the eligibility criteria required under section 90(1)(c)(ii) of the Workers' Rights Act.

(d) By inserting after Rule 15, the following new Rule –

15A. Without prejudice to any other enactment, any person who contravenes these Rules shall be liable to such fine and imprisonment as prescribed under section 53 of the Act.

4. These Rules shall come into operation on dd mm 2024.

Made by the Financial Services Commission on dd mm 2024.