HMRC - PTM032100 - Applying To Register A Pension Scheme

Who can make the application to register the scheme

Unless a scheme is automatically registered under the legislation, for example deferred annuity contracts, a pension scheme can only be a registered pension scheme if an application to register the scheme has been made and HMRC has decided to register that scheme.

PTM031300 gives details of which schemes are automatically registered under the tax legislation.

Before an application to register a pension scheme is made the scheme should meet certain conditions. PTM031200 sets out the conditions that a pension scheme must meet if it is to be able to be a registered pension scheme, these include:

restrictions on who establishes the scheme or the form of the scheme

a requirement for the scheme to have a scheme administrator and that scheme administrator is a fit and proper person

a requirement that the scheme is set up and maintained for the sole or main purpose of providing authorised pension and lump sum benefits.

If the scheme is not established in the UK and contains members who do not have UK-relieved funds then scheme administrators should consider PTM114000 - the section titled ‘administration’ - when completing the declaration.

Who can make the application to register the scheme

Only the scheme administrator can make the application to register the scheme. It is the scheme administrator’s responsibility to ensure that they and the scheme meet the conditions for registration before making the application to register the scheme.

When to make the application to register a pension scheme

The scheme administrator must not make an application for registration before the scheme has been set up. Once the scheme has been set up an application for registration may be made before any contributions are paid to the scheme and before members join the scheme.

Registration cannot be backdated to a date before HMRC has made the decision to register the scheme. Any contributions received before the scheme is registered do not qualify for tax relief and any transfer made from a registered pension scheme to the new scheme before it is registered will not be a recognised transfer. Scheme administrators will need to take this into account when deciding when to make an application to register a pension scheme.

How to make the application to register a pension scheme

Section 153(2) and (3) Finance Act 2004

Regulations 4 and 6 and Schedule 1 The Registered Pension Schemes and Overseas Pension Schemes (Electronic Communications of Returns and Information) Regulations 2006 - SI 2006/570

The application to register a pension scheme is a prescribed application form. From 4 June 2018 the scheme administrator must make the application for registration using the online service to Manage and Register Pension Schemes. The application cannot be done by paper. The application consists of an online application form and a set of declarations that must be made by the scheme administrator.

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The](http://www.gov.uk/guidance/pension-administrators-register-a-scheme) page on the GOV.UK website tells you how to apply to register a pension scheme.

The online application is validated as the scheme administrator completes it. If the information cannot be validated, the system will highlight why and ask the scheme administrator to amend it. The scheme administrator will not be able to move onto the next screen until it is successfully validated.

The application will not be accepted until it has been successfully validated by the system. A submission which is not accepted by HMRC’s online system is treated as not having been made. Please contact HMRC’s Online Services Help Desk if you experience any difficulties using the online registration system. Telephone 0300 200 3600, or e-mail helpdesk@ir-efile.gov.uk.

As long as all the relevant fields are completed and in the correct format online the scheme administrator will receive a submission successful message.

The submission successful message will contain a submission reference number. The scheme administrator should use this number if they need to communicate with HMRC regarding the application. The scheme administrator will not be issued with a Pension Scheme Tax Reference (PSTR) until the scheme is registered.

The scheme is not registered at this point. HMRC will now consider the content of the application to decide whether or not to register the scheme - see PTM032200.

Scheme administrators can monitor the progress of the application by logging onto the online service to Manage and Register Pension Schemes. On the summary page, if no decision has been made yet, the scheme status will show one of the following status types:

Pending

Pending – information required

Pending – information received

If HMRC decide to register the scheme, the scheme status will show as open and the PSTR for the scheme will display.

If HMRC has decided not to register the scheme, the scheme status will show as ‘Rejected’.

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Scheme administrator declarations

The intention of the scheme administrator declarations is to ensure that:

the scheme meets the criteria to be a registered pension scheme and has been set up and will be maintained for the purpose of providing authorised pension and lump sum benefits falling within section 164(1)(a) or (b) Finance Act 2004

all the required information has been provided and is correct so that the application can be considered

the scheme is not set up in such a way as to facilitate unauthorised payments

the scheme administrator will discharge their functions properly and understands that there will be a penalty if they do not

the scheme administrator is a fit and proper person and that HMRC may refuse to register the scheme or de-register the scheme if HMRC believes the scheme administrator is not a fit and proper person, and

the scheme administrator understands that they may be liable to a penalty and that the pension scheme may be de-registered if a false statement is made on the application or in respect of any of the information provided on the application.

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Inaccurate information or false statements are made in the application

Sections 153D and 153F Finance Act 2004

The scheme administrator may be liable to penalties for any material inaccuracy in the information provided as part of the application for registration or for any false declaration accompanying the application. A penalty will be due where and at least one of the following applies:

the inaccuracy or false declaration is careless or deliberate. An inaccuracy or false declaration is careless if the scheme administrator has failed to take reasonable care.

the scheme administrator knew of the inaccuracy or false declaration when they made the application but, at that time, they didn’t tell HMRC about the inaccuracy or false declaration.

the scheme administrator discovers the inaccuracy or false declaration after they have made the application and has failed to take reasonable steps to tell HMRC about the inaccuracy.

The maximum penalty that can be charged is the same as the maximum under paragraph 40A of Schedule 36 Finance Act 2008; this is currently £3,000.

A penalty is payable for each inaccuracy and for each falsehood.

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