

SCHEDULES

SCHEDULE 4

ABOLITION OF CONTRACTING-OUT FOR DEFINED CONTRIBUTION PENSION SCHEMES

PART 3

SAVINGS

Issue and cancellation etc. of certificates for periods before the abolition date

- 61 Nothing in the relevant amendments and repeals affects the continued operation of any regulations in force under section 7(1) and (7) of the PSA 1993 (issue of certificates) immediately before the abolition date in relation to the issue of a certificate having effect for a period before the abolition date.
- 62 (1) Nothing in the relevant amendments and repeals affects the continued operation of section 34 of the PSA 1993 (cancellation, variation, surrender and refusal of certificates), or any regulations in force under it immediately before the abolition date, for the purposes of a retrospective act.
- (2) In sub-paragraph (1) “a retrospective act” means the cancellation, variation, surrender or refusal of a certificate, or the issue of an amended certificate, where—
- (a) the certificate was in force for a period beginning before the abolition date (or, in the case of a refusal of a certificate, would have related to such a period if it had been issued), and
 - (b) the cancellation, variation, surrender, refusal or issue—
 - (i) is made after the abolition date, but
 - (ii) has effect from a date before that date.
- (3) An amended certificate issued by virtue of this paragraph must provide for it to cease to have effect as from the abolition date.
- (4) In this paragraph and paragraph 61 “a certificate” means an appropriate scheme certificate or a contracting-out certificate in respect of a money purchase contracted-out scheme, and each of those terms has the meaning given by section 181(1) of the PSA 1993.
- 63 Nothing in the relevant amendments and repeals affects the continued operation of section 164(2) of the PSA 1993 (persons employed by or under the Crown to be treated as employed earners for the purposes of certain provisions) in relation to the provisions of that Act saved by paragraphs 61 and 62.
- 64 Nothing in the relevant amendments and repeals affects the continued operation of section 177(3)(b)(ii) of the PSA 1993 (administrative expenses of the Secretary of State, other than those arising out of certain provisions, to be paid out of the National Insurance Fund into the Consolidated Fund) in relation to the estimated

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administrative expenses of the Secretary of State in carrying into effect the provisions of that Act saved by paragraphs 61 and 62.

Determination of question whether scheme was appropriate scheme

- 65 Nothing in the relevant amendments and repeals affects the continued operation of any regulations in force under section 7(6) of the PSA 1993 (issue of certificates) immediately before the abolition date.

Preservation of earner's chosen scheme

- 66 (1) Nothing in the relevant amendments and repeals—
- (a) prevents the giving of a preceding tax year notice, or
 - (b) otherwise affects the operation of section 44 of the PSA 1993 in relation to such a notice.
- (2) In sub-paragraph (1) a “preceding tax year notice” means a notice within section 44(1) of the PSA 1993 which is given on or after the abolition date but in which the date specified in accordance with that provision falls before the abolition date.

Interpretation etc.

- 67 (1) In this Part of this Schedule—
- “the abolition date” has the same meaning as in section 15;
 - “the PSA 1993” means the Pension Schemes Act 1993 (c. 48);
 - “the relevant amendments and repeals” means—
- (a) the amendments and repeals made by Part 1 of this Schedule, and
 - (b) the consequential repeals and revocations in Part 6 of Schedule 7.
- (2) Nothing in this Part of this Schedule is to be read as affecting the generality of section 16 of the Interpretation Act 1978 (c. 30) (general savings).