



2008 CHAPTER 13

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

EMPLOYERS' DUTIES

Miscellaneous

Power of trustees to modify by resolution

32.—(1) The trustees of an occupational pension scheme may by resolution modify the scheme—

- (a) with a view to enabling the scheme to comply with the conditions in section 17(2), or
- (b) by increasing the amount required to be paid in contributions in order for the scheme to satisfy the requirements contained in section 20(1) or those requirements as modified under section 24(1)(a).

(2) An increase under subsection (1)(b) may be made only—

- (a) by increasing the amount of any contribution, directly or by modifying the basis on which it is calculated, or
- (b) by increasing the frequency of any contributions.

(3) No modification may be made by virtue of subsection (1) without the consent of the employer in relation to the scheme.

(4) In the application of subsection (3) to a scheme in relation to which there is more than one employer, references to the employer have effect as if they

were references to a person nominated by the employers, or by the scheme, to act as the employers' representative for the purposes of this section or, if no such nomination is made, to all of the employers.

(5) Regulations may provide that this section does not apply to occupational pension schemes within a prescribed class or description.