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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

**The National Employment Savings  
Trust (Amendment) Order 2018**

**Amendment of the National Employment Savings Trust Order 2010**

2.—(1) The National Employment Savings Trust Order 2010<sup>(1)</sup> is amended as follows.

(2) After article 6 (consultation of members and employers) insert—

**“Research**

**6A.** The Trustee must, from time to time, carry out research about the administration and management of the Scheme as the Trustee considers expedient, on—

- (a) members of the Scheme;
- (b) participating employers; and
- (c) any representatives of members of the Scheme and participating employers,

in connection with the operation, development or amendment of the Scheme.”.

(3) In article 18 (duty to admit employers), after paragraph (3) insert—

“(3A) Where an employer wishes to arrange for a worker to become a member of the Scheme other than in accordance with—

- (a) in relation to Great Britain, sections 2 to 9 of the Act; or
- (b) in relation to Northern Ireland, sections 2 to 9 of the NI Act,

the Trustee may admit the employer to participation in the Scheme in the circumstances specified in paragraph (4).”.

(4) In article 19 (admittance of members)—

(a) after paragraph (2) insert—

“(2A) Subject to paragraph (6), where an employer wishes to arrange for a worker to become a member of the Scheme other than in accordance with—

- (a) in relation to Great Britain, sections 2 to 9 of the Act; or
- (b) in relation to Northern Ireland, sections 2 to 9 of the NI Act,

the Trustee may admit as a member of the Scheme a worker employed by the employer in the circumstances specified in paragraph (3).”;

(b) after paragraph (4A) insert—

“(4B) Subject to paragraph (6), the Trustee may admit as a member of the Scheme a person if—

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(1) [S.I. 2010/917](#); relevant amending instruments are [S.I. 2013/597](#) and [S.I. 2015/178](#).

- (a) in relation to Great Britain, a scheme provides for a transfer of accrued rights in accordance with section 73(2)(a) of the Pension Schemes Act 1993<sup>(2)</sup>; or
- (b) in relation to Northern Ireland, a scheme provides for a transfer of accrued rights in accordance with section 69(2)(a) of the Pension Schemes (Northern Ireland) Act 1993<sup>(3)</sup>,

in relation to that person, and the employer of persons to which the receiving scheme relates is a participating employer and is making contributions to the Scheme in respect of or on behalf of a jobholder.”.

- (5) In article 21 (members’ accounts), for paragraph (6) substitute—

“(6) Any amount received by the Trustee from, or in respect of or on behalf of, a member in relation to—

- (a) the member’s employment, or
- (b) an instance described in article 19(4), (4A) or (4B),

must be applied to the relevant member’s pension account.”.

- (6) After article 21 (members’ accounts) insert—

**“Removal of members**

**21A.** The Trustee may remove a member from the Scheme if—

- (a) the amount in the member’s pension account is zero;
- (b) the period for which sub-paragraph (a) applies has been at least twelve months, starting with the date on which the member was admitted to the Scheme;
- (c) once the period in sub-paragraph (b) has expired, the Trustee has notified the member in writing of the proposal to close the member’s pension account; and
- (d) the member has not complied with the requirements in the notice given under sub-paragraph (c), as provided for in the rules.”.

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(2) 1993 c. 48. Section 73(2)(a) was amended by sections 18 and 88 of, and paragraph 3(2)(a) of Schedule 2 to, and Part I of Schedule 13 to, the Welfare Reform and Pensions Act 1999 (c. 30).

(3) 1993 c. 49. Section 69(2)(a) was amended by S.I. 1999/3147 (N.I. 11).