

1986 No.1716

PENSIONS

The Contracting-out (Requisite Benefits— Consequential Provisions) Regulations 1986

<i>Made</i> - - - -	<i>3rd October 1986</i>
<i>Laid before Parliament</i>	<i>10th October 1986</i>
<i>Coming into Operation</i>	<i>1st November 1986</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 66(7) and 99(1) and (3) of, and paragraph 9(3) of Schedule 16 to, the Social Security Act 1973(a), section 168(1) of, and Schedule 20 to, the Social Security Act 1975(b), section 31(1), (2), (5) and (7), 32(2), 35(8), 38(1) and (1B), 45(1) and 52 of, and paragraphs 1 and 9 of Schedule 2 to, the Social Security Pensions Act 1975(c), sections 21(2) and 22(13) of the Social Security (Miscellaneous Provisions) Act 1977(d) and sections 84(1) and 89(1) of the Social Security Act 1986(e), and of all other powers enabling him in that behalf, by this instrument, which contains only provisions consequential on section 8 of the Social Security Act 1986, makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Contracting-out (Requisite Benefits—Consequential Provisions) Regulations 1986 and shall come into operation on 1st November 1986.

(2) In these regulations—

“the Determinations Regulations” means the Occupational Pensions Board (Determinations and Review Procedure) Regulations 1976(f);

“the principal regulations” means the Occupational Pension Schemes (Contracting-out) Regulations 1984(g);

“the Preservation Regulations” means the Occupational Pension Schemes (Preservation of Benefits) Regulations 1984(h);

“the Transfer Regulations” means the Contracting-out (Transfer) Regulations 1985(i);

(a) 1973 c.38. See definition of “prescribed” in section 99(1) and explanation of the meaning of “regulations” in section 99(3).

(b) 1975 c.14. See definitions of “prescribe” and “regulations” in Schedule 20. Section 168(1) applies, by virtue of section 66(2) of the Social Security Pensions Act 1975 (c.60), to the exercise of certain powers conferred by that Act.

(c) 1975 c.60. Section 35(8) was amended by the Social Security Act 1985 (c.53), section 4 and Schedule 3, paragraph 8; section 38(1) was substituted, and section 38(1B) inserted, by the Health and Social Security Act 1984 (c.48), section 19.

(d) 1977 c.5. Section 22(13) was amended by the Social Security Act 1980 (c.30), section 20(1) and Schedule 4, paragraph 12.

(e) 1986 c.50. See definition of “regulations” in section 84(1).

(f) S.I. 1976/185; the relevant amending instrument is S.I. 1981/129.

(g) S.I. 1984/380; the relevant amending instruments are S.I. 1985/1323, 1930.

(h) S.I. 1984/614; the relevant amending instrument is S.I. 1985/1323.

(i) S.I. 1985/1323.

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and other expressions have the same meaning as in the Social Security Pensions Act 1975.

[Regulation 2 revoked by S.I. 1997/358 as from 6.4.97.]

[Regulation 3 revoked by Sch. 2 to S.I. 1996/1172 as from 6.4.97.]

[Regulation 4 revoked by Sch. 2 to S.I. 1991/167 as from 28.2.91.]

[Regulation 5(2) revoked by Sch 3 to S.I. 1996/1462 as from 6.4.97.]

[Regulation 5(3) revoked regulation 4(5) of, and paragraph 3 of Schedule 1 to, S.I. 1985/1323 as from 1.11.86.]

Contracting-out certificates referring to requisite benefits

6. Any reference to requisite benefits in a contracting-out certificate issued before 1st November 1986 shall be construed as a reference to guaranteed minimum pensions.

Signed by authority of the Secretary of State for Social Services.

3rd October 1986

John Major
Minister of State
Department of Health and Social Security

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations are all consequential on section 8 of the Social Security Act 1986 and are made before the end of the period of 12 months beginning with the commencement (on 1st November 1986) of that section. Consequently, by virtue of section 61(5)(b) of that Act, the provisions of section 61(2) and (3) of the Social Security Pensions Act 1975 (which require reference to the Occupational Pensions Board of, and a report by the Board on, proposals to make regulations for certain purposes of that Act) do not apply to them.

As a result of section 8, for an occupational pension scheme to be contracted-out it need no longer provide requisite benefits as such, but must still provide guaranteed minimum pensions.

The regulations substitute reference to guaranteed minimum pensions for references to requisite benefits in existing regulations, and provide that any reference to requisite benefits in a contracting-out certificate issued before 1st November 1986 is to be construed as a reference to guaranteed minimum pensions.