
STATUTORY INSTRUMENTS

1993 No. 519

PENSIONS

**The Occupational and Personal Pension Schemes
(Miscellaneous Amendments) Regulations 1993**

<i>Made</i>	- - - -	<i>8th March 1993</i>
<i>Laid before Parliament</i>		<i>15th March 1993</i>
<i>Coming into force</i>	- -	<i>6th April 1993</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by section 168(1) of, and Schedule 20 to, the Social Security Act 1975(1), sections 45(1)(b), 56A(1) and 61B of the Social Security Pensions Act 1975(2) and sections 3(5)(a) and (cc), 17(1) and 84(1) of the Social Security Act 1986(3) and of all other powers enabling him in that behalf, after referring the proposals to make these Regulations (other than those relating to section 3(5)(cc) of the Social Security Act 1986) to the Occupational Pensions Board and considering their Report(4), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations 1993 and shall come into force on 6th April 1993.

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations 1984

2. In the Occupational Pension Schemes (Contracting-out) Regulations 1984(5), in regulation 22 (alternative to limited revaluation premium)—

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- (1) 1975 c. 14. See the definitions of “prescribe” and “regulations” in Schedule 20 which apply, 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. See also the Social Security (Consequential Provisions) Act 1992 (c. 6), Schedule 3, paragraph 10, which provides that the repeal of the Social Security Act 1975 does not affect the operation of section 66(2) of the Social Security Pensions Act 1975.
- (2) 1975 c. 60. Section 56A was added by the Social Security Act 1985 (c. 53), section 3 and Schedule 2. It has effect, as modified in relation to personal pension schemes by virtue of the Personal and Occupational Pension Schemes (Modification of Enactments) Regulations 1987, regulation 3(8) and Schedule 3. Section 61B was inserted by the Social Security (Consequential Provisions) Act 1992, Schedule 2, paragraph 37.
- (3) 1986 c. 50; section 3(5)(cc) was inserted by the Social Security Act 1993, section 1(2). See the definitions of “prescribed” and “regulations” in section 84(1).
- (4) See section 61(2) of the Social Security Pensions Act 1975 and section 61(5)(a) of the Social Security Act 1986 as substituted by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 12(3). See the Explanatory Note to these Regulations in relation to the proposals relating to section 3(5)(cc) of the Social Security Act 1986.
- (5) S.I. 1984/380; paragraphs (3A) and (7A) of regulation 22 were inserted by S.I. 1988/475: they have been amended by the Social Security Act 1989 (c. 24), Schedule 6, paragraph 21.

- (a) in paragraph (3)—
 - (i) the words “Subject to paragraph (3A)” shall be deleted;
 - (ii) for the words “8½ per cent. compound” there shall be substituted the words “the appropriate percentage”;
- (b) paragraph (3A) shall be deleted;
- (c) in paragraph (7)—
 - (i) the words “Subject to paragraph (7A)” shall be deleted;
 - (ii) for the words “8½ per cent. compound” there shall be substituted the words “the appropriate percentage”;
- (d) paragraph (7A) shall be deleted;
- (e) the following paragraph shall be inserted after paragraph (7)—

“(8) In this regulation “the appropriate percentage” in relation to each period of service in respect of which accrued rights to guaranteed minimum pension have been acquired under, or transferred to, the scheme means—

 - (a) where that period of service terminated before 6th April 1988, 8½ per cent. compound;
 - (b) where that period of service terminated on or after 6th April 1988 but before 6th April 1993, 7½ per cent. compound;
 - (c) where that period of service terminates on or after 6th April 1993, 7 per cent. compound.”.

Amendment of the Personal Pension Schemes (Disclosure of Information) Regulations 1987

3. In Schedule 2 to the Personal Pension Schemes (Disclosure of Information) Regulations 1987⁽⁶⁾, the following words shall be added at the end of paragraph 1 (information about contributions to be made available to individuals)—

“; and

- (c) section 3(1)(aa) of that Act⁽⁷⁾.”.

Amendment of the Personal and Occupational Pension Schemes (Modification of Enactments) Regulations 1987

4. In the Personal and Occupational Pension Schemes (Modification of Enactments) Regulations 1987⁽⁸⁾, in regulation 3(9) (application of section 57 of the Social Security Pensions Act 1975⁽⁹⁾ to personal pension schemes), the words “, except in its application to Northern Ireland,” shall be omitted.

Amendment of the Personal Pension Schemes (Appropriate Schemes) Regulations 1988

5. In the Personal Pension Schemes (Appropriate Schemes) Regulations 1988⁽¹⁰⁾ —

- (a) in regulation 17(4) (calculation or estimation of earnings), after the reference “section 3(1)(a)” there shall be inserted the reference “and (aa)”;
- (b) after regulation 17 there shall be inserted the following regulation—

⁽⁶⁾ S.I. 1987/1110, amended by S.I. 1988/474 and 1992/1531.

⁽⁷⁾ Section 3(1)(aa) was inserted by the Social Security Act 1993 (c. 3), section 1(1)(a).

⁽⁸⁾ S.I. 1987/1116, to which there are no relevant amendments.

⁽⁹⁾ 1975 c. 60.

⁽¹⁰⁾ S.I. 1988/137, to which there are no relevant amendments.

“Calculation of minimum contributions

17A. For the purposes of determining whether any minimum contribution which may be payable to or for the benefit of an earner should include an amount calculated under section 3(1)(aa) of the Act⁽¹¹⁾, the Secretary of State may serve a notice in writing on the earner in question which—

- (a) requires him to send documentary evidence of the date of his birth to the Secretary of State; and
- (b) sets out the address to which that evidence is to be sent.”.

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

8th March 1993

Ann Widdecombe
Parliamentary Under-Secretary of State,
Department of Social Security

⁽¹¹⁾ Section 3(1)(aa) was inserted by the Social Security Act 1993 (c. 3), section 1(1)(a).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the following sets of Regulations.

- (a) The Occupational Pension Schemes (Contracting-out) Regulations 1984 are amended so that, where contracted-out employment ceases the fixed rate of revaluation of accrued rights to guaranteed minimum pension will be the “appropriate percentage”. In respect of a period of contracted-out employment which ceases on or after 6th April 1993 the appropriate percentage will be 7% (regulation 2).
- (b) The Personal Pension Schemes (Disclosure of Information) Regulations 1987 are amended so as to require, as part of the information to be made available to individuals, disclosure of the amount of the minimum contributions attributable to the 1% addition under section 3(1)(aa) of the Social Security Act 1986 (regulation 3).
- (c) The Personal and Occupational Pension Schemes (Modification of Enactments) Regulations 1987 are amended so as to extend to Northern Ireland the power of the Occupational Pensions Board to disclose certain information obtained by the Commissioners of Inland Revenue relating to the liability to pay personal pensions (regulation 4).
- (d) The Personal Pension Schemes (Appropriate Schemes) Regulations 1988 are amended by making provision in respect of the calculation of earnings and the verification of age for the purposes of determining the amount of any payment under section 3(1)(aa) of the Social Security Act 1986 (regulation 5).

The proposals to make these Regulations, except in so far as they relate to the exercise of the power conferred by section 3(5)(cc) of the Social Security Act 1986, were referred to the Occupational Pensions Board. Their Report on those proposals, together with a statement by the Secretary of State showing how he has given effect to their recommendations, is contained in Command Paper No. 2166 published by Her Majesty’s Stationery Office.

There is no obligation to consult the Board in so far as these Regulations are made under section 3(5)(cc) of that Act. That provision was inserted in the Social Security Act 1986 by the Social Security Act 1993 and these Regulations are made before the end of the period of 6 months beginning with its commencement. *See* the Social Security Pensions Act 1975, section 61(5)(a).