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STATUTORY INSTRUMENTS

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**1995 No. 3067**

**PENSIONS**

**The Occupational and Personal Pension Schemes  
(Miscellaneous Amendments) (No. 2) Regulations 1995**

*Made* - - - - - *29th November 1995*  
*Laid before Parliament* *5th December 1995*  
*Coming into force* - - - *1st February 1996*

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 73(1), (2) and (4), 113(1) and (3), 153(1) and (2), 181(1), and 182(1) to (3) of the Pension Schemes Act 1993<sup>(1)</sup> and of all other powers enabling him in that behalf, after referring the proposals to make these Regulations to the Occupational Pensions Board<sup>(2)</sup> and considering their report, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Occupational and Personal Pension Schemes (Miscellaneous Amendments) (No. 2) Regulations 1995 and shall come into force on 1st February 1996.

**Amendment of the Occupational Pension Schemes (Preservation of Benefit) Regulations 1991**

2.—(1) The Occupational Pension Schemes (Preservation of Benefit) Regulations 1991<sup>(3)</sup> are amended in accordance with the following provisions of this regulation.

(2) In regulation 6 (means of assuring short service benefit), in paragraph (1), the words from “and the conditions” to the end are omitted.

(3) In regulation 9 (bought out benefits), in paragraph (1), the words from “and which satisfies” to the end are omitted.

(4) In regulation 12 (transfer of member’s accrued rights without consent), in paragraph (1)—  
(a) for “section 73(2)(a)” there is substituted “section 73(2)(a)(i)”; and

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(1) 1993 c. 48. Section 181(1) is cited because of the meaning ascribed to the words “prescribe” and “regulations”.

(2) See section 185(1) of the Pension Schemes Act 1993.

(3) S.I.1991/167; relevant amending instruments are S.I. 1992/1531, 1993/1822 and 1994/1062.

(b) for sub-paragraphs (a) and (b) there is substituted the words “the conditions set out in paragraphs (2) and (3) of this regulation are satisfied”.

(5) In regulation 21 (breaks in pensionable service), in paragraph (5)(b), the words from “and which satisfies” to “the Act” are omitted.

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

3.—(1) After regulation 5 of the Personal Pension Schemes (Disclosure of Information) Regulations 1987<sup>(4)</sup> there is inserted the following regulation—

#### **“Member to be informed when contributions not received**

**5A.** Where the trustees of any scheme have not received a payment of contributions (other than minimum contributions) by the date on or before which it was expected to be made, they shall inform the member concerned in writing before the expiry of three months from that date, unless the payment is received by them within that period.”.

(2) In relation to any payment of contributions which was expected to be made before the coming into force of this regulation the Personal Pension Schemes (Disclosure of Information) Regulations 1987 shall have effect as if this regulation had not been made.

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

29th November 1995

*Oliver Heald*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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(4) S.I. 1987/1110, to which there are amendments not relevant to these Regulations.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make miscellaneous amendments to regulations about occupational and personal pension schemes.

Regulation 2 amends the Occupational Pension Schemes (Preservation of Benefit) Regulations 1991. Paragraphs (2), (3) and (5) amend regulations 6(1), 9(1) and 21(5)(b) which relate to the securing of short service benefit (or its alternatives) by an insurance policy or annuity contract. They remove a reference to the conditions necessary for a discharge under section 81 of the Pension Schemes Act 1993, so as to restore the effect of those provisions prior to the coming into force of that Act. Paragraph (4) amends regulation 12 so that the conditions to be satisfied before a member's rights can be transferred from one occupational pension scheme to another without his consent are the same in a case where a scheme is being wound up as in any other case.

Regulation 3 amends the Personal Pension Schemes (Disclosure of Information) Regulations 1987. It inserts a new regulation 5A, which places an obligation on the trustees or managers of a personal pension scheme to inform a member within 3 months if they do not receive a payment of contributions in respect of him on the due date.

The report of the Occupational Pensions Board on the draft of these Regulations which was referred to them is contained in Command Paper Cm. 3052, published by Her Majesty's Stationery Office.

Only regulation 2(4) imposes a cost on business. An assessment of the compliance costs for pension schemes managers has been made and a copy has been placed in the libraries of both Houses of Parliament. Copies can be obtained by post from the Department of Social Security, Room 11/25, Adelphi, 1-11 John Adam Street, London WC2N 6HT.