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STATUTORY INSTRUMENTS

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**1996 No. 1847**

**The Occupational Pension Schemes  
(Transfer Values) Regulations 1996**

**PART I  
GENERAL**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Transfer Values) Regulations 1996 and shall come into force on 6th April 1997.

(2) In these Regulations, unless the context otherwise requires—

“the 1993 Act” means the Pension Schemes Act 1993;

“the 1995 Act” means the Pensions Act 1995;

[<sup>F1</sup> “the 2004 Act” means the Pensions Act 2004; ]

[<sup>F2</sup> “actuary” means—

(a) the actuary mentioned in section 47(1)(b) of the 1995 Act (professional advisers); or

(b) in relation to a scheme to which that section does not apply—

(i) [<sup>F3</sup> a Fellow of the Institute and Faculty of Actuaries; or]

(iii) a person with other actuarial qualifications who is approved, at the request of the trustees of the scheme in question, by the Secretary of State as being a proper person to act for the purposes of these Regulations in connection with that scheme;]

“appropriate date” has the meaning given to that expression in section 97(3A) of the 1993 Act <sup>M1</sup>;

“base rate” has the meaning given to that expression in the Local Government Pension Scheme Regulations [<sup>F4</sup> 1997];

[<sup>F5</sup> “cash balance benefit” has the meaning given [<sup>F6</sup> to that expression in section 75 of the Pension Schemes Act 2015];]

<sup>F7</sup>  
...

“cash equivalent” means a cash equivalent [<sup>F8</sup> mentioned in section 94(1) or (2)] of the 1993 Act <sup>M2</sup>;

[<sup>F9</sup> “categories of benefits” refers to the categories listed in paragraphs (a) to (c) of section 93(6) of the 1993 Act;]

[<sup>F10</sup> “collective money purchase scheme” means a scheme or a section of a scheme which is a collective money purchase scheme for the purposes of Part 1 of the Pension Schemes Act 2021;]

[<sup>F2</sup> “discount rates” means the interest rates used to discount future payments of benefit for the purposes of placing a current value on them;]

[<sup>F11</sup>“effective date” means the date as at which the assets and liabilities are valued for the purposes of the insufficiency report;]

[<sup>F12</sup>“final salary”, in relation to a member to or in respect of whom benefits under a pension scheme are payable, means the member’s pensionable earnings, or highest, average or representative pensionable earnings, in a specified period ending at, or defined by reference to, the time when the member’s pensionable service in relation to that scheme ends;]

“guarantee date” has the meaning given to that expression in [<sup>F13</sup>section 93A(4)] of the 1993 Act;

[<sup>F2</sup>“initial cash equivalent” means the amount calculated in accordance with regulation 7(1)(a);]

[<sup>F2</sup>“insufficiency report” means the actuary’s last relevant report before the guarantee date prepared in accordance with Schedule 1B (insufficiency reports);]

[<sup>F2</sup>“insufficiency report liabilities” has the meaning given in paragraph 7 of Schedule 1B;]

[<sup>F2</sup>“insurance policy” means an insurance policy which is a contract on human life or a contract of annuity on human life, but excluding a contract which is linked to investment funds;]

[<sup>F14</sup>“member” has the meaning given in section 124(1) of the 1995 Act (interpretation);]

[<sup>F15</sup>“pensionable earnings”, in relation to a member of a pension scheme, means earnings by reference to which benefits under the scheme are calculated;]

F16  
...

F17  
...

[<sup>F2</sup>“salary related benefits” means benefits that are not money purchase benefits;]

[<sup>F18</sup>“salary related scheme” has the meaning given in regulation 1A;]

“scheme”, except in the expressions “personal pension scheme” and “receiving scheme”, means occupational pension scheme;

F7  
...

“section 9(2B) rights” has the meaning given to that expression in the Contracting-out (Transfer and Transfer Payment) Regulations 1996 <sup>M3</sup>;

[<sup>F2</sup>“statement of entitlement” has the meaning given in [<sup>F19</sup>section 93A(3) of the 1993 Act (right to statement of entitlement: benefits other than money purchase)];]

“trustees”, in relation to a scheme which is not set up or established under a trust, means the managers of the scheme <sup>M4</sup>

and other expressions have the same meaning as in the 1993 Act.

### Textual Amendments

- F1** Words in reg. 1(2) inserted (30.12.2005) by [The Occupational Pension Schemes \(Scheme Funding\) Regulations 2005 \(S.I. 2005/3377\)](#), regs. 1, 20(1), **Sch. 3 paras. 5(2)**
- F2** Words in reg. 1(2) inserted (E.W.S.) (1.10.2008) by [Occupational Pension Schemes \(Transfer Values\) \(Amendment\) Regulations 2008 \(S.I. 2008/1050\)](#), regs. 1(1), **2(a)**
- F3** Words in reg. 1(2) substituted (6.4.2012) by [The Pensions \(Institute and Faculty of Actuaries and Consultation by Employers - Amendment\) Regulations 2012 \(S.I. 2012/692\)](#), regs. 1(2), **5**
- F4** Words in reg. 1(2) inserted (1.4.1998) by [The Local Government Pension Scheme \(Transitional Provisions\) Regulations 1997 \(S.I. 1997/1613\)](#), regs. 1(2), Sch. 3 para. 61 (with regs. 1(3), 20, Sch. 4)
- F5** Words in reg. 1(2) inserted (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **32(2)(a)** (with regs. 6, 41,

44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

- F6** Words in reg. 1(2) substituted (6.4.2015) by The Occupational and Personal Pension Schemes (Transfer Values) (Amendment and Revocation) Regulations 2015 (S.I. 2015/498), regs. 1(2), **2(2)**
- F7** Words in reg. 1(2) omitted (1.10.2008) by virtue of Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 (S.I. 2008/1050), regs. 1(1), **2(d)**
- F8** Words in reg. 1(2) substituted (6.4.2015) by The Occupational and Personal Pension Schemes (Transfer Values) (Amendment and Revocation) Regulations 2015 (S.I. 2015/498), regs. 1(2), **2(3)**
- F9** Words in reg. 1(2) inserted (6.4.2015) by The Occupational and Personal Pension Schemes (Transfer Values) (Amendment and Revocation) Regulations 2015 (S.I. 2015/498), regs. 1(2), **2(1)**
- F10** Words in reg. 1(2) inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022 (S.I. 2022/337), regs. 1(3), **3(2)**
- F11** Words in reg. 1(2) substituted (1.10.2008) by Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 (S.I. 2008/1050), regs. 1(1), **2(b)**
- F12** Words in reg. 1(2) inserted (24.7.2014) by The Pensions Act 2011 (Transitional, Consequential and Supplementary Provisions) Regulations 2014 (S.I. 2014/1711), regs. 1(1), **32(2)(b)** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2
- F13** Words in reg. 1(2) substituted (6.4.2015) by The Occupational and Personal Pension Schemes (Transfer Values) (Amendment and Revocation) Regulations 2015 (S.I. 2015/498), regs. 1(2), **2(4)**
- F14** Words in reg. 1(2) substituted (1.10.2008) by Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 (S.I. 2008/1050), regs. 1(1), **2(c)**
- F15** Words in reg. 1(2) inserted (24.7.2014) by The Pensions Act 2011 (Transitional, Consequential and Supplementary Provisions) Regulations 2014 (S.I. 2014/1711), regs. 1(1), **32(2)(c)** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2
- F16** Words in reg. 1(2) omitted (6.4.2012) by virtue of The Pensions Act 2008 (Abolition of Protected Rights) (Consequential Amendments) Order 2011 (S.I. 2011/1246), arts. 1(2)(a), **14(2)**
- F17** Words in reg. 1(2) omitted (6.4.2015) by virtue of The Occupational and Personal Pension Schemes (Transfer Values) (Amendment and Revocation) Regulations 2015 (S.I. 2015/498), regs. 1(2), **2(5)**
- F18** Words in reg. 1(2) substituted (6.4.1997) by The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/786), reg. 1, **Sch. 1 para. 12(2)**
- F19** Words in reg. 1(2) substituted (6.4.2015) by The Occupational and Personal Pension Schemes (Transfer Values) (Amendment and Revocation) Regulations 2015 (S.I. 2015/498), regs. 1(2), **2(6)**

#### Modifications etc. (not altering text)

- C1** Reg. 1(2) modified by SI 2000/1052 reg. 5(2)(a)(i) (as substituted (1.10.2008) by Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 (S.I. 2008/1050), reg. 1(1), **Sch. 2 para. 5(b)**)
- C2** Reg. 1(2) modified by SI 2000/1052 reg. 5(2)(a)(ii) (as substituted (E.W.S.) (1.10.2008) by Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 (S.I. 2008/1050), reg. 1(1), **Sch. 2 para. 5(b)**)
- C3** Reg. 1(2) modified by SI 2000/1052 reg. 4(4)(a) (as substituted (1.10.2008) by Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 (S.I. 2008/1050), reg. 1(1), **Sch. 2 para. 5(b)**)
- C4** Reg. 1(2) modified by SI 2000/1054 reg. 24(2)(a) (as substituted (1.10.2008) by Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 (S.I. 2008/1050), reg. 1(1), **Sch. 2 para. 7(c)**)

#### Marginal Citations

- M1** Section 97(3A) was inserted by paragraph 4(c) of Schedule 6 to the Pensions Act 1995.
- M2** Section 94(1) was amended by section 154(1) of the Pensions Act 1995.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Occupational Pension Schemes (Transfer Values) Regulations 1996, Section 1. (See end of Document for details)*

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**M3** [S.I. 1996/1462.](#)

**M4** In relation to regulation 11, see also the Occupational Pension Schemes (Managers) Regulations 1986, [S.I. 1986/1718.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Occupational Pension Schemes (Transfer Values) Regulations 1996, Section 1.