
STATUTORY INSTRUMENTS

1997 No. 38

PENSIONS

**The Occupational Pension Schemes
(Contracting-out) Transitional Regulations 1997**

<i>Made</i>	- - - -	<i>13th January 1997</i>
<i>Laid before Parliament</i>		<i>20th January 1997</i>
<i>Coming into force</i>	- -	<i>6th April 1997</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 7(1), 11(5) and 181(1) of the Pension Schemes Act 1993⁽¹⁾ and section 174(4) of the Pensions Act 1995⁽²⁾, and of all other powers enabling him in that behalf, after agreement with the Occupational Pensions Board that the proposals within these Regulations need not be referred to it, by this instrument, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Contracting-out) Transitional Regulations 1997 and shall come into force on 6th April 1997.

(2) In these Regulations—

“the transitional period” means the period from 1st January 1997 until 5th April 1997 inclusive;

“the principal regulations” means the Occupational Pension Schemes (Contracting-out) Regulations 1996⁽³⁾.

Notices by employers of intended election during the transitional period

2.—(1) In a case where, during the transitional period, an employer gives notice of intention to make an election with a view to the issue of a contracting-out certificate with effect from 6th April 1997 or such later date as the notice may specify, the provisions of paragraph (2) of this regulation shall apply.

(2) The Secretary of State may treat the notice as complying with the requirements of Part II of the principal regulations as if the notice had been given on or after 6th April 1997 in accordance with those requirements.

(1) 1993 c. 48. Section 7 is amended by paragraph 22 of Schedule 5 to the Pensions Act 1995 and section 11(5) is amended by paragraph 21 of that Schedule. Section 181(1) is cited for the meaning given to “prescribe” and “regulations”.

(2) 1995 c. 26.

(3) S.I.1996/1172; the relevant amending instrument is S.I. 1996/1577.

Making of elections during the transitional period

3.—(1) In the case where, during the transitional period, an employer makes an election with a view to the issue of a contracting-out certificate with effect from 6th April 1997 or such later date as the election may specify, the provisions of paragraph (2) of this regulation shall apply.

(2) The Secretary of State may treat the election as complying with the requirements of Part II of the principal regulations as if that election had been made on or after 6th April 1997 in accordance with those requirements.

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

13th January 1997

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

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 allow employers to start the procedures for obtaining a contracting-out certificate under the [Occupational Pension Schemes \(Contracting-out\) Regulations 1996 \(S. I. 1996/1172\)](#) on or after 1st January 1997. They do this by enabling employers to give a notice of an intended election to contract out, or to make an election itself, between 1st January 1997 and 5th April 1997.