

2009 No. 1906

PENSIONS

The Occupational Pension Schemes (Scottish Parliamentary Pensions Act 2009) Regulations 2009

<i>Made</i> - - - -	<i>15th July 2009</i>
<i>Laid before Parliament</i>	<i>20th July 2009</i>
<i>Coming into force</i> - -	<i>1st September 2009</i>

The Secretary of State for Work and Pensions, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b), in relation to matters relating to personal and occupational pensions, makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act, section 113(1) of the Pension Schemes Act 1993(c), sections 68(6), 73(2)(b), 75(1)(b), 124(1) and 174(2) of the Pensions Act 1995(d) and sections 38(1)(b), 52(1)(b), 126(1)(b), 182(1)(a), 221(1)(b), 241(8)(c), 315(2) and 318(1) of the Pensions Act 2004(e).

In accordance with section 120(1) of the Pensions Act 1995, section 185(1) of the Pension Schemes Act 1993(f) and section 317(1) of the Pensions Act 2004, before making these Regulations the Secretary of State for Work and Pensions has consulted such persons as the Secretary of State considers appropriate.

Citation and commencement

1. These Regulations may be cited as the Occupational Pension Schemes (Scottish Parliamentary Pensions Act 2009) Regulations 2009 and shall come into force on 1st September 2009.

Amendments to secondary legislation

2. The Schedule to these Regulations has effect.

(a) S.I. 2004/3328.
(b) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of the European Union (Amendment) Act 2008 (c.7).
(c) 1993 c.48. Section 113(1) was amended by section 52(1) of the Child Support, Pensions and Social Security Act 2000 (c.19).
(d) 1995 c.26. Section 73 was substituted by section 270(1) of the Pensions Act 2004 (c.35); section 75(1) was substituted by section 271(1) of the Pensions Act 2004 (c.35). Section 124(1) is cited because of the meaning it gives to “prescribed” and “regulations”.
(e) 2004 c.35. Section 318(1) is cited because of the meaning it gives to “prescribed” and “regulations”.
(f) Section 185(1) was amended by paragraph 46 of Schedule 3, and paragraph 80(a) of Schedule 5, to the Pensions Act 1995 (c.26).

Signed by authority of the Secretary of State for Work and Pensions

15th July 2009

Angela Eagle
Minister of State,
Department for Work and Pensions

SCHEDULE

Regulation 2

Amendments to secondary legislation

The Occupational Pension Schemes (Disclosure of Information) Regulations 1996

1. In paragraph 18 of Schedule 1 (basic information about the scheme) to the Occupational Pension Schemes (Disclosure of Information) Regulations 1996(a), after “enactment” insert “(or any Act of the Scottish Parliament containing provision made by virtue of section 81(3) of the Scotland Act 1998)”.

The Pension Protection Fund (Entry Rules) Regulations 2005

2. In regulation 2(1) (schemes which are not eligible schemes) of the Pension Protection Fund (Entry Rules) Regulations 2005(b), after sub-paragraph (c) insert “(ca) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive);”.

The Occupational Pension Schemes (Employer Debt) Regulations 2005

3. In regulation 4(1) (schemes to which section 75 of the 1995 Act does not apply) of the Occupational Pension Schemes (Employer Debt) Regulations 2005(c), after sub-paragraph (c) insert “(ca) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive);”.

The Occupational Pension Schemes (Winding up etc.) Regulations 2005

4. In regulation 3(1) (schemes to which section 73 of the 1995 Act does not apply) of the Occupational Pension Schemes (Winding up etc.) Regulations 2005(d), after sub-paragraph (c) insert “(ca) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive);”.

The Pensions Regulator (Contribution Notices and Restoration Orders) Regulations 2005

5. In regulation 3 (prescribed schemes) of the Pensions Regulator (Contribution Notices and Restoration Orders) Regulations 2005(e), after paragraph (d) insert “(da) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive);”.

The Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations 2005

6. In regulation 2(1) (prescribed schemes) of the Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations 2005(f), after sub-paragraph (c) insert “(ca) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive);”.

(a) S.I. 1996/1655.
(b) S.I. 2005/590.
(c) S.I. 2005/678.
(d) S.I. 2005/706.
(e) S.I. 2005/931.
(f) S.I. 2005/2184.

The Occupational Pension Schemes (Scheme Funding) Regulations 2005

7. In regulation 17(1) (exemptions - general) of the Occupational Pension Schemes (Scheme Funding) Regulations 2005(a), after sub-paragraph (c) insert “(ca) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive);”.

The Occupational Pension Schemes (Regulatory Own Funds) Regulations 2005

8. In regulation 15(1) (exemptions) of the Occupational Pension Schemes (Regulatory Own Funds) Regulations 2005(b), after sub-paragraph (c) insert “(ca) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive);”.

The Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 2006

9. In regulation 2 (exemptions from requirement to have member-nominated trustees) of the Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 2006(c), after paragraph (i) insert “(ia) is a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive);”.

The Occupational Pension Schemes (Modification of Schemes) Regulations 2006

10. For regulation 8 (modification of schemes: prescribed schemes) of the Occupational Pension Schemes (Modification of Schemes) Regulations 2006(d), substitute—

“8 Modification of schemes: prescribed schemes

For the purposes of section 68(6) of the 1995 Act (the power to modify schemes by resolution does not apply to trust schemes within a prescribed class or description), the prescribed class or description of trust schemes is—

- (a) any scheme—
 - (i) in respect of which any Minister of the Crown has given a guarantee or made arrangements for the purposes of securing that the assets of the scheme are sufficient to meet its liabilities; and
 - (ii) which is a public service scheme; or
- (b) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive).”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend secondary legislation in consequence of the Scottish Parliamentary Pensions Act 2009 (asp 1) (the “2009 Act”).

Paragraph 1 of the Schedule amends paragraph 18 of Schedule 1 to the Occupational Pension Schemes (Disclosure of Information) Regulations 1996 (S.I. 1996/1655). Paragraph 18 requires scheme trustees, in certain circumstances, to disclose information about the short title of an enactment setting up a scheme or determining the rate or amount of benefits under a scheme. The amendment at paragraph 1 extends the requirement in paragraph 18 to the 2009 Act and other Acts of the Scottish Parliament which contain provision made by virtue of section 81(3) of the Scotland Act 1998 (c.46). Such legislation would not otherwise be covered by paragraph 18 as the

(a) S.I. 2005/3377.
(b) S.I. 2005/3380.
(c) S.I. 2006/714.
(d) S.I. 2006/759.

definition of “enactment” as used in that paragraph does not extend to Acts of the Scottish Parliament.

The amendments at paragraphs 2 to 10 of the Schedule add any pension scheme for which provision is made further to section 81(3) of the Scotland Act 1998 (including the Scottish Parliamentary Pension Scheme) into existing statutory exemptions from certain regulatory requirements applying to occupational pensions.

An impact assessment has not been published for this instrument as it has no impact on the private, public and voluntary sectors.

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