
STATUTORY INSTRUMENTS

2010 No. 9

PENSIONS

**The National Employment Savings Trust
(Consequential Provisions) Order 2010**

Made - - - - *5th January 2010*
Laid before Parliament *12th January 2010*
Coming into force - - *5th July 2010*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by section 145(1) and (2) of the Pensions Act 2008⁽¹⁾.

Citation and commencement

1. This Order may be cited as The National Employment Savings Trust (Consequential Provisions) Order 2010 and shall come into force on 5th July 2010.

Amendment of the Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations 2005

2.—(1) In regulation 2(1) of the Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations 2005⁽²⁾—

(a) after sub-paragraph (j), omit “or”; and

(b) after sub-paragraph (k), add—

“or (ka) a pension scheme established under section 67 of the Pensions Act 2008.”.

(2) In regulation 2(2) of those Regulations, for “(k)” substitute “(ka)”.

Amendment of the Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 2006

3. In regulation 2 of the Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 2006⁽³⁾, after paragraph (q), add—

“(r) is established under section 67 of the Pensions Act 2008.”.

(1) 2008 c.30.

(2) S.I. 2005/2184. Regulation 2 was amended by S.I. 2007/814 and S.I. 2009/1906.

(3) S.I. 2006/714. Regulation 2 was amended by S.I. 2007/814 and S.I. 2009/1906.

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

5th January 2010

Angela Eagle
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Order)

This Order disapplies certain provisions of pension trust legislation to a scheme established under section 67 of the Pensions Act 2008.

Article 2 of this Order amends regulation 2 of the Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations 2005 ([S.I. 2005/2184](#)). The article exempts a pension scheme established under section 67 of the Pensions Act 2008 ([c.30](#)) from the fraud compensation provisions in Chapter 4 of Part 2 (the Board of the Pension Protection Fund) of the Pensions Act 2004 ([c.35](#)).

Article 3 of this Order amends regulation 2 of the Occupational Pension Schemes (Member-nominated Trustees and Directors) Regulations 2006 ([S.I. 2006/714](#)), so that a pension scheme established under section 67 of the Pensions Act 2008 is prescribed as a trust scheme to which section 241 of the Pensions Act 2004 (requirement for member-nominated trustees) does not apply.

A full Impact Assessment has not been produced for this Order as it has no impact on the private or voluntary sectors.