



2008 CHAPTER 1

PART 2

OCCUPATIONAL AND PERSONAL PENSION SCHEMES

*Contracting-out*

**Abolition of contracting-out for defined contribution pension schemes**

**13.—**(1) Any certificate which is either—

- (a) a contracting-out certificate in relation to a money purchase contracted-out scheme, or
- (b) an appropriate scheme certificate,

and is in force immediately before the abolition date, ceases to have effect on that date.

(2) In this section—

“the abolition date” means the day appointed under section 21 for the coming into operation of subsection (1);

“contracting-out certificate”, “money purchase contracted-out scheme” and “appropriate scheme certificate” have the meanings given by section 176(1) of the Pension Schemes Act (as in force immediately before that day).

(3) In Schedule 4—

- (a) Parts 1 and 2 contain amendments which are consequential on, or related to, the provision made by subsection (1), and
- (b) Part 3 contains savings relating to amendments made by Part 1.

(4) The amendments made by Part 1 of that Schedule have effect as from the abolition date (but any power to make regulations conferred by those amendments may be exercised at any time so as to make regulations having effect as from the abolition date).

(5) The Department may by regulations make—

- (a) such consequential, incidental or supplemental provision, and
- (b) such transitional, transitory or saving provision,

as it thinks necessary or expedient in connection with, or in consequence of, the provisions of subsection (1) and Schedule 4.

(6) Regulations under subsection (5) may in particular amend, repeal or revoke any statutory provision (whenever passed or made).

(7) Subject to subsections (8) to (10), regulations under this section are subject to negative resolution.

(8) Regulations under this section which amend or repeal any relevant statutory provision—

- (a) must be laid before the Assembly after being made; and
- (b) take effect on such date as may be specified in the regulations, but (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of 6 months from that date unless at some time before the expiration of that period the regulations are approved by a resolution of the Assembly.

(9) This subsection applies to regulations made under this section which—

- (a) but for subsection (10), would be subject to negative resolution, and
- (b) are contained in a statutory rule which includes any regulations subject to the confirmatory procedure.

(10) Any regulations to which subsection (9) applies shall not be subject to negative resolution, but shall be subject to the confirmatory procedure.

(11) Before the Department makes any regulations by virtue of subsection (5), it must consult such persons as it considers appropriate.

(12) Subsection (11) does not apply—

- (a) to regulations made for the purpose only of consolidating other regulations revoked by them,
- (b) in a case where it appears to the Department that by reason of urgency consultation is inexpedient,
- (c) to regulations made before the end of the period of 6 months beginning with the coming into operation of subsection (5),
- (d) to regulations which—

- (i) state that they are consequential upon a specified statutory provision, and
  - (ii) are made before the end of the period of 6 months beginning with the coming into operation of that provision, or
  - (e) to regulations making only provision corresponding to provision contained in regulations made by the Secretary of State in relation to Great Britain.
- (13) In this section—
- “the confirmatory procedure” means the procedure described in subsection (8);
  - “relevant statutory provision” means a statutory provision contained in—
    - (a) an Act of the Parliament of Northern Ireland;
    - (b) an Order in Council under Schedule 1 to the Northern Ireland Act 1974 (c. 28);
    - (c) an Act of the Assembly; or
    - (d) an Act of the Parliament of the United Kingdom.