

1990 No. 1530

PENSIONS

The Occupational Pension Schemes (Transitional Provisions and Savings) Regulations 1990

<i>Made</i> - - - -	<i>25th July 1990</i>
<i>Laid before Parliament</i>	<i>27th July 1990</i>
<i>Coming into force</i>	<i>17th August 1990</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by section 166(1) and (2) of the Social Security Act 1975(a) and section 21(3) of the Social Security Act 1990(b), hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Transitional Provisions and Savings) Regulations 1990.

(2) These Regulations come into force on 17th August 1990.

Payments to employers

2.—(1) This regulation is made in connection with the coming into force of section 11(3) to (6) of the Social Security Act 1990 (which limits the circumstances in which payments may be made to an employer out of the resources of an occupational pension scheme).

(2) Section 11(3) does not apply, in relation to any scheme established before 17th August 1990, to any payment to the employer—

- (a) by way of reimbursement of expenditure properly incurred by the employer in respect of an obligation of the trustees or managers in respect of the scheme;
- (b) by way of interest on, or repayment of, a loan from the employer;
- (c) by way of loan or investment of scheme funds provided it is a loan or investment showing a reasonable commercial return;
- (d) which the trustees or managers are obliged to make under the provisions of a scheme to enable the employer to obtain the discharge by a member of the scheme of some monetary obligation due to the employer which arises out of a criminal, negligent or fraudulent act or omission by the member concerned;
- (e) by way of reimbursement of a payment by the employer of a contributions equivalent premium under section 42 of the Social Security Pensions Act 1975(c) or a limited revaluation premium under section 45 of that Act; or
- (f) where proposals for making the payment were submitted to the Commissioners of Inland Revenue for approval, and received by them, before 17th July 1990.

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

25th July 1990

Nicolas Scott
Minister of State
Department of Social Security

(a) 1975 c.14. Section 166(1) to (3A) applies to powers to make regulations under the Social Security Act 1990 by virtue of section 19(1) of that Act.

(b) 1990 c.27.

(c) 1975 c.60.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provisions and savings in connection with the coming into force of section 11(3) to (6) of the Social Security Act 1990.

Section 11(3) to (6) of the Social Security Act 1990 limits the circumstances in which payments can be made to an employer out of the resources of an occupational pension scheme. Regulation 2 says that certain kinds of payments may continue to be made even if those circumstances do not exist.

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