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STATUTORY INSTRUMENTS

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**1996 No. 1462**

**The Contracting-out (Transfer and  
Transfer Payment) Regulations 1996**

**PART III**

**TRANSFERS OF LIABILITY IN RESPECT OF SECTION 9(2B) RIGHTS**

**Transfer payments to overseas schemes or arrangements in respect of section 9(2B) rights**

**11.** A transfer payment in respect of an earner's accrued section 9(2B) rights may be made to an overseas scheme or overseas arrangement if—

- (a) the earner consents in writing;
- (b) the trustees of the transferring scheme have taken reasonable steps to satisfy themselves that <sup>F1</sup>..., where the receiving scheme is an occupational pension scheme, [<sup>F2</sup>the earner] has entered employment to which the receiving scheme applies;
- (c) the earner has acknowledged in writing that he accepts that the scheme or arrangement to which the transfer payment is to be made may not be regulated in any way by the law of the United Kingdom and that as a consequence there may be no obligation under that law on the receiving scheme or arrangement or its trustees or administrators to provide any particular value or benefit in return for the transfer payment; and
- (d) the trustees of the transferring scheme have taken reasonable steps to satisfy themselves that the earner has received a statement from the receiving scheme or arrangement showing the benefits to be awarded in respect of the transfer payment and the conditions (if any) on which these could be forfeited or withheld.

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**Textual Amendments**

- F1** Words in reg. 11(b) omitted (6.4.2005) by virtue of [The Contracting-out, Protected Rights and Safeguarded Rights \(Transfer Payment\) Amendment Regulations 2005 \(S.I. 2005/555\)](#), regs. 1, **2(3)(a)**
- F2** Words in reg. 11(b) substituted (6.4.2005) by [The Contracting-out, Protected Rights and Safeguarded Rights \(Transfer Payment\) Amendment Regulations 2005 \(S.I. 2005/555\)](#), regs. 1, **2(3)(b)**

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Contracting-out (Transfer and Transfer Payment) Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- [reg-1 defn\(s\)](#). revoked by [S.I. 1999/3198 reg 2](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Act modified by [S.I. 1996/1977 reg.4](#)