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STATUTORY INSTRUMENTS

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**2000 No. 2975**

**The Pension Sharing (Contracting-out)  
(Consequential Amendments) Regulations 2000**

**Amendment of the Occupational Pension Schemes (Contracting-out) Regulations 1996**

2.—(1) The Occupational Pension Schemes (Contracting-out) Regulations 1996(1) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “overseas scheme” there shall be inserted the following definition:

““pension debit” means a debit under section 29(1)(a) of the Welfare Reform and Pensions Act 1999;”;

(b) after the definition of “principal appointed day” there shall be inserted the following definitions:

““relevant transferee” means any person for whose benefit an order or provision is made by virtue of which section 29 of the Welfare Reform and Pensions Act 1999 (creation of pension debits and credits) applies, where the order or provision relates to the rights of another person who is a member of the scheme;

“safeguarded rights” has the same meaning as in section 68A of the 1993 Act(2);”.

(3) In regulation 20 (trivial commutation of benefits derived from section 9(2B) rights)—

(a) after the words “earner’s section 9(2B) rights” there shall be inserted the words “or a relevant transferee’s safeguarded rights”; and

(b) in paragraph (b) for the words “payable to the earner” there shall be substituted the words “, or safeguarded rights, payable to the earner or, as the case may be, to the relevant transferee”.

(4) In regulation 23 (requirements for meeting the statutory standard), in paragraph (d) for the words from “in respect of” to the end of the paragraph there shall be substituted the words

“in respect of—

(i) earners who are not in contracted-out employment, or

(ii) safeguarded rights;”.

(5) In regulation 39 (circumstances in which schemes may change mode of contracting-out)—

(a) in paragraph (1) after the words “protected rights” there shall be inserted the words “and any safeguarded rights”; and

(b) in paragraph (2) for the words “and section 9(2B) rights” there shall be substituted the words “, section 9(2B) rights and any safeguarded rights”.

(6) In regulation 73 (transitional arrangements and savings for salary related schemes which have begun winding up before the principal appointed day), in paragraph (b) after the words “1993

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(1) S.I.1996/1172; the relevant amending instruments are S.I. 1996/1577, 1997/786, 1997/819, 1997/3038 and 1999/3198.

(2) Section 68A was inserted by section 36 of the Welfare Reform and Pensions Act 1999.

Act” there shall be inserted the words “and any liabilities in respect of safeguarded rights under section 68A of that Act”.

(7) In regulation 76A (transitional arrangements for schemes contracted-out under section 9(2) of the Pension Schemes Act 1993 to become contracted-out under section 9(3) of that Act)(3) for paragraph (3) there shall be substituted the following paragraph:

“(3) Where this regulation applies—

- (a) sections 50, 52 and 53 of that Act (approval of arrangements for, and supervision of, schemes which cease to be contracted-out) as they apply in relation to the guaranteed minimum pensions provided under the scheme; and
- (b) sections 50 and 52 of that Act as they apply in relation to safeguarded rights under the scheme,

shall be modified so as to have effect as if those pensions were provided or, as the case may be, those rights were conferred under a separate scheme which had ceased to be certified as a contracted-out scheme immediately before the principal appointed day.”.