
STATUTORY INSTRUMENTS

2006 No. 802

**The Occupational Pension Schemes
(Payments to Employer) Regulations 2006**

PART 3

Exemptions, transitional provisions and modifications

Exemptions

12.—(1) Sections 37 and 76 (excess assets on winding up) of the 1995 Act shall not apply to a scheme where—

- (a) a Minister of the Crown has given a guarantee or made any other arrangements for the purpose of securing that the assets of the scheme are sufficient to meet its liabilities;
- (b) arrangements for the payment of any surplus or for the distribution of any excess assets on the winding up of the scheme are subject to the approval of a Minister of the Crown; or
- (c) the scheme does not fall within the description of schemes prescribed in regulation 3(1).

(2) Where such a guarantee has been given as is mentioned in paragraph (1)(a) or (b) in respect of only part of a scheme, sections 37 and 76 of the 1995 Act, shall apply as if that part and the other part of the scheme were separate schemes.

Transitional

13. The prescribed requirements for the notice specified in section 251(6)(a) of the 2004 Act (payment of surplus to employer: transitional power to amend scheme), are that the notice shall—

- (a) be in writing; and
- (b) contain the following information—
 - (i) that the trustees have decided to exercise their power under section 251(3) or (4), as the case may be; and
 - (ii) the date, being a date which is at least three months after the date that the information is sent to the employer and members, from which the trustees' proposed exercise of the power is to take effect.

Modifications in relation to earmarked schemes

14. In relation to a scheme to which regulation 3(1)(b) applies, section 37 of the 1995 Act is modified as if in subsection (3) paragraphs (a) to (c), (f) and (g) were omitted.