

2009 No. 598

PENSIONS

**The Pensions Act 2008 (Abolition of Safeguarded Rights)
(Consequential) Order 2009**

<i>Made</i> - - - -	<i>10th March 2009</i>
<i>Laid before Parliament</i>	<i>16th March 2009</i>
<i>Coming into force</i> - -	<i>6th April 2009</i>

The Secretary of State for Work and Pensions makes the following Order in exercise of the power conferred by section 145(1) of the Pensions Act 2008(a).

Citation and commencement

1. This Order may be cited as the Pensions Act 2008 (Abolition of Safeguarded Rights) (Consequential) Order 2009 and shall come into force on 6th April 2009.

Amendment of the Personal Pension Schemes (Disclosure of Information) Regulations 1987

2.—(1) The Personal Pension Schemes (Disclosure of Information) Regulations 1987(b) are amended in accordance with this article.

(2) In regulation 1(2) (interpretation), omit the definition of “safeguarded rights”.

(3) In regulation 5 (information to be made available to individuals)—

(a) in paragraph (3), omit “or no safeguarded rights”, and

(b) in paragraph (4), omit “or safeguarded rights” in both places it occurs.

(4) In Schedule 1 (basic information about the scheme) in paragraphs 12 and 13, omit “or safeguarded rights”.

(5) In Schedule 2 (information to be made available to individuals) in paragraphs 4 and 11, omit “or safeguarded rights”.

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

3.—(1) The Occupational Pension Schemes (Contracting-out) Regulations 1996(c) are amended in accordance with this article.

(2) In regulation 1(2) (interpretation)(d), omit the definition of “safeguarded rights”.

(a) 2008 c.30.

(b) S.I. 1987/1110. Relevant amending instrument is S.I. 2000/2691, which inserted everything that is being omitted by article 2.

(c) S.I. 1996/1172.

(d) The definition of “safeguarded rights” was inserted by S.I. 2000/2975.

(3) In regulation 23(d) (requirements for meeting the statutory standard)(a), omit sub-paragraph (ii) and the word “or” immediately preceding it.

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

(a) in paragraph (1), omit “and any safeguarded rights”, and

(b) in paragraph (2), for “, section 9(2B) rights and any safeguarded rights” substitute “and section 9(2B) rights”.

(5) In regulation 63(2)(aa) (provision of information about guaranteed minimum pensions)(c), for “, protected rights or safeguarded rights” substitute “or protected rights”.

(6) In regulation 73(b) (transitional arrangements and savings for salary-related schemes which have begun winding up before the principal appointed day)(d), omit “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 1993 Act to become contracted-out under section 9(3) of that Act)(e), for paragraph (3) substitute—

“(3) Where this regulation applies, 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 shall be modified so as to have effect as if those pensions were provided under a separate scheme which had ceased to be certified as a contracted-out scheme immediately before the principal appointed day.”.

Amendment of the Occupational Pension Schemes (Disclosure of Information) Regulations 1996

4.—(1) The Occupational Pension Schemes (Disclosure of Information) Regulations 1996(f) are amended in accordance with this article.

(2) In Schedule 2 (information to be made available to individuals)—

(a) for paragraph 6AA(a), substitute—

“(a) The value of the pension credit member’s accrued rights under the scheme at a specified date.”,

(b) in paragraph 9, omit “or safeguarded rights, as the case may be”, and

(c) in paragraph 10, omit “or safeguarded rights” in both places it occurs.

Amendment of the Occupational Pension Schemes (Mixed Benefit Contracted-out Schemes) Regulations 1996

5.—(1) The Occupational Pension Schemes (Mixed Benefit Contracted-out Schemes) Regulations 1996(g) are amended in accordance with this article.

(2) In regulation 4 (transfer of guaranteed minimum pensions, section 9(2B) rights and protected rights between parts of a relevant scheme)—

(a) omit paragraph (1)(c),

(b) in paragraph (2)—

(i) omit “or the safeguarded rights of a relevant transferee”,

(a) Regulation 23(d) was amended by S.I. 2000/2975.

(b) Regulation 39 was amended by S.I.s 1997/819 and 2000/2975.

(c) Sub-paragraph (aa) was inserted by S.I. 2002/681.

(d) Regulation 73(b) was amended by S.I. 2000/2975.

(e) Regulation 76A was inserted by S.I. 1996/1577 and paragraph (3) was substituted by S.I. 2000/2975.

(f) S.I. 1996/1655. Relevant amending instrument is S.I. 2000/2691, which inserted everything that is being omitted by article 4.

(g) S.I. 1996/1977. Relevant amending instrument is S.I. 2000/2975, which inserted everything that is being omitted by article 5.

- (ii) in sub-paragraph (b), omit “or, as the case may be, the relevant transferee”, and
- (iii) in sub-paragraph (c), for “, section 9(2B) rights or, as the case may be, safeguarded rights” substitute “or section 9(2B) rights”, and
- (c) omit paragraph (3).

Amendment of the Personal Pension Schemes (Appropriate Schemes) Regulations 1997

6.—(1) The Personal Pension Schemes (Appropriate Schemes) Regulations 1997(a) are amended in accordance with this article.

(2) In regulation 8 (applications for the variation of, and to surrender, appropriate scheme certificates)—

- (a) omit paragraph (2)(c) and the word “and” immediately preceding it, and
- (b) omit paragraph (2A).

Amendment of the Pension Sharing (Implementation and Discharge of Liability) Regulations 2000

7.—(1) The Pension Sharing (Implementation and Discharge of Liability) Regulations 2000(b) are amended in accordance with this article.

(2) In regulation 1(2) (interpretation), omit the definition of “safeguarded rights”.

(3) Omit regulation 13 (disqualification as a destination for pension credit – contracted-out or safeguarded rights)(c).

Amendment of the Pension Sharing (Pension Credit Benefit) Regulations 2000

8.—(1) The Pension Sharing (Pension Credit Benefit) Regulations 2000(d) are amended in accordance with this article.

(2) In regulation 1(2) (interpretation), omit the definition of “safeguarded rights”.

(3) In regulation 10 (transfer of a person’s pension credit rights without consent)(e), omit paragraph (9).

(4) Omit—

- (a) regulation 16 (transfer payments in respect of safeguarded rights – general),
- (b) regulation 17 (transfer payments to money purchase contracted-out schemes and appropriate schemes),
- (c) regulation 18 (transfer payments to salary related contracted-out schemes), and
- (d) regulation 19 (transfer payments to overseas schemes or overseas arrangements)(f).

(5) In regulation 20 (requirements to be met by annuities), for “Subject to regulation 19, the prescribed” substitute “The prescribed”.

(6) In regulation 21 (requirements of other pension arrangements)—

- (a) in paragraph (1)(a), add “or” at the end,
- (b) omit paragraph (1)(b), and
- (c) in paragraph (3), for “paragraph (1)(b) and (c)” substitute “paragraph (1)(c)”.

(7) In regulation 22 (requirements to be met by an eligible scheme)(g), omit sub-paragraph (a) of paragraph (1).

(a) S.I. 1997/470. Relevant amending instrument is S.I. 2000/2975, which inserted everything that is being omitted by article 6.
 (b) S.I. 2000/1053.
 (c) Regulation 13 was amended by S.I. 2000/2691.
 (d) S.I. 2000/1054.
 (e) Regulation 10(9) was inserted by S.I. 2000/2691.
 (f) Regulation 19 was amended by S.I. 2005/555.
 (g) Regulation 22(1)(a) was amended by S.I. 2000/2691.

(8) In regulation 35 (definition of eligible pension credit rights)(a), omit paragraph (2)(b) and the word “or” immediately preceding it.

Revocation of the Pension Sharing (Safeguarded Rights) Regulations 2000

9. The Pension Sharing (Safeguarded Rights) Regulations 2000(b) are revoked.

Amendment of the Occupational and Personal Pension Schemes (Pension Liberation) Regulations 2005

10.—(1) The Occupational and Personal Pension Schemes (Pension Liberation) Regulations 2005(c) are amended in accordance with this article.

(2) In regulation 2(3) (modification of references to “transfer” in the 1993 Act)—

(a) omit “, 68A” and “safeguarded rights;”, and

(b) for “any” in the second place it occurs substitute “either”.

Amendment of the Occupational Pension Schemes (Cross-border Activities) Regulations 2005

11.—(1) The Occupational Pension Schemes (Cross-border Activities) Regulations 2005(d) are amended in accordance with this article.

(2) In Schedule 2 (modifications of pensions legislation, and relevant legal requirements for the purposes of section 293) in paragraph 5 in Table 4, omit row 10(e).

Amendment of the Employment Equality (Age) Regulations 2006

12.—(1) The Employment Equality (Age) Regulations 2006(f) are amended in accordance with this article.

(2) In Schedule 2 (pension schemes) in paragraph 1(5) (interpretation) in the definition of “contracted-out rights”(g), omit “but not safeguarded rights (within the meaning of section 68A of the Pension Schemes Act 1993)”.

Signed by authority of the Secretary of State for Work and Pensions.

10th March 2009

William D. McKenzie.
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(a) Regulation 35 was substituted by S.I. 2005/704.

(b) S.I. 2000/1055 as amended by S.I.s 2000/2691, 2001/3649, 2005/2877 and 2006/744.

(c) S.I. 2005/992.

(d) S.I. 2005/3381.

(e) Row 10 reads “Sections 68A to 68D” in column 1 and “Safeguarded rights” in column 2.

(f) S.I. 2006/1031.

(g) The definition of “contracted-out rights” was inserted by S.I. 2006/2931.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends nine Statutory Instruments concerning occupational and personal pensions, revokes one such Instrument and amends one Statutory Instrument concerning employment equality. These changes are consequential upon the abolition of safeguarded rights by section 100 (abolition of safeguarded rights) of the Pensions Act 2008 (c.30). This Order removes references to safeguarded rights in secondary legislation concerning occupational and personal pensions.

This Order has a negligible beneficial impact on the private and voluntary sectors. An assessment of the impact is included in the impact assessment that accompanied the Pensions Act 2008. Copies of that assessment are available in the libraries of both Houses of Parliament and may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, 7F Caxton House, Tothill Street, London SW1H 9NA or from the DWP website: <http://www.dwp.gov.uk/resourcecentre/ria.asp>.

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STATUTORY INSTRUMENTS

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