
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations disapply Chapter IV of Part IV and Chapter II of Part IVA of the Pension Schemes Act 1993 (c.48) (“the transfer value provisions”) which entitle members of occupational or personal pension schemes to acquire a right to a cash equivalent of any benefits which have accrued to or in respect of them. Those chapters allow transfers out from pension funds.

Regulation 2(1) disapplies the transfer value provisions in respect of a pension scheme established by the Secretary of State under section 67(1) of the Pensions Act 2008 (c.30).

Regulation 2(2) provides that the transfer value provisions apply in relation to that scheme when a member reaches normal minimum pension age (this means, before 6th April 2010, age 50, and on or after that date, age 55) and notifies the Trustee of that scheme of their intention to take a right to a cash equivalent in certain ways.

Regulation 2(3) provides that the transfer value provisions also apply in relation to that scheme when the Trustee of that scheme is satisfied that a member is suffering from incapacity.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Work and Pensions, ERSP, Level 7, Caxton House, Tothill Street, London SW1H 9NA and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.