

SCHEDULE 4

Articles 9 and 10

PART I

OCCUPATIONAL PENSIONS LEGISLATION APPLICABLE TO RMPS

Interpretation

1. The provisions referred to in article 9 are those set out in Part 1 of this Schedule and the secondary legislation made under them from time to time.

Matrimonial Causes Act 1973

2. The following provisions of the Matrimonial Causes Act 1973(1)—
- (a) section 24B (Pension sharing orders in connection with divorce proceedings etc);
 - (b) section 24C (Pension sharing orders: duty to stay);
 - (c) section 24D (Pension sharing orders: apportionment of charges);
 - (d) section 25B (Pensions);
 - (e) section 25C (Pensions: lump sum); and
 - (f) section 25D (Pensions: supplementary).

Matrimonial Causes (Northern Ireland) Order 1978

3. The following provisions of the Matrimonial Causes (Northern Ireland) Order 1978(2)—
- (a) Article 23A (Pension sharing orders);
 - (b) Article 27B (Pensions);
 - (c) Article 27C (Pensions: lump sums); and
 - (d) Article 27D (Pensions: supplementary).

Family Law (Scotland) Act 1985

4. The following provisions of the Family Law (Scotland) Act 1985(3)—
- (a) section 8 (Orders for financial provision);
 - (b) section 8A (Pension sharing orders: apportionment of charges); and
 - (c) section 12A (Orders for payment of capital sum: pensions lump sums).

Pension Schemes Act 1993

5. The following provisions of the Pension Schemes Act 1993(4)—
- (a) Chapter IV of Part IV (Transfer Values). For these purposes, Chapter IV of Part IV shall apply to the RMSPS on the basis that it is a scheme to which regulation 7B(6) of The Occupational Pensions Schemes (Transfer Values) Regulations 1996(5) applies;

(1) 1973 c.18. Relevant amendments made by Pensions Act 1995, s 166(1), Welfare Reform and Pensions Act 1999, section 21 and Schedule 4.

(2) S.I. 1978/1045 (N.I. 15).

(3) 1985 c.37.

(4) 1993 c.48.

(5) S.I. 1996/1847. Relevant amendments made by S.I. 2008/2450 reg 3.

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- (b) Chapter I of Part IVA (Pension Credit Under Occupational Schemes);
- (c) section 113 (Disclosure of information about schemes to members etc); and
- (d) Part X (Investigations: the Pensions Ombudsman).

Pensions Act 1995

6. The following provisions of the Pensions Act 1995(6)—
- (a) section 50 (Requirement for dispute resolution arrangements);
 - (b) section 50A (Meaning of “person with an interest in the scheme”);
 - (c) section 50B (The dispute resolution procedure);
 - (d) section 51 (Annual increase in rate of pension);
 - (e) section 51ZA (Meaning of “the appropriate percentage”);
 - (f) section 52 (Restriction on increase where member is under 55);
 - (g) section 53 (Effect of increases above the statutory requirement); and
 - (h) section 54 (Sections 51 to 53: supplementary).

Welfare Reform and Pensions Act 1999

7. The following provisions of the Welfare Reform and Pensions Act 1999(7)—
- (a) section 11 (Effect of bankruptcy on pension rights: approved arrangements);
 - (b) section 13 (Sections 11 and 12: application to Scotland);
 - (c) section 23 (Supply of pension information in connection with divorce etc);
 - (d) section 24 (Charges by pension arrangements in relation to earmarking orders); and
 - (e) Part IV (Pension Sharing).

Welfare Reform and Pensions (Northern Ireland) Order 1999

8. The following provisions of the Welfare Reform and Pensions (Northern Ireland) Order 1999(8)—
- (a) article 12 (Effect of bankruptcy on pension rights: approved arrangements);
 - (b) Part IV (Pensions on Divorce etc); and
 - (c) Part V (Pension Sharing).

Civil Partnership Act 2004

9. The following provisions of the Civil Partnership Act 2004(9)—
- (a) Part 6 of Schedule 5 (Financial Relief in the High Court or a County Court); and
 - (b) Part 5 of Schedule 15 (Financial Relief in the High Court or a County Court etc: Northern Ireland).

(6) 1995 c.26. Relevant amendments made by the Pensions Act 2004, sections 273 and 278.

(7) 1999 c.30.

(8) 1999/3147 (N.I. 11).

(9) 2004 c.33

Equality Act 2010

10. The following provisions of the Equality Act 2010⁽¹⁰⁾—

- (a) Chapter 2 of Part 5 (Occupational pension schemes);
- (b) paragraphs 1 and 2 of Schedule 22 (Statutory provisions);
- (c) paragraph 1 of Schedule 23 (General exceptions); and
- (d) Schedule 24 (Harmonisation: exceptions).

PART II

TREATING THE RMSPS AS A SALARY-RELATED CONTRACTED-OUT SCHEME

Interpretation

11. In this Schedule—

“1993 Act” means the Pension Schemes Act 1993;

“Contracted-out Beneficiary” means a beneficiary under the RMSPS who, but for the transfers, amendments and discharge under articles 5, 7 and 11 of this Order, would at any time have had rights and entitlements under the RMPP to or in respect of GMPs or section 9(2B) rights (or both);

“Contracting-out Regulations” means the Occupational Pension Schemes (Contracting-out) Regulations 1996⁽¹¹⁾;

“earner” has the meaning given in the 1993 Act;

“GMP” means the guaranteed minimum pension of a member, widow, widower or surviving civil partner as defined in section 8(2) of the 1993 Act;

“predecessor scheme” means any occupational pension scheme from which rights and entitlements in respect of GMPs and section 9(2B) rights were transferred to the RMPP before the qualifying time;

“relevant earner” means the following:

- (a) in relation to a Contracted-out Beneficiary who is a member of the RMSPS, that member; and
- (b) in relation to a Contracted-out Beneficiary who is not a member of the RMSPS, the member of the RMPP or RMSPS in respect of whom the Contracted-out Beneficiary has rights and entitlements to or in respect of GMPs or section 9(2B) rights (or both); and

“section 9(2B) rights” has the meaning given in the Contracting-out Regulations.

Application of contracting-out legislation to the RMSPS

12. Subject to paragraph 14, the provisions of the 1993 Act that are set out in paragraph 13 and the regulations made under them that are set out in paragraph 15 apply to the RMSPS, and the Secretary of State as the person responsible for the management of the RMSPS shall comply with them, in respect of—

- (a) any rights or entitlements of a Contracted-out Beneficiary to or in respect of GMPs that were accrued or provided under the RMPP in respect of the relevant earner’s contracted-

⁽¹⁰⁾ 2010 c.15.

⁽¹¹⁾ S.I. 1996/1172.

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out employment by reference to the RMPP or any predecessor scheme or, but for the transfers, amendments and discharge under articles 5, 7 and 11 this Order, would have been accrued or provided under the RMPP in respect of the relevant earner's contracted-out employment by reference to the RMPP after the qualifying time; and

- (b) any section 9(2B) rights of a Contracted-out Beneficiary that were accrued or provided under the RMPP in respect of the relevant earner's contracted-out employment by reference to the RMPP or any predecessor scheme,

as if such contracted-out employment had been carried out by the relevant earner by reference to the RMSPS and those rights and entitlements had been accrued or provided under the RMSPS in respect of that contracted-out employment.

13. The provisions of the 1993 Act referred to in paragraph 12 are—

- (a) section 12C (Transfer, commutation, etc);
- (b) section 12D (Entitlement to benefit);
- (c) section 13 (Minimum pensions for earners);
- (d) section 14 (Earner's guaranteed minimum);
- (e) section 15 (Increase of guaranteed minimum where commencement of guaranteed minimum pension postponed);
- (f) section 15A (Reduction of guaranteed minimum in consequence of pension debit);
- (g) section 16 (Revaluation of earnings factors for purposes of s 14: early leavers etc);
- (h) section 17 (Minimum pensions for widows and widowers);
- (i) section 18 (Treatment of insignificant amounts);
- (j) section 19 (Discharge of liability where guaranteed minimum pensions secured by insurance policies or annuity contracts);
- (k) section 20 (Transfer of accrued rights);
- (l) section 21 (Commutation, surrender and forfeiture);
- (m) section 23(7) (Securing of benefits);
- (n) section 24A (Conversion of guaranteed minimum pension into other benefits: introduction);
- (o) section 24B (The conversion conditions);
- (p) section 24C (Actuarial equivalence);
- (q) section 24D (Survivors' benefits);
- (r) section 24E(1), (3) and (4) (Procedural requirements);
- (s) section 24F (Transfer out);
- (t) section 24G (Powers to amend schemes);
- (u) section 24H (Enforcement of GMP conversion conditions);
- (v) section 37 (Alteration of rules of contracted-out schemes);
- (w) section 50 (Powers of Inland Revenue to approve arrangements for scheme ceasing to be certified), as if the RMSPS were a scheme which had been certified as a contracted-out scheme and had ceased to be such a scheme;
- (x) section 51 (Calculation of guaranteed minimum pensions preserved under approved arrangements), as if the RMSPS were a scheme which had been certified as a contracted-out scheme and had ceased to be such a scheme;

- (y) Chapter III of Part IV (Protection of Increases in Guaranteed Minimum Pensions (“Anti-Franking”));
 - (z) Chapter II of Part V (Guaranteed Minimum Pensions);
 - (aa) section 155 (Requirement to give information to the Secretary of State or the Board for the purposes of certain provisions);
 - (bb) section 156 (Information for purposes of contracting-out); and
 - (cc) section 159 (Inalienability of guaranteed minimum pension and protected rights payments).
- 14.** In its application to the RMSPS, section 13(5) of the 1993 Act is modified such that—
- (a) for the purposes of paragraph (a) of that section, employment to which the RMPP or any New POL Scheme (as that term is defined in the RMSPS Rules) relates shall be treated as employment to which the RMSPS relates; and
 - (b) the requirement in paragraph (b) of that section, for the earner’s consent to be required for any postponement of the earner’s guaranteed minimum pension after the expiration of five years from the date on which the earner attains pensionable age, shall be subject to any exceptions as may be provided for under the RMSPS Rules.
- 15.** The regulations referred to in paragraph 12 are—
- (a) the following provisions of the Contracting-out Regulations:
 - (i) regulation 19 (Lump sum benefits and salary related contracted-out schemes);
 - (ii) regulation 20 (Payment of a lump sum instead of a pension payable under a relevant scheme);
 - (iii) regulation 20A (Suspension of section 9(2B) rights);
 - (iv) regulation 21 (Payable age in salary-related contracted-out schemes);
 - (v) regulation 42 (Alteration of rules of contracted-out schemes);
 - (vi) regulation 44(4) and (7) (Notifications to the Secretary of State);
 - (vii) regulation 45 (Approval of arrangements for schemes ceasing to be contracted-out); and
 - (viii) Part VII (Guaranteed Minimum Pensions); and
 - (b) the provisions of the Contracting-out (Transfer and Transfer Payment) Regulations 1996(**12**).