
STATUTORY INSTRUMENTS

2017 No. 354

**The Occupational Pension Schemes and Social Security
(Schemes that were Contracted-out and Graduated Retirement
Benefit) (Miscellaneous Amendments) Regulations 2017**

**Amendment of the Occupational Pension Schemes (Schemes that were Contracted-out)
(No.2) Regulations 2015**

4.—(1) The Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015(1) are amended as follows.

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

(a) after the definition of “administrator” insert—

““bereavement support payment” means the benefit described in section 30 (bereavement support payment) of the Pensions Act 2014(3);”;

(b) after the definition of “the Finance Act” insert—

““scheme reconciliation service” means the service set up by the Commissioners which allows schemes to compare the scheme’s records of members who have been contracted-out, and the value of members’ guaranteed minimum pensions(4), with the Commissioner’s records of the same, with a view to removing any errors in the scheme’s or the Commissioner’s records;”.

(3) For regulation 9(3) (notification of requirement to pay a contributions equivalent premium) substitute—

“(3) The Commissioners may in any particular case or class of case extend the period within which notification is to be given—

(a) if it appears to them that notification could not reasonably have been given within the period specified in paragraph (2); or

(b) if—

(i) the trustees are seeking to reach, or have reached, an agreement with the Commissioners as to the scheme’s liabilities for guaranteed minimum pensions or section 9(2B) rights of members through the scheme reconciliation service; and

(ii) as a result of doing so, the Commissioners and the trustees agree that a premium is payable.”.

(4) For regulation 11(5) (elections to pay contributions equivalent premiums) substitute—

“(5) The Commissioners may in any particular case or class of case extend the period within which notification of an election is to be given—

(1) [S.I. 2015/1677](#); relevant amending instrument is [S.I. 2016/200](#).

(2) There are amendments to regulation 2 that are not relevant to these Regulations.

(3) [2014 c. 19](#).

(4) The definition of “guaranteed minimum pension” in section 8 of the Pension Schemes Act [1993 \(c. 48\)](#) was amended by the Pensions Act [2014 \(c. 19\)](#) and [S.I. 2005/2050](#).

- (a) if it appears to them that notification could not reasonably have been given within the period specified in paragraph (4); or
 - (b) if—
 - (i) the trustees are seeking to reach, or have reached, an agreement with the Commissioners as to the scheme’s liabilities for guaranteed minimum pensions or section 9(2B) rights of members through the scheme reconciliation service; and
 - (ii) as a result of doing so, the Commissioners and the trustees agree that a premium is payable.”.
- (5) In regulation 12(3) (payment of a contributions equivalent premium)—
 - (a) after sub-paragraph (a) omit “and”;
 - (b) after sub-paragraph (b) insert—
 - “; and
 - (c) if—
 - (i) the trustees are seeking to reach, or have reached, an agreement with the Commissioners as to the scheme’s liabilities for guaranteed minimum pensions or section 9(2B) rights of members through the scheme reconciliation service; and
 - (ii) as a result of doing so, the Commissioners and the trustees agree that a premium is payable,
- by such further period as they consider reasonable.”.
- (6) In regulation 21(1) (circumstances for the purposes of section 17(6) of the 1993 Act in which widower’s, widow’s or surviving civil partner’s guaranteed minimum pension is payable)—
 - (a) after sub-paragraph (b) omit “or”;
 - (b) after sub-paragraph (c) insert—
 - “(d) the widower, widow or surviving civil partner is entitled to a bereavement support payment by virtue of the earner’s contributions; or
 - (e) the widower, widow or surviving civil partner was entitled to a bereavement support payment by virtue of the earner’s contributions but that entitlement came to an end at a time after the widower, widow or surviving civil partner attained the age of 45.”.
- (7) In regulation 22 (period for the purposes of section 17(6) of the 1993 Act for which widower’s, widow’s or surviving civil partner’s guaranteed minimum pension is payable)—
 - (a) after paragraph (3) insert—
 - “(3A) Where a pension is payable by virtue of regulation 21(1)(d) but not by virtue of regulation 21(1)(a), (b), (c) or (e), the scheme is to make provision for the pension to be payable for the period during which the circumstances described in regulation 21(1)(d) continue to exist.
 - (3B) Subject to paragraph (4A), where a pension is payable by virtue of regulation 21(1)(e) but not by virtue of regulation 21(1)(a), (b), (c) or (d), the scheme is to make provision for the pension to be payable for the remainder of the widower’s, widow’s or surviving civil partner’s life.”;
 - (b) for paragraphs (4) and (5) substitute—
 - “(4) Subject to paragraph (5), there is excluded from the periods prescribed by paragraphs (2) and (3) any period—

- (a) after the time of any—
 - (i) marriage; or
 - (ii) formation of a civil partnership,
 - by the widower, widow or surviving civil partner whilst under pensionable age⁽⁵⁾ and which takes place after the earner’s death; or
- (b) during which the widower, widow or surviving civil partner is under pensionable age and he or she and another person are living together as a married couple; or
- (c) after the widower, widow or surviving civil partner has attained pensionable age if, immediately before he or she attained that age, he or she and another person were living together as a married couple.

(4A) Subject to paragraph (5), there is excluded from the period prescribed by paragraph (3B) any period—

- (a) after the time of any—
 - (i) marriage; or
 - (ii) formation of a civil partnership,
 - by the widower, widow or surviving civil partner which takes place after the earner’s death; or
- (b) during which the widower, widow or surviving civil partner and another person are living together as a married couple.

(5) The following provisions do not apply where a man became a widower before 5th December 2005—

- (a) paragraphs 4(a)(i) and (4A)(a)(i) so far as they relate to a marriage involving two people of the same sex;
- (b) paragraphs 4(a)(ii) and (4A)(a)(ii); and
- (c) paragraphs (4)(b), (4)(c) and (4A)(b) so far as they relate to the living together of two people of the same sex.”.

(8) For regulation 24(2) (fixed rate revaluation of guaranteed minimum pensions for early leavers) substitute—

“(2) Subject to paragraph (3), in a case to which this regulation applies, the scheme is to provide for the weekly equivalent mentioned in section 14(2) of the 1993 Act to be increased, in relation to the period of service in respect of which accrued rights to a guaranteed minimum pension have been acquired under, or transferred to, the scheme, by at least—

- (a) 4.75 per cent compound, where the period of pensionable service⁽⁶⁾ under the scheme terminates on or after 6th April 2016 but before 6th April 2017;
- (b) 3.5 per cent compound, where the period of pensionable service under the scheme terminates on or after 6th April 2017.”.

(9) For regulation 37(3) (notification of requirement to pay a contributions equivalent premium: Northern Ireland) substitute—

“(3) The Commissioners may in any particular case or class of case extend the period within which notification is to be given—

(5) The definition of “pensionable age” in section 181 of the Pension Schemes Act 1993 (c. 48) was substituted by paragraph 17 of Schedule 4 to the Pensions Act 1995.

(6) “Pensionable service” is defined in section 70(2) of the Pension Schemes Act 1993 (c. 48).

- (a) if it appears to them that notification could not reasonably have been given within the period specified in paragraph (2); or
- (b) if—
- (i) the trustees are seeking to reach, or have reached, an agreement with the Commissioners as to the scheme’s liabilities for guaranteed minimum pensions(7) or section 5(2B) rights of members through the scheme reconciliation service; and
 - (ii) as a result of doing so, the Commissioners and the trustees agree that a premium is payable.”.
- (10) For regulation 39(5) (elections to pay contributions equivalent premiums: Northern Ireland) substitute—
- “(5) The Commissioners may in any particular case or class of case extend the period within which notification of an election is to be given—
- (a) if it appears to them that notification could not reasonably have been given within the period specified in paragraph (4); or
 - (b) if—
 - (i) the trustees are seeking to reach, or have reached, an agreement with the Commissioners as to the scheme’s liabilities for guaranteed minimum pensions or section 5(2B) rights of members through the scheme reconciliation service; and
 - (ii) as a result of doing so, the Commissioners and the trustees agree that a premium is payable.”.
- (11) In regulation 40(3) (payment of a contributions equivalent premium: Northern Ireland)—
- (a) after sub-paragraph (a) omit “and”;
 - (b) after sub-paragraph (b) insert—
- “; and
- (c) if—
 - (i) the trustees are seeking to reach, or have reached, an agreement with the Commissioners as to the scheme’s liabilities for guaranteed minimum pensions or section 5(2B) rights of members through the scheme reconciliation service; and
 - (ii) as a result of doing so, the Commissioners and the trustees agree that a premium is payable,

by such further period as they consider reasonable.”.

Commencement Information

II Reg. 4 in force at 6.4.2017, see [reg. 1\(2\)](#)

(7) “Guaranteed minimum pension” is defined in section 4(2) of the Pension Schemes (Northern Ireland) Act 1993 (c. 49).

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes and Social Security (Schemes that were Contracted-out and Graduated Retirement Benefit) (Miscellaneous Amendments) Regulations 2017, Section 4.