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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

**CIVIL PARTNERSHIP**

The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005

Made - - - - 2005  
in accordance with  
Coming into force article 1(2)

THE CIVIL PARTNERSHIP (CONTRACTED-OUT OCCUPATIONAL AND APPROPRIATE PERSONAL PENSION SCHEMES) (SURVIVING CIVIL PARTNERS) ORDER 2005

1. Citation, commencement and extent
  2. Amendment of legislation
- Signature

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**SCHEDULE 1 — Amendments of the Pension Schemes Act 1993 (c.48) relating to contracted-out occupational and appropriate personal pension schemes, extending those provisions to surviving civil partners**

1. In section 8 (meaning of “contracted-out employment”, “guaranteed minimum pension”...
2. In section 12A (the statutory standard), in subsections (1) and...
3. In section 12B (reference scheme), in subsection (4), for “widows...
4. Amend section 17 (minimum pensions for widows and widowers) as...
5. In section 19 (discharge of liability where guaranteed minimum pensions...
6. In section 20 (transfer of accrued rights), in subsection (6),...
7. In section 21 (commutation, surrender and forfeiture), in subsection (2),...
8. In section 23 (securing of benefits), in subsection (3)(b), for...
9. Amend section 28 (ways of giving effect to protected rights)...
10. In section 28A (requirements for interim arrangements), in subsections (1),...
11. In section 29 (the pension and annuity requirements), in subsection...
12. In section 37 (alteration of rules of contracted-out schemes), in...
13. In section 38 (alteration of rules of appropriate schemes), in...

*Draft Legislation:* This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 No. 2050*

14. Amend section 47 (further provisions concerning entitlement to guaranteed minimum...
15. In section 48 (reduced benefits where minimum payments or minimum...
16. In section 55 (payment of state scheme premiums on termination...
17. In section 60 (effect of payment of premium on rights),...
18. Amend section 87 (general protection principle) as follows—
19. In section 88 (the relevant sum), in subsection (1)(b), for...
20. In section 89 (the appropriate addition), in subsections (1)(a) and...
21. In section 90 (the later earnings addition), in subsection (2)(a)...
22. In section 109 (annual increase of guaranteed minimum pensions), in...
23. In section 110 (requirement as to resources for annual increase...
24. (1) In section 170 (determination of questions by Secretary of...

**SCHEDULE 2 — Amendments of provisions of Regulations relating to contracted-out occupational and appropriate personal pension schemes, extending those provisions to surviving civil partners**

**PART 1 — The Personal and Occupational Pension Schemes (Abatement of Benefit) Regulations 1987 (S.I. 1987/1113)**

1. Amend regulation 3 (guaranteed minimum pension to which earner's widow...
2. Amend regulation 5 (guaranteed minimum pension to which earner's widow...

**PART 2 — The Contracting-out (Protection of Pensions) Regulations 1991 (S.I. 1991/166)**

3. In regulation 2 (hybrid benefits), in paragraph (1), for “widow...
4. Amend regulation 4 (pensions for widows and widowers varied after...
5. Amend regulation 5 (the relevant sum for widows and widowers)...
6. In regulation 8 (the later earnings addition), in paragraph (1),...

**PART 3 — The Occupational Pension Schemes (Discharge of Protected Rights on Winding Up) Regulations 1996 (S.I. 1996/775)**

7. In regulation 5 (conditions on which appropriate policies of insurance...

**PART 4 — The Occupational Pension Schemes (Contracting-out) Regulations 1996 (S.I. 1996/1172)**

8. In regulation 1 (citation, commencement and interpretation), after paragraph (1)...
9. In regulation 20 (trivial commutation of benefits derived from section...
10. In regulation 23 (requirements for meeting the statutory standard), in...
11. For regulation 26 (reference scheme: circumstances in which widows' or...
12. In regulation 37 (circumstances in which the age-related payments are...
13. In regulation 45 (approval of arrangements for schemes ceasing to...
14. In regulation 50A (persons to be regarded as members), for...
15. In regulation 51 (contributions equivalent premiums)— (a) in paragraph (1B)(b),...
16. In regulation 54 (refund of a contributions equivalent premium), in...
17. In regulation 55 (scheme rules about guaranteed minimum pensions), in...
18. Amend regulation 57 (circumstances in which widower's guaranteed minimum pension...
19. Amend regulation 58 (period for which widower's guaranteed minimum pension...
20. Amend regulation 59 (statutory references to persons entitled to guaranteed...
21. Amend regulation 60 (trivial commutation of guaranteed minimum pensions) as...

22. Amend regulation 61 (suspension and forfeiture of guaranteed minimum pensions)...
23. In regulation 63 (provision of information about guaranteed minimum pensions)...
- PART 5 — The Protected Rights (Transfer Payment) Regulations 1996 (S.I.1996/1461)**
24. In regulation 4 (transfer payments to salary-related contracted-out schemes), in...
- PART 6 — The Contracting-out (Transfer and Transfer Payment) Regulations 1996**
- (S.I. 1996/1462)*
25. In Schedule 1, Part III, paragraph 6(b) (further conditions for...)
- PART 7 — The Personal and Occupational Pension Schemes (Protected Rights) Regulations 1996**
- (S.I. 1996/1537)*
26. In regulation 1 (citation, commencement and interpretation), in paragraph (2),...
27. Amend regulation 4 (conditions applying to pensions and annuities which...
28. Amend regulation 5 (circumstances in which and periods for which...
29. In regulation 6 (interim arrangements), in paragraph (c)—
30. In regulation 11 (insurers that may provide protected rights by...
31. Amend regulation 12 (death of member before effect given to...
32. Amend regulation 13 (death before effect given to protected rights:...
33. In regulation 14 (enforceable entitlement after death of member), after...
34. In regulation 15 (further requirements in respect of giving effect...)
- PART 8 — The Occupational Pension Schemes (Modification of Schemes) Regulations 1996**
- (S.I. 1996/2517)*
35. In regulation 6 (exemption from the restriction on powers to...)
- PART 9 — The Personal Pension Schemes (Appropriate Schemes) Regulations 1997 (S.I. 1997/470)**
36. In regulation 6A (provision of information for purposes of contracting-out),...
37. In regulation 12 (circumstances in which minimum contributions are not...)
- PART 10 — The Occupational Pension Schemes (Discharge of Liability) Regulations 1997**
- (S.I. 1997/784)*
38. In regulation 1 (citation, commencement and interpretation), after paragraph (1),...
39. In regulation 3 (conditions on which policies of insurance and...
40. Amend regulation 4 (conditions on which policies of insurance and...
41. Amend regulation 6 (further conditions on which liability may be...
42. In regulation 9 (circumstances in which liability to provide pensions...
43. Amend regulation 11 (conditions on which liability to provide pensions...
44. In Schedule 1 (form of consent to arrangement for securing...

Explanatory Note