

Changes to legislation: *The Pension Schemes (Voluntary Contributions Requirements and Voluntary and Compulsory Membership) Regulations 1987 is up to date with all changes known to be in force on or before 09 June 2024.*

There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under either section 12(1) or section 15(1) of the Social Security Act 1986 (“the 1986 Act”) before the expiry of the period of 12 months beginning with the bringing into force (on 4th January 1988 for the purposes of personal pension schemes and on 6th April 1988 for the purposes of occupational pension schemes) of those sections.

Consequently, by virtue of section 61(5) of the 1986 Act, the provisions of section 61(2) and (3) of the Social Security Pensions Act 1975 (which, as amended by section 86(1) of, and paragraph 94 of Schedule 10 to, the 1986 Act, require reference to the Occupational Pensions Board of, and a report by the Board on, proposals to make regulations for the purposes of Part I of the 1986 Act), do not apply to them.

Regulation 2 provides that section 12(1) of the 1986 Act (voluntary contributions requirements) shall not apply, to the extent specified, to the rules of occupational and personal pension schemes. In particular, regulation 2(1) provides that none of the voluntary contributions requirements shall apply to the rules of any public service pension scheme other than any such scheme which is an exempt approved scheme for the purposes of section 21 of the Finance Act 1970; regulation 2(2) provides that none of the voluntary contributions requirements shall apply to the rules of any personal pension scheme to the extent that it is comprised in an annuity contract made before 4th January 1988; regulation 2(5) provides that a personal pension scheme is not required to accept voluntary contributions from a member whose rights under the scheme derive only from transfer payments; regulation 2(6) provides that an occupational pension scheme need not accept voluntary contributions from a member—

- (a) in respect of whom the scheme will pay only death benefits;
- (b) who is not in pensionable service;
- (c) who is within a year of normal pension age or older; and
- (d) who is, or is eligible to become, a member of another occupational pension scheme which meets the voluntary contributions requirements;

and regulation 2(7) provides that a scheme may impose a lower limit, not greater than that specified in regulation 2(8), on the voluntary contributions it will accept from a member in a tax year.

Regulation 3 provides that section 15(1)(a) of the 1986 Act (subject to prescribed exceptions, any term of a contract of service or any rule of an occupational pension scheme to the effect that an employed earner must be a member of a particular scheme or one of a number of particular schemes shall be void) does not apply during any period when that scheme is, or those schemes are, so framed that, in relation to that period—

- (a) the earner in question is not required to pay contributions to the scheme, and
- (b) the scheme will provide benefit in respect of that earner only on his death.

Changes to legislation:

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Changes and effects yet to be applied to :

- reg. 2 amended by
- reg. 2 amended by
- reg.2(8) applied by [S.I. 1998/366 reg.59\(7\)](#)