

1989 No. 500

PENSIONS

**The Personal and Occupational Pension Schemes
(Miscellaneous Amendments) Regulations 1989**

<i>Made</i> - - - -	<i>15th March 1989</i>
<i>Laid before Parliament</i>	<i>16th March 1989</i>
<i>Coming into force</i> -	<i>6th April 1989</i>

The Secretary of State for Social Security, in exercise of the powers conferred by section 168(1) of, and Schedule 20 to, the Social Security Act 1975(a), section 52 of, and paragraph 6 of Schedule 2 to, the Social Security Pensions Act 1975(b), and sections 1(9), 17(1) and 84(1) of the Social Security Act 1986(c) and all other powers enabling him in that behalf, after considering the report of the Occupational Pensions Board on the proposals submitted to them(d), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1989, and shall come into force on 6th April 1989.

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations 1984

2. In regulations 18(3), 23(5)(b)(ii) and 43(1) of the Occupational Pension Schemes (Contracting-out) Regulations 1984(e) for “£16” in each place where it appears there is substituted “£17”.

Amendment of the Personal and Occupational Pension Schemes (Modification of Enactments) Regulations 1987

3. After regulation 5 of the Personal and Occupational Pension Schemes (Modification of Enactments) Regulations 1987(f) there is inserted—

“Modification of the provisions of Part VI of the Social Security Act 1986 in consequence of Part I of that Act

6. Where a member of an appropriate personal pension scheme or a money purchase contracted-out scheme continues in employment after attaining pension-

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- (a) 1975 c.14. See definitions of “prescribe” and “regulations” in Schedule 20. Section 168(1) applies, by virtue of section 66(2) of the Social Security Pensions Act 1975 (c.60), to the exercise of certain powers conferred by that Act.
- (b) 1975 c.60. Paragraph 6 of Schedule 2 was amended by the Social Security Act 1980 (c.30), section 3(12).
- (c) 1986 (c.50). See definitions of “modifications” and “regulations” in section 84(1).
- (d) See section 61(2) and (3) of the Social Security Pensions Act 1975; section 61(2) was amended by the Social Security Act 1986, Schedule 10, paragraph 94, and there are other amendments not relevant to these Regulations.
- (e) S.I. 1984/380; the relevant amending instruments are S.I. 1985/1928, 1987/1114, 1988/475.
- (f) S.I. 1987/1116, amended by S.I. 1988/474, 1016.

able age and the commencement of his pension under the scheme is postponed, section 63 of the Social Security Act 1986(a) shall have effect as if—

- (a) the guaranteed minimum pension to which he is treated as entitled by virtue of section 4(1)(a) of that Act or, as the case may be, by virtue of section 29(2A) of the Social Security Pensions Act 1975(b) was subject to increases in accordance with the provisions of section 35(6) of the Social Security Pensions Act 1975(c), and
- (b) the amounts of any notional increases referred to in paragraph (a) were subject to annual up-rating in the same way as if they were sums to which section 63(1)(d)(i) of the Social Security Act 1986 applied.”.

Amendment of the Personal Pension Schemes (Appropriate Schemes) Regulations 1988

4. Regulation 12 of the Personal Pension Schemes (Appropriate Schemes) Regulations 1988(d) is amended as follows—

- (a) in paragraph 2 for the words “Subject to paragraph (3)” there is substituted “Subject to paragraphs (2A) and (3)”;
- (b) in paragraph (2)(a) and (c) for the words “the Secretary of State receives the notice” there is substituted “the notice is completed by the earner”;
- (c) after paragraph (2) there is inserted—
 - “(2A) A notice given—
 - (a) pursuant to paragraph (2)(a) must be received by the Secretary of State not later than 17th May in the following tax year;
 - (b) pursuant to paragraph (2)(c) must be received by the Secretary of State not later than 17th May 1989.”.

Signed by authority of the Secretary of State for Social Security.

15th March 1989

Nicholas Scott
Minister of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous amendments to regulations about personal and occupational pension schemes.

Regulation 2 makes amendments to the Occupational Pension Schemes (Contracting-out) Regulations 1984 by providing for an increase, from £16 to £17, in the amount of a state scheme premium below which it need not be paid.

Regulation 3 makes amendments to the Personal and Occupational Pension Schemes (Modification of Enactments) Regulations 1987 by adding a new regulation 6 which provides for the guaranteed minimum pension to which a member of an appropriate personal pension scheme or a money purchase contracted-out scheme is treated as entitled to be treated as if it were also subject to increments on deferment of pension and for those increments to be subject to annual up-rating.

(a) 1986 c.50; section 63 was amended by the Social Security Act 1988 (c.7), Schedule 5.

(b) 1975 c.60; section 29(2A) was inserted by the Social Security Act 1986 (c.50), section 6 and Schedule 2, paragraph 3.

(c) Section 35(6) was amended by the Social Security (Miscellaneous Provisions) Act 1977 (c.5), section 3(2).

(d) S.I. 1988/137, amended by S.I. 1988/830.

Regulation 4 makes amendments to the Personal Pension Schemes (Appropriate Schemes) Regulations 1988. It extends in certain circumstances the deadline for notifying the Secretary of State of the date from which a scheme is to be the earner's chosen scheme.

The report of the Occupational Pensions Board on the draft of these Regulations which had been referred to them, together with a statement showing that the regulations give effect to the Board's recommendations, is contained in Command Paper No. 653 published by Her Majesty's Stationery Office.