
STATUTORY INSTRUMENTS

1991 No. 2273

PENSIONS

**The Occupational Pension Schemes
(Miscellaneous Amendments) Regulations 1991**

<i>Made</i>	- - - -	<i>14th October 1991</i>
<i>Laid before Parliament</i>		<i>14th October 1991</i>
<i>Coming into force</i>	- -	<i>4th November 1991</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 40(2), 52 and 52C(4) of, and paragraph 9 of Schedule 2 to, the Social Security Pensions Act 1975(1) and sections 166(1) to (3) and 168(1) of, and Schedule 20 to, the Social Security Act 1975(2) and all other powers enabling him in that behalf, after reference to the Occupational Pensions Board of the proposal to make regulations 1 and 2 and having considered their report on that proposal (3), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1991 and shall come into force on 4th November 1991.

(2) In these Regulations—

- (a) “the 1984 Regulations” means the Occupational Pension Schemes (Contracting-out) Regulations 1984 (4);
- (b) “the 1985 Regulations” means the Occupational Pension Schemes (Discharge of Liability) Regulations 1985(5).

Amendment of regulation 30 of the 1984 Regulations

2. In regulation 30 of the 1984 Regulations (means of securing guaranteed minimum pensions), in paragraph (2) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

-
- (1) 1975 c. 60; section 40(2) was amended by the Social Security Act 1985 (c. 53), Schedule 5, paragraph 20(a) and the Social Security Act 1986 (c. 50), Schedule 2, paragraph 6(3)(a); section 52C was added by section 2 of and Schedule 1 to the Social Security Act 1985 and was amended by the Social Security Act 1990 (c. 27), Schedule 4, paragraph 10.
 - (2) 1975 c. 14. See definitions of “prescribe” and “regulations” in Schedule 20. Sections 166(1) to (3) and 168(1) apply, by virtue of section 66(2) of the Social Security Pensions Act 1975, to the exercise of certain powers conferred by that Act.
 - (3) See section 61(2) of the Social Security Pensions Act 1975.
 - (4) S.I.1984/380, to which there are amendments not relevant to these Regulations.
 - (5) S.I. 1985/1929; relevant amending instruments are S.I. 1986/2171, 1987/1106, 1114, 1988/476, 1016.

“(b) in the case of a policy of insurance or annuity contract, that the policy is taken out, or the contract is entered into, with an insurance company which is authorised by the competent authority of a member State, under either Article 6 or Article 27 of Council Directive [79/267/EEC](#)(6) on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance, to take up the activities referred to under any of Heads I, III, VII and IX of the Annex to that Directive.”

Insertion of regulation 1A in the 1985 Regulations

3. After regulation 1 of the 1985 Regulations (citation, commencement and interpretation) there shall be inserted the following regulation—

“Requirements applying to policies of insurance and annuity contracts where scheme administrator is resident in the United Kingdom

1A.—(1) Paragraph (2) below applies if there is a person resident in the United Kingdom acting on behalf of the insurance company with whom the insurance policy is taken out or the annuity contract is entered into who will be responsible for the discharge of all duties imposed on the administrator of the scheme under Chapter I of Part XIV of the Income and Corporation Taxes Act 1988(7).

(2) Where this paragraph applies, the requirements referred to in section 52C(4)(a)(ii) (policies of insurance or annuity contracts are appropriate for the purposes of section 52C if among other things the insurance company with which it is or was taken out or entered into satisfies, or satisfied at the relevant time, prescribed requirements) are that the insurance policy is taken out or the annuity contract is entered into with an insurance company which is, or was at the relevant time, an insurance company authorised by the competent authority of a member State, under either Article 6 or Article 27 of Council Directive [79/267/EEC](#) on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance, to take up the activities referred to under any of Heads I, III, VII and IX of the Annex to that Directive.”

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

14th October 1991

Henley
Parliamentary Under-Secretary of State,
Department of Social Security

(6) O.J. No. L63, 13.3.79, p. 1.

(7) 1988 c. 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous amendments to Regulations about occupational pension schemes.

Regulation 2 implements Council Directive [88/361/EEC](#) concerning the abolition of restrictions on movements of capital taking place between persons resident in member States (O.J. No. L178, 8.7.88, p.5). It amends regulation 30 of the Occupational Pension Schemes (Contracting-out) Regulations 1984 and provides that guaranteed minimum pensions may be secured by means of a policy of insurance or annuity contract which is taken out or entered into with an insurance company authorised by the competent authority of a member State.

Regulation 3 inserts a new regulation 1A in the Occupational Pension Schemes (Discharge of Liability) Regulations 1985 which provides that benefits may be “appropriately secured” for the purposes of section 52C of the Social Security Pensions Act 1975 (extinguishment of liability of scheme for pensions secured by insurance policies or annuity contracts) in circumstances where—

- (i) a person resident in the United Kingdom acting on behalf of the insurance company is responsible for the duties of the scheme administrator; and
- (ii) the benefits are secured by an insurance policy taken out, or an annuity contract entered into, with an insurance company authorised by the competent authority of a member State.

Regulation 3 is made before the end of the period of 6 months beginning with the coming into force of section 14 of, and paragraph 10 of Schedule 4 to, the Social Security Act 1990. Therefore, under section 61(5) of the Social Security Act 1986, no proposal to make regulation 3 has been submitted to the Occupational Pensions Board.

The report of the Occupational Pensions Board on the draft of regulations 1 and 2 which was referred to them, together with a statement by the Secretary of State showing that regulations 1 and 2 give effect to the Board’s recommendations, is contained in Command Paper No. 1687, published by Her Majesty’s Stationery Office.