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STATUTORY INSTRUMENTS

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**1996 No. 1172**

**Occupational Pension Schemes  
(Contracting-out) Regulations 1996**

**PART II**

**CERTIFICATION OF EMPLOYMENTS**

**Requirement to confirm relevant requirements are satisfied.**

**16.**—(1) An employer to whom a contracting-out certificate has been issued (including any certificate which has been surrendered or cancelled) shall, on such occasions and at such times as the Secretary of State may require, provide written confirmation and such other evidence as the Secretary of State may require—

- (a) in the case of a scheme contracted-out under section 9(2) of the 1993 Act (salary-related contracted-out scheme)—
  - (i) that the scheme is not one which is excluded from contracting-out under these Regulations, and
  - (ii) that section 9(2) of the 1993 Act and any regulations which apply to the scheme by reason of it being a scheme to which that provision relates are satisfied;
- (b) in the case of a scheme contracted-out under section 9(3) of the 1993 Act (money purchase contracted-out scheme)—
  - (i) that the scheme is not one which is excluded from contracting-out under these Regulations, and
  - (ii) that sections 8(1)(a)(ii) and 9(3) of the 1993 Act, and any regulations which apply to the scheme by reason of it being a scheme to which those provisions relate, are satisfied;
- (c) in the case of a scheme which has ceased to be contracted-out under section 9(2) of the 1993 Act (salary-related contracted-out scheme) and which preserves any of the rights specified in section 50(1)(a) of the 1993 Act within the scheme, that the requirements specified in regulation 45(3)(a) (approval of arrangements for salary-related schemes ceasing to be contracted-out) are satisfied;
- (d) in the case of a scheme which has ceased to be contracted-out under section 9(3) of the 1993 Act (money purchase contracted-out scheme) and which preserves any protected rights within the scheme, that the requirements specified in regulation 45(3)(b) (approval of arrangements for money purchase schemes ceasing to be contracted-out) are satisfied.

(2) In the case of a scheme which is contracted-out under section 9(2) of the 1993 Act (salary-related contracted-out scheme) the evidence to be provided to the Secretary of State referred to in paragraph (1) shall include a certificate signed by the actuary that the scheme continues to satisfy the statutory standard in accordance with section 12A of the 1993 Act.