

## STATUTORY INSTRUMENTS

# 1996 No. 1172

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

### PART II

#### CERTIFICATION OF EMPLOYMENTS

##### **Making of elections for the issue of contracting-out certificates**

2.—(1) Subject to the provisions of regulation 10, an election with a view to the issue of a contracting-out certificate—

- (a) may only be made—
  - (i) after notices to make such an election have been given by the employer in accordance with regulation 3; and
  - (ii) within the period after the expiry of those notices which is specified in regulation 5; and
- (b) shall be made in writing to the Secretary of State and shall include the particulars specified in regulation 6.

[<sup>F1</sup>(2) In making or abstaining from making an election as to the inclusion of an employment in a contracting-out certificate, an employer may discriminate between different earners (otherwise than on the ground of the nature of their employment) in any case where such discrimination would be lawful apart from section 11(3) of the 1993 Act.]

##### **Textual Amendments**

- F1** Reg. 2(2) substituted (6.4.1997) by [The Personal and Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/786\)](#), reg. 1, **Sch. 1 para. 4(3)**

##### **Modifications etc. (not altering text)**

- C1** Pt. II modified (S.) (1.4.2015) by [The National Health Service Pension Scheme \(Consequential Provisions\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/145\)](#), regs. 1(2), **4 (with reg. 3)**
- C2** Pt. II modified (S.) (1.4.2015) by [The Firefighters' Pension Scheme \(Consequential Provisions\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/117\)](#), regs. 1(2), **4 (with reg. 3)**
- C3** Pt. II modified (1.4.2015) by [The Public Service \(Civil Servants and Others\) Pensions \(Consequential and Amendment\) Regulations 2015 \(S.I. 2015/372\)](#), regs. 1(2), **4**
- C4** Pt. II modified (1.4.2015) by [The Firefighters' Pension Scheme \(England\) \(Consequential Provisions\) Regulations 2015 \(S.I. 2015/319\)](#), regs. 1(2), **4**
- C5** Pt. II modified (1.4.2015) by [The Armed Forces Pension \(Consequential Provisions\) Regulations 2015 \(S.I. 2015/390\)](#), regs. 1(2), **4**
- C6** Pt. II modified (S.) (1.4.2015) by [The Police Pensions \(Consequential Provisions\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/118\)](#), regs. 1(2), **4 (with reg. 3)**

- C7** Pt. II applied (with modifications) (1.4.2015 coming into force in accordance with ) by The National Health Service Pension Scheme (Consequential Provisions) Regulations 2015 (S.I. 2015/432), regs. 1(2), **4(1)** (with reg. 3)
- C8** Pt. II modified (1.4.2015) by The Judicial Pensions Regulations 2015 (S.I. 2015/182), reg. 1(4), **Sch. 3 para. 2** (with regs. 148, 160, Sch. 3 paras. 1)
- C9** Pt. II modified (S.) (1.4.2015) by The Teachers' Pension Scheme (Consequential Provisions) (Scotland) Regulations 2015 (S.S.I. 2015/146), regs. 1(2), **4** (with reg. 3)
- C10** Pt. II modified (1.4.2015) by The Teachers' Pension Scheme (Consequential Provisions) Regulations 2015 (S.I. 2015/436), regs. 1(2), **4** (with reg. 3)
- C11** Reg. 2(1)(a) excluded (W.) (1.4.2015) by The Firefighters' Pension Scheme (Wales) (Consequential Provisions) Regulations 2015 (No. 848), regs. 1(2), **4(2)** (with reg. 3)
- C12** Reg. 2(1)(a) excluded (1.4.2015) by The Police Pensions (Consequential Provisions) Regulations 2015 (S.I. 2015/370), regs. 1(2), **4(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Occupational Pension Schemes (Contracting-out) Regulations 1996, Section 2.