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## STATUTORY INSTRUMENTS

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### 1996 No. 1537

## The Personal and Occupational Pension Schemes (Protected Rights) Regulations 1996

### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Personal and Occupational Pension Schemes (Protected Rights) Regulations 1996 and shall come into force on 6th April 1997.

(2) <sup>F1F2F3</sup>... In these Regulations, unless the context otherwise requires—

“the 1993 Act” means the Pension Schemes Act 1993;

<sup>F4</sup>...

“child benefit” has the same meaning as in the Social Security Contributions and Benefits Act 1992 <sup>M1</sup>,

[<sup>F5</sup>“income withdrawal” has the meaning given by paragraph 7 of Schedule 28 to the Finance Act 2004;]

[<sup>F5</sup>“lifetime annuity” has the meaning given by paragraph 3 of Schedule 28 to the Finance Act 2004;]

[<sup>F6</sup>“marital or civil partnership status”, in relation to a person, means whether that person has previously formed a marriage or a civil partnership and, if so, whether that marriage or civil partnership has ended;]

“member” means member of an occupational pension scheme or a personal pension scheme;

“money purchase contracted-out scheme” has the same meaning as in section 8(1)(a)(ii) of the 1993 Act;

“normal pension age” has the meaning given in section 180 of the 1993 Act;

“pensionable age” has the meaning given by the rules in paragraph 1 of Part I of Schedule 4 to the Pensions Act 1995;

“principal appointed day” means the day designated as the principal appointed day for the purposes of Part III of the Pensions Act 1995;

“scheme” means an occupational pension scheme or a personal pension scheme; <sup>F7</sup>...

[<sup>F5</sup>“scheme pension” has the meaning given by paragraph 2 of Schedule 28 to the Finance Act 2004; and]

[<sup>F5</sup>“the scheme pension purchase price” has the meaning given by paragraph 3(7B) of Schedule 29 to the Finance Act 2004;]

[<sup>F8</sup>“section 9(2B) rights” are—

- (a) rights to the payment of pensions and accrued rights to pensions (other than rights attributable to voluntary contributions) under a scheme contracted-out by virtue of section 9(2B) of the 1993 Act, so far as attributable to an earner’s service in contracted-out employment on or after the principal appointed day; and
- (b) where a transfer payment has been made to such a scheme, any rights arising under the scheme as a consequence of that payment which are derived directly or indirectly from—

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- (i) such rights as are referred to in sub-paragraph (a) under another scheme contracted-out by virtue of section 9(2B) of that Act; or
- (ii) protected rights under another occupational pension scheme or under a personal pension scheme attributable to payments or contributions in respect of <sup>F9</sup> ... employment on or after the principal appointed day; <sup>F10</sup> and

“specified pension or annuity” means any pension or annuity which became a pension or annuity in payment before 6th April 2005.]

- (3) In these Regulations, except in so far as the context otherwise requires, any reference—
  - (a) to a regulation is to the regulation in these Regulations bearing that number;
  - (b) in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number; and
  - (c) in a paragraph to a lettered sub-paragraph is to the sub-paragraph of that paragraph bearing that letter.

- F1** Reg. 1(2) revoked in part (6.4.2012) by S.I. 2011/1245, art. 1(2)(a), 7(a)
- F2** Reg. 1(2) revoked in part (6.4.2012) by S.I. 2011/1246, art. 1(2)(a), 10(a)
- F3** Reg. 1(2) revoked in part (6.4.2013) by [The Pensions Act 2008 \(Abolition of Protected Rights\) \(Consequential Amendments\) Order 2011 \(S.I. 2011/1246\)](#), arts. 1(2)(b), **26(a)**
- F4** Words in reg. 1(2) omitted (1.10.2008) by virtue of [Occupational Pension Schemes \(Transfer Values\) \(Amendment\) Regulations 2008 \(S.I. 2008/1050\)](#), reg. 1(1), **Sch. 2 para. 2(a)**
- F5** Words in reg. 1(2) inserted (6.4.2007) by [Taxation of Pension Schemes \(Protected Rights and Pension Commencement Lump Sums\) \(Amendment\) Order 2007 \(S.I. 2007/829\)](#), arts. 1, **4(a)**
- F6** Words in reg. 1(2) inserted (5.12.2005) by [Civil Partnership \(Contracted-out Occupational and Appropriate Personal Pension Schemes\) \(Surviving Civil Partners\) Order 2005 \(S.I. 2005/2050\)](#), art. 1(3), **Sch. 2 para. 26**
- F7** Word in reg. 1(2) omitted (6.4.2005) by virtue of [Personal and Occupational Pension Schemes \(Indexation and Disclosure of Information\) \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/704\)](#), regs. 1(2), **3(a)**
- F8** Words in reg. 1(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. 9(2)**
- F9** Words in reg. 1(2) deleted (30.12.1999) by [The Personal and Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 1999 \(S.I. 1999/3198\)](#), regs. 1(1), **12**
- F10** Words in reg. 1(2) inserted (6.4.2005) by [Personal and Occupational Pension Schemes \(Indexation and Disclosure of Information\) \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/704\)](#), regs. 1(2), **3(b)**

**Marginal Citations**

- M1** 1992 c.4. See Part IX of that Act.

**Manner of calculation and verification of protected rights**

<sup>F11</sup>2. ....

- F11** Reg. 2 revoked (6.4.2012) by [The Pensions Act 2007 \(Abolition of Contracting-out for Defined Contribution Pension Schemes\) \(Consequential Amendments\) Regulations 2011 \(S.I. 2011/1245\)](#), regs. 1(2), **7(b)**

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## Options under section 10(2) and (3) of the 1993 Act for schemes to designate which rights are protected rights

<sup>F12</sup>3. ....

**F12** Reg. 3 revoked (6.4.2012) by The Pensions Act 2008 (Abolition of Protected Rights) (Consequential Amendments) Order 2011 (S.I. 2011/1246), arts. 1(2)(a), **10(b)**

## Conditions applying to pensions and annuities which give effect to protected rights

<sup>F13</sup>4. ....

**F13** Reg. 4 revoked (6.4.2012) by The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011 (S.I. 2011/1245), regs. 1(2), **7(c)**

## Circumstances in which and periods for which pension or annuity is to be paid to widow or widower after being paid to member

<sup>F14</sup>5. ....

**F14** Reg. 5 revoked (6.4.2012) by The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011 (S.I. 2011/1245), regs. 1(2), **7(d)**

## Interim arrangements

<sup>F15</sup>6. ....

**F15** Reg. 6 revoked (6.4.2012) by The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011 (S.I. 2011/1245), regs. 1(2), **7(e)**

## Payments made under interim arrangements

<sup>F16</sup>7. ....

**F16** Reg. 7 omitted (6.4.2006) by virtue of Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **21(2)**

## Giving effect to protected rights by the provision of a lump sum

<sup>F17</sup>8. ....

**F17** Reg. 8 revoked (6.4.2012) by The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011 (S.I. 2011/1245), regs. 1(2), **7(f)**

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### Suspension and forfeiture of payments giving effect to protected rights

<sup>F18</sup>9. ....

**F18** Reg. 9 revoked (6.4.2012) by The Pensions Act 2008 (Abolition of Protected Rights) (Consequential Amendments) Order 2011 (S.I. 2011/1246), arts. 1(2)(a), **10(c)**

### Choice of insurance company by annuitant

<sup>F19</sup>10. ....

**F19** Reg. 10 revoked (6.4.2012) by The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011 (S.I. 2011/1245), regs. 1(2), **7(g)**

### Insurance companies that may provide protected rights by way of annuities

<sup>F20</sup>11. ....

**F20** Reg. 11 revoked (6.4.2012) by The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011 (S.I. 2011/1245), regs. 1(2), **7(h)**

### Death of member before effect given to his protected rights

<sup>F21</sup>12. ....

**F21** Reg. 12 revoked (6.4.2012) by The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011 (S.I. 2011/1245), regs. 1(2), **7(i)**

### Death before effect given to protected rights: interim arrangements for [<sup>F22</sup>widow, widower or surviving civil partner]

<sup>F23</sup>13. ....

**F22** Words in reg. 13 substituted (5.12.2005) by Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050), art. 1(3), **Sch. 2 para. 32(a)**

**F23** Reg. 13 revoked (6.4.2012) by The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011 (S.I. 2011/1245), regs. 1(2), **7(j)**

### Enforceable entitlement after death of member

<sup>F24</sup>14. ....

**F24** Reg. 14 revoked (6.4.2012) by [The Pensions Act 2007 \(Abolition of Contracting-out for Defined Contribution Pension Schemes\) \(Consequential Amendments\) Regulations 2011 \(S.I. 2011/1245\)](#), regs. 1(2), **7(k)**

### Further requirements in respect of giving effect to protected rights

<sup>F25</sup>**15.** . . . . .

**F25** Reg. 15 revoked (6.4.2012) by [The Pensions Act 2007 \(Abolition of Contracting-out for Defined Contribution Pension Schemes\) \(Consequential Amendments\) Regulations 2011 \(S.I. 2011/1245\)](#), regs. 1(2), **7(l)**

### Personal pension schemes—notifications to the Secretary of State

**16.**—<sup>F26</sup>(1) . . . . .

<sup>F27</sup>(2) . . . . .

**F26** Reg. 16(1) revoked (6.4.2013) by [The Pensions Act 2008 \(Abolition of Protected Rights\) \(Consequential Amendments\) Order 2011 \(S.I. 2011/1246\)](#), arts. 1(2)(b), **26(b)**

**F27** Reg. 16(2) revoked (6.4.2012) by [The Pensions Act 2008 \(Abolition of Protected Rights\) \(Consequential Amendments\) Order 2011 \(S.I. 2011/1246\)](#), arts. 1(2)(a), **10(d)**

### Tax-exemption and tax-approval

<sup>F28</sup>**17.** . . . . .

**F28** Reg. 17 revoked (6.4.2012) by [The Pensions Act 2007 \(Abolition of Contracting-out for Defined Contribution Pension Schemes\) \(Consequential Amendments\) Regulations 2011 \(S.I. 2011/1245\)](#), regs. 1(2), **7(m)**

### Revocations

**18.** The Regulations set out in column (1) of the Schedule are revoked to the extent mentioned in column (3) of that Schedule.

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

12th June 1996

*Oliver Heald*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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**Changes and effects yet to be applied to :**

- reg.1 defn(s). revoked by [S.I. 1999/3198 reg.12](#)
- reg. 1(2) words substituted by [S.I. 1997/786 Sch. 1 para. 9\(2\)](#)
- reg. 3(b) words substituted by [S.I. 1997/786 Sch. 1 para. 9\(3\)\(a\)](#)
- reg. 3(e) words substituted by [S.I. 1997/786 Sch. 1 para. 9\(3\)\(b\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Act cert. functs. trans. (pt.prosp.) by [1999 c. 2 s. 1\(2\)Sch.2](#)