
STATUTORY INSTRUMENTS

1996 No. 3128

**The Occupational Pension Schemes (Deficiency
on Winding Up etc.) Regulations 1996**

General and supplementary

Disapplication of section 75

10.—(1) Section 75 does not apply —

- (a) to a public service pension scheme —
 - (i) under the provisions of which there is no requirement for assets related to the intended rate or amount of benefit under the scheme to be set aside in advance (disregarding requirements relating to additional voluntary contributions); or
 - (ii) which is made under section 7 of the Superannuation Act 1972^{M1} (superannuation of persons employed in local government service etc.) or section 2 of the Parliamentary and other Pensions Act 1987^{M2} (power to provide for pensions for Members of the House of Commons etc.);
- (b) to any occupational pension scheme in respect of which any Minister of the Crown has given a guarantee or made any other arrangements for the purpose of securing that the assets of the scheme are sufficient to meet its liabilities;
- (c) to an occupational pension scheme which provides relevant benefits, but is neither an approved scheme nor a relevant statutory scheme;
- (d) to a section 615(6) scheme;
- (e) to a scheme with less than two members;
- (f) to a scheme —
 - (i) the only benefits provided by which are death benefits, and
 - (ii) under the provisions of which no member has accrued rights;
- (g) to a relevant lump sum retirement benefits scheme; or
- (h) to the scheme established by the Salvation Army Act 1963^{M3}.

(2) In this regulation—

“approved scheme” means a scheme which is approved or was formerly approved under section 590 or 591 of the Taxes Act or in respect of which an application for such approval has been duly made which has not been determined;

[^{F1}“contracted-out” is to be construed in accordance with section 7B(2) (meaning of “contracted-out scheme” etc.) of the Pension Schemes Act 1993;]

“lump sum benefits” does not include benefits paid by way of commuted retirement pension;

“relevant benefits” has the meaning given in section 612(1) of the Taxes Act;

“relevant lump sum retirement benefits scheme” means an approved scheme —

- (a) which has been categorised by the Commissioners of Inland Revenue for the purposes of its approval as a centralised scheme for non-associated employers;
- (b) which [^{F2}was not contracted-out at any time before the second abolition date]; and
- (c) under the provisions of which the only benefits which may be provided on or after retirement (other than money purchase benefits derived from the payment of additional contributions by any person) are lump sum benefits which are not calculated by reference to any member's salary;

"relevant statutory scheme" has the meaning given in section 611A of the Taxes Act^{M4};

[^{F3}"the second abolition date" has the meaning given in section 181(1) (general interpretation) of the Pension Schemes Act 1993;]

"section 615(6) scheme" means a scheme with such a superannuation fund as is mentioned in section 615(6) of the Taxes Act.

(3) For the purposes of paragraph (1)(e) "scheme" shall be construed as if subsections (1B) and (1C) of section 75 (as inserted by regulation 4(2) or, as the case may be, regulation 8) were omitted.

Textual Amendments

- F1** Words in [reg. 10\(2\)](#) inserted (6.4.2016) by [The Pensions Act 2014 \(Abolition of Contracting-out for Salary Related Pension Schemes\) \(Consequential Amendments and Savings\) Order 2016 \(S.I. 2016/200\)](#), arts. 1(2), **10(b)**
 - F2** Words in [reg. 10\(2\)](#) substituted (6.4.2016) by [The Pensions Act 2014 \(Abolition of Contracting-out for Salary Related Pension Schemes\) \(Consequential Amendments and Savings\) Order 2016 \(S.I. 2016/200\)](#), arts. 1(2), **10(a)**
 - F3** Words in [reg. 10\(2\)](#) inserted (6.4.2016) by [The Pensions Act 2014 \(Abolition of Contracting-out for Salary Related Pension Schemes\) \(Consequential Amendments and Savings\) Order 2016 \(S.I. 2016/200\)](#), arts. 1(2), **10(c)**
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Marginal Citations

- M1** 1972 c.11.
- M2** 1987 c.45.
- M3** 1963 c.xxxii.
- M4** Section 611A was inserted by Schedule 6 to the [Finance Act 1989 \(c.26\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Deficiency on Winding Up etc.) Regulations 1996, Section 10.