

## STATUTORY INSTRUMENTS

### 2006 No. 759

## The Occupational Pension Schemes (Modification of Schemes) Regulations 2006

### [<sup>F1</sup>Modification of schemes: abolition of protected rights

**7A.**—(1) The trustees of a trust scheme may by resolution passed before 6th April 2018 modify the scheme for the purposes of removing all or part of a scheme rule which makes special provision in relation to the protected rights of members, and which no longer reflects a statutory provision as a result of the coming into force of provisions contained within—

- (a) section 15(1) of, and Schedule 4 to, the Pensions Act 2007 (abolition of contracting-out for defined contribution pension schemes);
- (b) sections 106 and 148 of, and Part 3 of Schedule 11 to, the Pensions Act 2008 (contracting-out: abolition of all protected rights);
- (c) the Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011;
- (d) the Pensions Act 2008 (Abolition of Protected Rights) (Consequential Amendments) Order 2011;
- (e) the Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) ( No. 2) Regulations 2011; and
- (f) the Pensions Act 2008 (Abolition of Protected Rights) (Consequential Amendments) ( No. 2) Order 2011.

(2) Modifications made by resolution under paragraph (1)—

- (a) must only have effect from a date on or after the date of the coming into force of the provisions specified in paragraph (1)(a) to (f) to which those modifications relate, and
- (b) may have effect from a date before the resolution is passed.

(3) A resolution passed under paragraph (1) is without prejudice to a member's money purchase benefits under the scheme (including any payments that become money purchase benefits under section 31 of the 1993 Act (investment and resources of scheme) on or after 6th April 2012).

(4) In this regulation, “protected rights” has the meaning given in section 181(1) of the 1993 Act (interpretation).]

#### Textual Amendments

- F1** Reg. 7A inserted (6.4.2012) by [The Occupational Pension Schemes \(Contracting-out and Modification of Schemes\) \(Amendment\) Regulations 2012 \(S.I. 2012/542\)](#), regs. 1(2), 3

**Changes to legislation:**

There are currently no known outstanding effects for the The Occupational Pension Schemes (Modification of Schemes) Regulations 2006, Section 7A.