
STATUTORY INSTRUMENTS

2006 No. 759

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

[^{F1}Modification of schemes: drawdown pensions, uncrystallised funds pension lump sums and death benefits

8C.—(1) The trustees of a trust scheme may by resolution modify the scheme for the purpose of providing that, where the circumstances specified in paragraph (2) apply, the trustees are not required to make the proposed transfer payment referred to in paragraph (2)(a).

(2) The circumstances specified for the purpose of paragraph (1) are—

- (a) the rules of the scheme would, in the absence of any modification made under this regulation, require the trustees to make a transfer payment in respect of a member’s or survivor’s subsisting rights to benefits (“the proposed transfer payment”);
- (b) section 48 of the 2015 Act (independent advice in respect of conversions and transfers) requires the trustees to check that the member or survivor has received appropriate independent advice (as defined by subsection (8) of that section) before making the proposed transfer payment; and
- (c) the trustees—
 - (i) are unable to carry out the check by reason of factors outside their control; or
 - (ii) have carried out the check but the check did not confirm that the member or survivor had received appropriate independent advice.]

Textual Amendments

- F1** Regs. 8B, 8C inserted (6.4.2015) by [The Occupational Pension Schemes \(Consequential and Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/493\)](#), regs. 1, **5(4)**

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Modification of Schemes) Regulations 2006, Section 8C.