

2008 No. 1979

PENSIONS

**The Personal and Occupational Pension Schemes (Amendment)
Regulations 2008**

<i>Made</i>	- - - -	<i>23rd July 2008</i>
<i>Laid before Parliament</i>		<i>29th July 2008</i>
<i>Coming into force</i>	- -	<i>1st October 2008</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 9(5)(a), 26, 28(5), 181(1) and 182(2) and (3) of the Pension Schemes Act 1993(a).

In accordance with section 185(1) of that Act(b), the Secretary of State has consulted such persons as he considers appropriate.

Citation and commencement

1. These Regulations may be cited as the Personal and Occupational Pension Schemes (Amendment) Regulations 2008 and shall come into force on 1st October 2008.

Amendment of the Personal and Occupational Pension Schemes (Protected Rights) Regulations 1996

2.—(1) The Personal and Occupational Pension Schemes (Protected Rights) Regulations 1996(c) are amended in accordance with this regulation.

(2) In regulation 12(11) (death of member before effect given to his protected rights)—

(a) at the end of sub-paragraph (a), insert “and”, and

(b) omit sub-paragraph (c) and the word “and” immediately preceding it.

Amendment of the Personal Pension Schemes (Appropriate Schemes) Regulations 1997

3.—(1) The Personal Pension Schemes (Appropriate Schemes) Regulations 1997(d) are amended in accordance with this regulation.

(a) 1993 c.48. Section 28(5) was amended by section 142(6) of the Pensions Act 1995 (c.26) and section 284(5) of the Pensions Act 2004 (c.35). Section 181(1) is cited for the meaning it gives to the words “prescribed” and “regulations”.
(b) Section 185(1) was amended by paragraph 46 of Schedule 3 and paragraph 80 of Schedule 5 to the Pensions Act 1995.
(c) S.I. 1996/1537; relevant amending instruments are S.I.s 2002/681 and 2005/2050.
(d) S.I. 1997/470; relevant amending instruments are S.I.s 2001/943 and 3649 and 2006/147.

(2) In regulation 1(2) (interpretation)(a), omit the definitions of “deposit-taker”, “EEA State”, “Friendly Society”, “Home state regulator”, “open-ended investment company”, “recognised scheme”, “UCITS” and “unit trust scheme”.

(3) For regulation 2 (forms of schemes which may be appropriate schemes)(b), substitute—

“Forms of schemes which may be appropriate schemes

2. A personal pension scheme can be an appropriate scheme only if it is a scheme which is, or is treated as, registered under section 153 of the Finance Act 2004 (registration of pension schemes)(c).”.

(4) Omit regulation 3 (persons who and bodies which may establish schemes)(d).

(5) Omit sub-paragraphs (e) and (f) of regulation 4(1) (requirements in respect of an application for an appropriate scheme certificate).

(6) In regulation 6 (requirement to give information)—

(a) at the end of paragraph (b)(ii), insert “and”, and

(b) omit paragraph (b)(iii).

(7) Omit regulation 18 (cancellation of membership of interest-bearing account-funded appropriate personal pension schemes).

(8) Omit Schedules 1 (kinds of unit trust scheme that may be an appropriate scheme)(e) and 2 (information to be included in notice).

Revocations

4. Regulation 4 (amendment of the Personal Pension Schemes (Appropriate Schemes) Regulations 1997) of the Occupational and Personal Pension Schemes (Perpetuities and Contracting-out) Amendment Regulations 2001(f) is revoked.

5. The Personal Pension Schemes (Appropriate Schemes) (Amendment) Regulations 2006(g) are revoked.

Signed by authority of the Secretary of State for Work and Pensions.

Stephen C. Timms

Minister of State,

Department for Work and Pensions

23rd July 2008

(a) As amended by S.I.s 2001/3649 and 2006/147. All the definitions omitted except “Friendly Society” were inserted by S.I. 2006/147.

(b) As amended by S.I.s 2001/943 and 3649 and 2006/147.

(c) 2004 c.12.

(d) As amended by S.I.s 2001/3649 and 2006/147.

(e) As amended by S.I. 2001/3649.

(f) S.I. 2001/943.

(g) S.I. 2006/147.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Personal Pension Schemes (Appropriate Schemes) Regulations 1997 (S.I. 1997/470) (“the 1997 Regulations”) and the Personal and Occupational Pension Schemes (Protected Rights) Regulations 1996 (S.I. 1996/1537) (“the 1996 Regulations”).

Regulation 2 amends regulation 12(11) of the 1996 Regulations which applies where the member of a pension scheme dies before effect is given to that member’s protected rights. The amendment removes the provision which allowed payment of such a pension to or for someone who was not the spouse, civil partner or child of the member.

Regulation 3(3) substitutes regulation 2, and regulation 3(4) omits regulation 3, of the 1997 Regulations to change the circumstances in which a personal pension scheme can be an appropriate scheme. It must be registered with Her Majesty’s Revenue and Customs if it is to become an appropriate scheme. (If it meets this condition, the 1997 Regulations contain other conditions it may have to meet.) Regulation 3(2) and (5) to (8) makes amendments consequential to this.

Regulations 4 and 5 make consequential revocations.

A full Impact Assessment has not been produced for this instrument as it has only a negligible impact on the private and voluntary sectors.

STATUTORY INSTRUMENTS

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