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STATUTORY INSTRUMENTS

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**2010 No. 529**

**The Pension Schemes (Transfers, Reorganisations and Winding Up) (Transitional Provisions) (Amendment) Order 2010**

**Amendment of Article 10**

3.—(1) Article 10 (the reorganisation condition) is amended as follows.

(2) For paragraph (2) substitute—

“(2) Condition A is that, during the period beginning with 10th December 2003 and ending with 5th April 2006—

- (a) there was a transfer in a single transaction of all the sums and assets held for the purposes of, or representing the employee’s accrued rights under, the original pension scheme to another pension scheme (“the new pension scheme”),
- (b) there was a transfer in a single transaction of all the sums and assets held for the purposes of, or representing the employee’s accrued, non contracted-out rights under the original pension scheme to the new pension scheme, or
- (c) there were transfers of sums and assets held for the purposes of, or representing the employee’s accrued rights under, the original pension scheme to the new pension scheme, and those transfers were made—
  - (i) in two separate transactions, and
  - (ii) in circumstances where paragraph (2A) applies.

(2A) This paragraph applies in circumstances where—

- (a) the employee’s accrued rights under the original pension scheme included contracted-out rights;
- (b) all the sums and assets held for the purposes of, or representing accrued, non contracted-out rights under the original pension scheme were transferred to the new pension scheme in a single transaction; and
- (c) the sums and assets held for the purposes of, or representing contracted-out rights under the original pension scheme were transferred in a single transaction to—
  - (i) the new pension scheme referred to in sub-paragraph (b) of this paragraph, or
  - (ii) another pension scheme that satisfies the new pension scheme condition (see article 11).”

(3) In paragraph (4)—

- (a) omit the word “or” at the end of sub-paragraph (a),
- (b) at the end of sub-paragraph (b) insert the word “, or”, and
- (c) after sub-paragraph (b) insert—
  - “(c) a former employee of a former sponsoring employer of the original pension scheme in a case where the relevant sums and assets are transferred at the

same time as the relevant sums and assets held for another employee or former employee who falls within sub-paragraphs (a) or (b).”.

(4) In paragraph (5) —

(a) after the definition of “active member” insert—

““appropriate personal pension scheme” means a scheme in respect of which an appropriate scheme certificate is in force under section 7 of the Pension Schemes Act 1993<sup>(1)</sup>,

“contracted-out rights” means rights under or derived from an occupational pension scheme or an appropriate personal pension scheme which fell within the following categories—

- (a) entitlement to payment of, or accrued rights to, guaranteed minimum pensions;
- (b) protected rights; or
- (c) section 9(2B) rights.”;

(b) omit “and” at the end of the definition of “deferred member” and after that definition insert—

““guaranteed minimum pensions” has the meaning given by section 8 of the Pension Schemes Act 1993,

“occupational pension scheme” has the meaning given by section 1(1) of the Pension Schemes Act 1993,

“protected rights” has the meaning given by section 10 of the Pension Schemes Act 1993,

“relevant sums and assets”, in relation to an employee or former employee, are the sums and assets held for the purposes of, or representing the accrued rights of the employee or former employee (as the case may be) under, the original pension scheme, and

“section 9(2B) rights” has the meaning given by regulation 1(2) of the Protected Rights

(Transfer Payment) Regulations 1996<sup>(2)</sup>.”.

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(1) 1993 c.48.  
(2) S.I.1996/1461.