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STATUTORY INSTRUMENTS

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**2011 No. 1245**

**PENSIONS**

**The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011**

*Made* - - - - *12th May 2011*  
*Laid before Parliament* *16th May 2011*  
*Coming into force in accordance with regulation 1(2)*

The Secretary of State for Work and Pensions, in exercise of the power conferred by section 15(5) of the Pensions Act 2007<sup>M1</sup>, makes the following Regulations.

The Secretary of State has consulted such persons as the Secretary of State considers appropriate in accordance with section 25(3) of that Act.

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**Marginal Citations**

**M1** 2007 c.22.

**PART 1**

General

**Citation and Commencement**

1.—(1) These Regulations may be cited as the Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011.

(2) These Regulations shall come into force—

- (a) for the purposes of this Part, and Part 2, on 6th April 2012,
- (b) for the purposes of Part 3, on 6th April 2013, and
- (c) for the purposes of Part 4, on 6th April 2015.

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*Status: Point in time view as at 06/04/2012. This version of this Instrument contains provisions that are not valid for this point in time.*  
*Changes to legislation: There are currently no known outstanding effects for the The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011. (See end of Document for details)*

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## PART 2

### Amendments coming into force on 6th April 2012

#### Amendment of the Personal Pension Schemes (Disclosure of Information) Regulations 1987

2.—(1) The Personal Pension Schemes (Disclosure of Information) Regulations 1987<sup>M2</sup> are amended as follows.

(2) In regulation 1(2) (interpretation)<sup>M3</sup>, omit the definition of “contracted-out employment”.

(3) For regulation 3(4) (constitution of scheme)<sup>M4</sup>, substitute—

“(4) The categories of persons mentioned in paragraphs (1) to (3) are—

- (a) members of the scheme, and
- (b) beneficiaries under the scheme.”.

(4) For regulation 4(3) (basic information about the scheme)<sup>M5</sup>, substitute—

“(3) The information specified in Schedule 1 shall be given to—

- (a) members of the scheme, and
- (b) beneficiaries under the scheme,

on request (not being a request made by a person within 3 years of the last occasion on which the same person was furnished with the information in accordance with paragraph (2) or this paragraph) as soon as practicable after that person requests it.”.

(5) In regulation 5 (information to be made available to individuals)<sup>M6</sup>—

(a) omit paragraphs (6) and (7),

(b) in paragraph (8)—

- (i) omit “the scheme is not an appropriate scheme and”, and
- (ii) for “wind it up”, substitute “wind up the scheme”,

(c) for paragraph (9) substitute—

“(9) Subject to paragraph (9A), where a scheme ceases to be an appropriate scheme by virtue of section 15(1) of the Pensions Act 2007, the trustees shall—

- (a) inform each member in relation to whom the scheme has ceased to be such a scheme (“the affected member”), except an excluded person, that the scheme has ceased to be an appropriate scheme, as soon as practicable and in any event not more than 1 month after the abolition date,
- (b) furnish the affected member, except an excluded person, as soon as practicable and in any event not more than 4 months after the abolition date, with the information mentioned in paragraph 9 of Schedule 2, and
- (c) where the scheme is unable to meet in full its liabilities to its members, furnish the affected member, except an excluded person, as soon as practicable and in any event not more than 4 months after the abolition date, with the information mentioned in paragraph 8 of Schedule 2.”, and

(d) after paragraph (9) insert—

“(9A) Paragraph (9) does not apply where the trustees have informed the affected member of the abolition date and have furnished the affected member with the information specified in paragraph (9)(b) and, if applicable, paragraph (9)(c), within the period of 12 months ending with the abolition date.”.

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- (6) In Schedule 1 (basic information about the scheme) <sup>M7</sup>—
- (a) omit paragraph 5, and
  - (b) in paragraph 6, for “(if the scheme is an appropriate scheme)” substitute “(if the scheme was an appropriate scheme)”.
- (7) In Schedule 2 (information to be made available to individuals) <sup>M8</sup>—
- (a) in paragraph 1, for “for the whole or any part of that period” substitute “at any time before the abolition date”,
  - (b) in paragraph 2A—
    - (i) after sub-paragraph (3)(b)(i), add “and”,
    - (ii) omit sub-paragraph (3)(b)(iii), and the word “and” immediately preceding it, and
    - (iii) in sub-paragraph (7)(d), for “sub-paragraphs (3)(b)(iii) and (4)” substitute “sub-paragraph (4)”, and
  - (c) in paragraph 9—
    - (i) paragraph 9 is renumbered as sub-paragraph (1) of that paragraph, and
    - (ii) after sub-paragraph (1) as so renumbered, add—
      - “(2) A statement that, as a result of no longer being a member of a contracted-out scheme, the member may build up entitlement to an additional state pension from the date the scheme ceased to be an appropriate scheme.”.

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**Marginal Citations**

- M2** [S.I. 1987/1110](#).
- M3** The definition of “contracted-out employment” was inserted by [S.I. 2002/1383](#).
- M4** [Regulation 3\(4\)](#) was amended by [S.I. 2005/2877](#).
- M5** [Regulation 4\(3\)](#) was amended by [S.I. 2005/2877](#).
- M6** The relevant amending instruments are [S.I. 1992/1531](#), [1994/1062](#) and [1997/786](#).
- M7** The relevant amending instrument is [S.I. 1997/786](#).
- M8** [Paragraph 1](#) was amended by [S.I. 1988/474](#), [1992/1531](#), [1993/519](#), [1994/1062](#), [2006/744](#) and [2007/814](#). [Paragraph 2A](#) was inserted by [S.I. 2002/1383](#) and amended by [S.I. 2005/2877](#), [2006/744](#) and [2010/2659](#).

**Amendment of the Occupational Pension Schemes (Preservation of Benefit) Regulations 1991**

**3.** In regulation 11A (further alternative to short service benefit – transfer to an overseas arrangement) of the Occupational Pension Schemes (Preservation of Benefit) Regulations 1991 <sup>M9</sup>, in paragraph (2)—

- (a) at the end of sub-paragraph (a), add “and”, and
- (b) omit sub-paragraph (b), and the word “and” immediately following it.

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**Marginal Citations**

- M9** [S.I. 1991/167](#). [Regulation 11A](#) was inserted by [S.I. 1996/2131](#).

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*Changes to legislation: There are currently no known outstanding effects for the The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011. (See end of Document for details)*

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## **Amendment of the Occupational Pension Schemes (Contracting-out) Regulations 1996**

4.—(1) The Occupational Pension Schemes (Contracting-out) Regulations 1996<sup>M10</sup> are amended as follows.

(2) In regulation 1(2) (interpretation)<sup>M11</sup> in the definition of “overseas scheme” omit “or (3)”.

(3) In regulation 3(2)(g)(i) (notices by employers of intended election)<sup>M12</sup>, omit “whether the employment would be contracted-out by reference to a salary-related or money purchase contracted-out scheme and”.

(4) Omit regulation 6(4) (information to be included in an election).

(5) In regulation 9(3)(b) (making of elections by employers for the variation or surrender of contracting-out certificates), omit “in the case of a money purchase contracted-out scheme, the protected rights under, or in the case of any other scheme,”.

(6) In regulation 10(1)(a) (special provision with regard to elections for the issue, variation or surrender of certificates where the employment remains contracted-out) omit “or for protected rights, as the case may be,”.

(7) In regulation 16 (requirement to confirm relevant requirements are satisfied), omit paragraph (1)(b).

(8) Omit regulation 30 (further contracting-out requirements for money purchase contracted-out schemes).

(9) In regulation 31(3)(a) (deduction of minimum payments from earnings)<sup>M13</sup> after “section 42B of the 1993 Act” insert “ as it had effect immediately prior to the abolition date ”.

(10) In regulation 32(1) (minimum payments to be made by employers to trustees)—

(a) for “section 8(1)” substitute “ section 8(1A) ”, and

(b) for “employment is contracted-out” substitute “ employment was contracted-out ”.

(11) Omit regulations 39 (circumstances in which schemes may change mode of contracting-out) and 40 (schemes which may not be contracted-out under section 9(3) of the 1993 Act).

(12) In regulation 42 (alteration of rules of contracted-out schemes)<sup>M14</sup>—

(a) in paragraph (1), omit “, (2A)”,

(b) omit paragraph (2A), and

(c) for paragraph (2B)(c), substitute—

“(c) otherwise prevent the scheme from satisfying section 9(2) of that Act.”

(13) In regulation 43 (termination of periods of contracted-out employment)—

(a) in paragraph (3)(a)(iii), omit from the words “or, as the case may be” to the end, and

(b) in paragraph (5)(a), for the words “, section 9(2B) rights or protected” substitute “ or section 9(2B) ”.

(14) In regulation 45(2) (approval of arrangements for schemes ceasing to be contracted-out) omit “, section 28(2)(b) and (3) of that Act (transfer of protected rights)”.

(15) Omit regulation 48(6) (special provision for overseas schemes).

(16) In regulation 49 (insolvent schemes)<sup>M15</sup>—

(a) omit paragraph (3)(a), and

(b) for paragraph (4)(a) substitute—

“(a) in the case of a scheme to which Part 3 of the 2004 Act applies (scheme funding), the cash equivalent of a member's rights under the scheme shall be determined as if the requirements of section 222(1) of that Act were satisfied;”.

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(17) In regulation 62(3) (fixed rate revaluation of guaranteed minimum pensions for early leavers)

- (a) omit “or section 28 (ways of giving effect to protected rights)”, and
- (b) for “those provisions” substitute “ that provision ”.

**Marginal Citations**

- M10** [S.I. 1996/1172](#). See also section 1(2) of, and Schedule 2 to, the [Social Security Contributions \(Transfer of Functions, etc\) Act 1999 \(c.2\)](#) (“the 1999 Act”) which transferred to the Commissioners of Inland Revenue the functions of the Secretary of State under these Regulations.
- M11** The definition of “overseas scheme” was substituted by [S.I. 2007/814](#), and amended by [S.I. 2007/3014](#).
- M12** The relevant amending instrument is [S.I. 2002/681](#).
- M13** The relevant amending instruments are [S.I. 2002/681](#).
- M14** Paragraphs (2A) and (2B) were inserted by [S.I. 1997/786](#).
- M15** The relevant amending instruments are [S.I. 2005/3377](#) and 2008/1903.

**Revocation of the Protected Rights (Transfer Payment) Regulations 1996**

5. The Protected Rights (Transfer Payment) Regulations 1996<sup>M16</sup> are revoked.

**Marginal Citations**

- M16** [S.I. 1996/1461](#).

**Amendment of the Contracting-out (Transfer and Transfer Payments) Regulations 1996**

6.—(1) The Contracting-out (Transfer and Transfer Payments) Regulations 1996<sup>M17</sup> are amended as follows.

- (2) In regulation 1(2) (interpretation)—
  - (a) omit the definitions of “appropriate personal pension scheme” and “money purchase contracted-out scheme”, and
  - (b) in the definition of “overseas arrangement”—
    - (i) after paragraph (a), add “ and ”, and
    - (ii) omit paragraph (b), and the word “and” immediately following it.
- (3) For regulation 5 (transfer payments in respect of guaranteed minimum pensions to money purchase contracted-out schemes and appropriate personal pension schemes), substitute—

**“Transfer payments in respect of guaranteed minimum pensions to occupational and personal pension schemes**

5. A transfer payment in respect of a guaranteed minimum pension may be made to a scheme which is not a salary-related contracted-out scheme, an overseas scheme or overseas arrangement, if—

- (a) the earner consents in writing;
- (b) the transfer payment (whether or not it forms part of a larger payment in respect of both guaranteed minimum pensions and other rights) is of an amount at least equal to the cash equivalent of the earner's accrued rights to guaranteed minimum

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pensions, as calculated and verified in a manner consistent with regulations made under section 97 of the 1993 Act (calculation of cash equivalents); and

- (c) the earner has acknowledged in writing to the transferring scheme that the earner has received a statement from the receiving scheme showing the benefits to be awarded in respect of the transfer payment, and that the earner accepts that—
- (i) the benefits to be provided by the receiving scheme may be in a different form and of a different amount to those which would have been payable by the transferring scheme, and
  - (ii) there is no statutory requirement on the receiving scheme to provide for survivor's benefits out of the transfer payment.”.

(4) For regulation 10 (transfer payments to money purchase contracted-out schemes and appropriate personal pension schemes in respect of section 9(2B) rights), substitute—

**“10 Transfer payments to occupational and person pension schemes in respect of section 9(2B) rights**

**10.** A transfer payment in respect of an earner's accrued section 9(2B) rights may be made to a scheme which is not a salary-related contracted-out scheme, an overseas scheme or overseas arrangement, if—

- (a) the earner consents in writing; and
- (b) the earner has acknowledged in writing to the transferring scheme that the earner has received a statement from the receiving scheme showing the benefits to be awarded in respect of the transfer payment, and that the earner accepts that—
  - (i) the benefits to be provided by the receiving scheme may be in a different form and of a different amount to those which would have been payable by the transferring scheme, and
  - (ii) there is no statutory requirement on the receiving scheme to provide for survivor's benefits out of the transfer payment.”.

**Marginal Citations**

M17 [S.I. 1996/1462](#).

**Revocation of part of the Personal and Occupational Pension Schemes (Protected Rights) Regulations 1996**

7. In the Personal and Occupational Pension Schemes (Protected Rights) Regulations 1996<sup>M18</sup>, the following regulations are revoked—

- (a) regulation 1(2) (interpretation), in so far as it relates to the regulations listed in paragraphs (b) to (m),
- (b) regulation 2 (manner of calculation and verification of protected rights),
- (c) regulation 4 (conditions applying to pensions and annuities which give effect to protected rights),
- (d) regulation 5 (circumstances in which and period for which pension or annuity is to be paid to widow, widower or surviving civil partner),
- (e) regulation 6 (interim arrangements),
- (f) regulation 8 (giving effect to protected rights by provision of a lump sum),

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- (g) regulation 10 (choice of insurance company by annuitant),
- (h) regulation 11 (insurers that may provide protected rights by way of annuities),
- (i) regulation 12 (death of member before effect is given to his protected rights),
- (j) regulation 13 (death before effect given to protected rights: interim arrangements for widow, widower or surviving civil partner),
- (k) regulation 14 (enforceable entitlement after death of member),
- (l) regulation 15 (further requirements in respect of giving effect to protected rights), and
- (m) regulation 17 (tax registration).

**Marginal Citations**

M18 S.I. 1996/1537.

**Amendment of the Occupational Pension Schemes (Disclosure of Information) Regulations 1996**

8.—(1) The Occupational Pension Schemes (Disclosure of Information) Regulations 1996<sup>M19</sup> are amended as follows.

(2) In regulation 5 (information to be made available to individuals)—

(a) for paragraph (7) substitute—

“(7) Subject to paragraph (7ZA), where a scheme ceases to be a money purchase contracted-out scheme by virtue of section 15(1) of the Pensions Act 2007<sup>M20</sup>, the trustees of the scheme shall inform each member in relation to whom the scheme has ceased to be such a scheme (“the affected member”), as soon as practicable, and in any event not more than 1 month after the abolition date, that the scheme is no longer a money purchase contracted-out scheme, and furnish the affected member, as soon as practicable and in any event not more than 4 months after the abolition date with—

(a) the information mentioned in paragraph 8 of Schedule 2, and

(b) except where the scheme is able to meet in full its liabilities to the affected member, the information mentioned in paragraph 10 of Schedule 2.”,

(b) after paragraph (7) insert—

“(7ZA) Paragraph (7) does not apply where the trustees of the scheme have informed the affected member of the date on which the scheme is to cease to be a money purchase contracted-out scheme and have furnished the information specified in paragraph (7) (a) and, if applicable, paragraph (7)(b), within the period of 12 months ending with the abolition date.”, and

(c) omit paragraph (7A)<sup>M21</sup>.

(3) In Schedule 1 (basic information about the scheme), in paragraph 10, omit the words from “, and whether the scheme is contracted-out” to the end.

(4) In Schedule 2 (information to be made available to individuals)—

(a) in paragraph 5(a), for “for the whole or any part of the period” substitute “ at any time before the abolition date ”,

(b) in paragraph 6ZA<sup>M22</sup>—

(i) in sub-paragraph (3)(b)(i), at the end insert “ and ”,

(ii) omit sub-paragraph (3)(b)(iii), and the word “and” immediately preceding it, and

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- (iii) in sub-paragraph (7)(d) for “sub-paragraphs (3)(b)(iii) and (4)” substitute “ sub-paragraph (4) ”,
- (c) in paragraph 8—
  - (i) paragraph 8 is renumbered as sub-paragraph (1) of that paragraph,
  - (ii) in sub-paragraph (1) as so renumbered, omit “in relation to the member's employment”, and
  - (iii) after sub-paragraph (1) as so renumbered, add—
    - “(2) A statement that, as a result of no longer being a member of a contracted-out scheme, the member may build up entitlement to an additional state pension from the date the scheme ceased to be a money purchase contracted-out scheme.”, and
- (d) omit paragraph 8A <sup>M23</sup>.

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**Marginal Citations**

**M19** [S.I. 1996/1655](#).

**M20** [2007 c.22](#).

**M21** [Regulation 5\(7A\)](#) was inserted by [S.I. 2000/2691](#).

**M22** [Paragraph 6ZA](#) was inserted by [S.I. 2002/1383](#) and amended by [S.I. 2005/2877](#) and [2010/2659](#).

**M23** [Paragraph 8A](#) was inserted by [S.I. 2000/2691](#).

**Amendment of the Occupational and Personal Pension Schemes (Contracting-out etc: Review of Determinations) Regulations 1997**

**9.** In regulation 2 (application of regulations) of the Occupational and Personal Pension Schemes (Contracting-out etc: Review of Determinations) Regulations 1997 <sup>M24</sup>, omit “or appropriate schemes certificates”.

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**Marginal Citations**

**M24** [S.I. 1997/358](#). See also section 1(2) of, and Schedule 2 to, the 1999 Act which transferred to the Commissioners of Inland Revenue the functions of the Secretary of State under these Regulations.

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

**10.—(1)** The Personal Pension Schemes (Appropriate Schemes) Regulations 1997 <sup>M25</sup> are amended as follows.

- (2) In regulation 1(2) (interpretation), omit the definition of “administrators”.
- (3) The following regulations are revoked—
  - (a) regulation 2 (forms of schemes which may be appropriate schemes),
  - (b) regulation 4 (requirements in respect of an application for an appropriate schemes certificate),
  - (c) regulation 5 (issue of appropriate scheme certificates),
  - (d) regulation 6 (requirements to give the Commissioners of Inland Revenue information),
  - (e) regulation 6A (provision of information for purposes of contracting-out),
  - (f) regulation 7 (cancellation, variation and surrender of an appropriate scheme certificate),



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- (g) regulation 8 (applications for the variation of, and to surrender, appropriate scheme certificates),
- (h) regulation 9 (cancellation of an appropriate scheme certificate),
- (i) regulation 10 (notice under section 44(1) of the 1993 Act,
- (j) regulation 11 (notice under section 44(2) of the 1993 Act), and
- (k) regulation 14 (allocation of minimum contributions).

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**Marginal Citations**

**M25** [S.I. 1997/470](#). Regulation 6A was inserted by [S.I. 2002/681](#).

**Revocation of the Occupational Pension Schemes (Age-related Payments) Regulations 1997**

**11.** The Occupational Pension Schemes (Age-related Payments) Regulations 1997 <sup>M26</sup> are revoked.

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**Marginal Citations**

**M26** [S.I. 1997/946](#).

**Amendment of the Pension Sharing (Valuation) Regulations 2000**

**12.** In regulation 2 (rights under a pension arrangement which are not shareable) of the Pension Sharing (Valuation) Regulations 2000 <sup>M27</sup>, in paragraph (1)—

- (a) at the end of sub-paragraph (b)(ii), add “ or ”, and
- (b) omit sub-paragraph (b)(iii), and the word “or” immediately following that sub-paragraph.

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**Marginal Citations**

**M27** [S.I. 2000/1052](#). The relevant amending instruments are [S.I. 2005/2877](#) and 2006/744.

**Amendment of the Pension Sharing (Pension Credit Benefit) Regulations 2000**

**13.** In regulation 1(2) (interpretation) of the Pension Sharing (Pension Credit Benefit) Regulations 2000 <sup>M28</sup>, omit the definitions of “appropriate scheme” and “money purchase contracted-out scheme”.

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**Marginal Citations**

**M28** [S.I. 2000/1054](#).

**Amendment of the Stakeholder Pension Scheme Regulations 2000**

- 14.—**(1) The Stakeholder Pension Scheme Regulations 2000 <sup>M29</sup> are amended as follows.
- (2) In regulation 1(3) (interpretation), omit the definition of “contracted-out employment”<sup>M30</sup>.
  - (3) In regulation 18B (disclosure of information to members) <sup>M31</sup>—

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- (a) after paragraph (2)(b)(i) insert “ and ”, and
- (b) omit paragraph (2)(b)(iii) and the word “and” immediately preceding it.
- (4) In paragraph 6(d) of Schedule 3 (information for members) <sup>M32</sup>, for “regulations 18B(2)(b)(iii) and (3)” substitute “ regulation 18B(3) ”.

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**Marginal Citations**

**M29** [S.I. 2000/1403](#).

**M30** The definition of “contracted-out employment” was inserted by [S.I. 2002/1383](#).

**M31** [Regulation 18B](#) was inserted by [S.I. 2010/2659](#).

**M32** [Schedule 3](#) was inserted by [S.I. 2010/2659](#).

## PART 3

### Amendments coming into force on 6th April 2013

#### **Amendment of the Personal Pension Schemes (Disclosure of Information) Regulations 1987**

**15.**—(1) The Personal Pension Schemes (Disclosure of Information) Regulations 1987 are amended as follows.

- (2) In regulation 5 (information to be made available to individuals) <sup>M33</sup> omit paragraphs (9) and (9A).
- (3) In Schedule 2 (information to be made available to individuals), omit paragraph 9(1) and (2) <sup>M34</sup>.

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**Marginal Citations**

**M33** Paragraph (9) is substituted by, and paragraph (9A) is inserted by, regulation 2(5) of this instrument.

**M34** [Paragraph 9](#) is amended by regulation 2(7)(c) of this instrument and by article 2(5)(e) of [S.I. 2011/1246](#).

#### **Amendment of the Occupational Pension Schemes (Disclosure of Information) Regulations 1996**

**16.**—(1) The Occupational Pension Schemes (Disclosure of Information) Regulations 1996 are amended as follows.

- (2) In regulation 5 (information to be made available to individuals) <sup>M35</sup>, omit paragraphs (7) and (7ZA).
- (3) In Schedule 2 (information to be made available to individuals), omit paragraph 8(1) and (2) <sup>M36</sup>.

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**Marginal Citations**

**M35** Paragraph (7) is substituted by, and paragraph (7ZA) is inserted by, regulation 8(2) of this instrument.

**M36** [Paragraph 8](#) is amended by regulation 8(4)(c) of this instrument and article 11(5)(c) of [S.I. 2011/1246](#).

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## PART 4

### Amendments coming into force on 6th April 2015

#### Amendment of the Personal Pension Schemes (Disclosure of Information) Regulations 1987

17.—(1) The Personal Pension Schemes (Disclosure of Information) Regulations 1987 are amended as follows.

(2) In regulation 5(2)(a) (information to be made available to individuals)<sup>M37</sup>, for “paragraphs 1, 2 and 12” substitute “paragraphs 1 and 2”.

(3) In paragraph 6<sup>M38</sup> of Schedule 1 (basic information about the scheme), omit “and (if the scheme was an appropriate scheme) minimum contributions by the Secretary of State”.

(4) In Schedule 2 (information to be made available to individuals) —

(a) in paragraph 1<sup>M39</sup>, omit from the words “and, where the scheme was at any time” to the end, and

(b) omit paragraph 12.

#### Marginal Citations

M37 Regulation 5(2) is substituted by S.I. 2010/2659.

M38 Paragraph 6 of Schedule 1 is amended by regulation 2(6)(b) of this instrument.

M39 Paragraph 1 of Schedule 2 is amended by regulation 2(7)(a) of this instrument.

#### Amendment of the Occupational Pension Schemes (Contracting-out) Regulations 1996

18. Omit regulations 31 (deduction of minimum payments from earnings), 32 (minimum payments to be made by employers to trustees) and 33 (calculation of minimum payments) of the Occupational Pension Schemes (Contracting-out) Regulations 1996<sup>M40</sup>.

#### Marginal Citations

M40 S.I. 1996/1172.

#### Amendment of the Occupational Pension Schemes (Disclosure of Information) Regulations 1996

19. In paragraph 5(a) of Schedule 2 (information to be made available to individuals) to the Occupational Pension Schemes (Disclosure of Information) Regulations 1996<sup>M41</sup>, omit from the words “and, where the scheme was at any time” to the end.

#### Marginal Citations

M41 Paragraph 5(a) was amended by regulation 8(4)(a) of this instrument.

#### Amendment of the Stakeholder Pension Schemes Regulations 2000

20.—(1) The Stakeholder Pension Scheme Regulations 2000 are amended as follows.

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**Status:** Point in time view as at 06/04/2012. This version of this Instrument contains provisions that are not valid for this point in time.  
**Changes to legislation:** There are currently no known outstanding effects for the The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011. (See end of Document for details)

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(2) In regulation 1(3) (interpretation), omit the definitions of “minimum contributions” and “minimum payments”.

(3) In regulation 17(2) (restrictions on contributions), omit from the words “, minimum contributions” to the end.

(4) In Schedule 3 (information for members)<sup>M42</sup>, paragraph 2, omit sub-paragraphs (e), (f) and (g).

**Marginal Citations**

**M42** [Schedule 3](#) was inserted by [S.I. 2010/2659](#).

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

Department for Work and Pensions  
12th May 2011

*Steve Webb*  
Minister of State

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under section 15 of the Pensions Act 2007 (c.22), which abolishes contracting-out of the state additional pension for pension schemes on a defined contributions basis. It provides that contracting-out certificates in relation to money purchase contracted-out schemes and appropriate schemes (as defined by section 181(1) of the Pension Schemes Act 1993) cease to have effect from the abolition date.

These Regulations make consequential amendments to subordinate legislation as a consequence of the abolition of contracting-out for defined contribution pension schemes, and provides for transitional provisions for the three years following abolition. The majority of amendments come into force on 6th April 2012 (the abolition date).

References to, and provisions which relate to, schemes that are contracted-out on a defined contributions basis are either omitted, or where appropriate, replaced with references to schemes which were contracted-out on that basis.

Regulations 2 and 8 provide for changes to the disclosure of information requirements schemes must comply with in relation to their contracting-out status. The amendments made by these regulations provide that defined contributions contracted-out schemes must inform affected members that the scheme has ceased to be contracted-out and explain the effect of that change on members' entitlement to state additional pension from the abolition date, within 1 month and 4 months of the abolition date respectively, unless schemes have already provided such information in the 12 months preceding the abolition date. This requirement is for one year only and is subsequently omitted by regulations 15 and 16 from 6th April 2013.

Regulation 6 amends the Contracting-out (Transfer and Transfer Payments) Regulations 1996 (S.I. 1996/1172) to provide that, from the abolition date, transfers will be able to be made from defined benefit contracted-out schemes to schemes which are not salary-related (defined benefit) contracted-out schemes, overseas schemes or overseas arrangements, as long as certain safeguards are met.

A three year transitional period ending on 6th April 2015 is provided for in relation to statutory provisions which relate to the national insurance rebate due to schemes from Her Majesty's Revenue and Customs (HMRC) as a result of contracting-out in previous years. Regulations in Part 4 of this instrument omit various provisions which relate to the making of minimum payments and contributions to schemes by employers and HMRC.

This legislation reduces the costs of administrative burdens on the private sector and civil society organisations. An assessment of the impact has been made; a copy is available in the libraries of both Houses of Parliament, and is annexed to the Explanatory Memorandum which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Status:**

Point in time view as at 06/04/2012. This version of this Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011.