
STATUTORY INSTRUMENTS

2015 No. 1452

**The Occupational Pension Schemes (Schemes
that were Contracted-out) Regulations 2015**

PART 5

**AMENDMENT OF THE OCCUPATIONAL PENSION
SCHEMES (CONTRACTING-OUT) REGULATIONS 1996**

**Amendments relating to certification of employments for a period before the second
abolition date**

- 29.**—(1) The 1996 Regulations are amended as follows.
- (2) In regulation 1(2) (interpretation)—
- (a) in the definition of “the 1993 Act”, at the end insert “as it had effect immediately before the second abolition date⁽¹⁾ (except where otherwise stated)”;
- (b) in the definition of “overseas scheme”⁽²⁾—
- (i) for “is contracted-out” substitute “was contracted-out”; and
- (ii) for “has effect” substitute “had effect”; and
- (c) in paragraph (b)(ii) of the definition of “section 9(2B) rights”⁽³⁾, before “abolition date” insert “first”.
- (3) In regulation 3 (notices by employers of intended election), in paragraph (2)(b) after “specify the date” insert “(being a date before the second abolition date)”.
- (4) In regulation 6 (information to be included in an election)—
- (a) in paragraph (1)(d), after “shall have effect” insert “(being a date before the second abolition date)”;
- (b) in paragraph (3), for sub-paragraph (a) substitute—
- “(a) unless the scheme is a public service pension scheme to which Part 3 of the 2004 Act does not apply, or a scheme in respect of which any Minister of the Crown has given a guarantee, or made any other arrangements for the purpose of securing that the assets of the scheme are sufficient to meet its liabilities, written confirmation or evidence that the actuary is satisfied that the resources of the scheme are sufficient to meet the requirement prescribed in regulation 18 (as it had effect immediately before the second abolition date)(requirement as to resources of the scheme); and”.
- (5) In regulation 8⁽⁴⁾ (issue of contracting-out certificates)—

(1) See section 7A of the 1993 Act, inserted by paragraph 6 of Schedule 13 to the 2014 Act.

(2) This definition was substituted by S.I. 2007/814 and amended by S.I. 2007/3014 and 2011/1245.

(3) This definition was substituted by S.I. 1997/786 and amended by S.I. 1999/3198 and 2011/1246.

(4) Regulation 8 was amended by section 1 of, and Schedule 2 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

- (a) in paragraph (2)(d) for the words after “is to have effect,” substitute “being a date before the second abolition date”; and
- (b) after paragraph (2) insert—
 - “(3) The Commissioners of Inland Revenue are not to issue a contracting-out certificate unless they consider it appropriate to do so and the scheme satisfied any contracting-out conditions or requirements which applied to the scheme from the date on which the certificate is to have effect.”.
- (6) In regulation 9(5)(b) (notice of date from which variation or surrender of a contracting-out certificate is to have effect), after “specify the date” insert “(being a date before the second abolition date)”.
- (7) In regulation 10 (special provision with regard to elections for the issue, variation or surrender of certificates where the employment remains contracted out)—
 - (a) in the heading after “where” insert “(before the second abolition date)”;
 - (b) in paragraph (1)(5)—
 - (i) omit “regulation 71 (elections for replacement certificates by salary-related schemes during transitional period) and to”; and
 - (ii) in sub-paragraph (c) at the end insert “when the election takes effect”; and
 - (c) in paragraph (3)(c), after “the date” insert “(being a date before the second abolition date)”.
- (8) In regulation 15(6) (further information and change of circumstances), omit “or an employer to whom such a certificate has been issued”.
- (9) In regulation 23(g)(7) (requirements for meeting the statutory standard), after “regulation 20A(2)” insert “(as it had effect immediately before the second abolition date)”.

(5) Paragraph (1) was amended by section 1 of, and Schedule 2 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999, [S.I. 2011/1245](#) and [2011/1246](#).

(6) Regulation 15 was amended by section 1 of, and Schedule 2 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

(7) Paragraph (g) was amended by [S.I. 2002/681](#).