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STATUTORY INSTRUMENTS

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**2015 No. 1677**

**The Occupational Pension Schemes (Schemes that  
were Contracted-out) (No.2) Regulations 2015**

**PART 3**

**ADDITIONAL REQUIREMENTS IN RELATION TO RIGHTS ATTRIBUTABLE  
TO CONTRACTED-OUT EMPLOYMENT ON AND AFTER 6TH APRIL 1997**

**Forfeiture of accrued rights**

**19.** Section 92(1) of the 1995 Act<sup>(1)</sup> (no forfeiture of entitlement under an occupational pension scheme) does not prevent forfeiture of section 9(2B) rights under a relevant scheme if—

- (a) the person entitled to payments giving effect to those rights (“the pensioner”) is, in the opinion of the trustees of the scheme, unable to act by reason of mental disorder; and
- (b) there is provision in the scheme that requires that, in those circumstances, sums equivalent to those payments—
  - (i) must be paid or applied for the maintenance of the pensioner, except in so far as they are not, in the opinion of the trustees, required for that purpose;
  - (ii) may, in so far as they are not in the opinion of the trustees required for the maintenance of the pensioner, be paid or applied for the maintenance of any dependants of the pensioner; and
  - (iii) must, in so far as they are not in the opinion of the trustees required for the maintenance of the pensioner or any dependant of the pensioner, be held by the trustees for the pensioner until the pensioner is again able to act, or if the pensioner dies before that happens, for the pensioner’s estate.

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<sup>(1)</sup> Section 92(1) was amended by paragraphs 43 and 58 of Schedule 12 to the Welfare Reform and Pensions Act 1999.