
STATUTORY INSTRUMENTS

2015 No. 1677

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

PART 2

**GENERAL PROVISIONS RELATING TO SCHEMES THAT
WERE SALARY RELATED CONTRACTED-OUT SCHEMES**

Restoration of state scheme rights

7.—(1) This regulation applies where paragraph 5(3B) of Schedule 2 to the 1993 Act⁽¹⁾ (state scheme premiums: schemes which were being wound up before the second abolition date) applies in relation to a member of a scheme that was a contracted-out scheme and that was being wound up before the second abolition date if, by virtue of that provision—

- (a) the member was treated as if sections 46 to 48 or 48A(1) of the 1993 Act⁽²⁾ (effect of entitlement to guaranteed minimum pensions on payments of social security benefits) did not apply; or
- (b) in a case where the cash equivalent of the member's rights was less than the amount required for restoring their state scheme rights, the member was treated as if sections 46 to 48 or 48A(1) of the 1993 Act applied only in so far as they extinguish such part of the member's state scheme rights as, in the opinion of the Commissioners, corresponded to that shortfall.

(2) Where this regulation applies, the member is to continue to be treated as mentioned in paragraph (1)(a) or, as the case may be, (1)(b).

(1) Paragraph 5(3B) was inserted by section 141 of the 1995 Act, and amended by paragraph 62 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2).

(2) Sections 46 to 48 were amended by paragraph 56 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c.18), paragraph 44 of Schedule 5 to, and paragraph 22 of Schedule 4 to, the 1995 Act, section 32 of, paragraph 6 of Schedule 2 to, and paragraph 18 of Schedule 8 to, the Welfare Reform and Pensions Act 1999, S.I. 2001/3649, section 18 of the State Pension Credit Act 2002 (c.16), paragraph 22 of Schedule 11 to the Proceeds of Crime Act 2002 (c.29), section 165 of the 2004 Act, S.I. 2005/2050, section 14 of the Pension Act 2007 (c.22), paragraphs 18 and 24 of Schedule 4 to, the Marriage (Same Sex Couples) Act 2013, paragraph 71 of Schedule 12 to the 2014 Act. Section 48A was inserted by section 140 of the 1995 Act, and amended by section 38 of the Child Support, Pensions and Social Security Act 2000 (c.19), section 18 of the State Pension Credit Act 2002, paragraphs 35 and 39 of Schedule 1 to, the National Insurance Contributions Act 2002 (c.19), paragraph 23 of Schedule 4 to, the Pensions Act 2007 (c.22).