
STATUTORY INSTRUMENTS

2024 No. 219

**The Nuclear Decommissioning Authority
(Pension Scheme Amendment) Regulations 2024**

Modification of the Electricity (Protected Persons) (England and Wales) Pension Regulations 1990

4.—(1) Where the 1990 Regulations entitle a protected employee to be provided with future pension rights and the protected employee has reformed protection, nothing in those Regulations—

- (a) permits the protected employee to be provided with future pension rights less favourable than the reformed benefits, as they first applied to the protected employee;
- (b) requires the protected employee to be provided with future pension rights more favourable than those reformed benefits.

(2) Paragraph (1)(a) does not prevent the amendment of a relevant pension scheme where the conditions in the regulation 16(2) of the 1990 Regulations are met.

(3) In paragraph (1), “future pension rights” and “protected employee” have the same meaning as in the 1990 Regulations.

(4) For the purposes of paragraph (1), an individual has reformed protection if—

- (a) they are an employee of—
 - (i) a person designated under regulation 3;
 - (ii) a sub-contractor of such a designated person; or
 - (iii) any person who is connected with such a designated person,
- (b) engaged in activities related to the fulfilment of NDA responsibilities under sections 3 and 4 of the Energy Act 2004(1), and
- (c) either of the following paragraphs apply—
 - (i) the individual—
 - (aa) is a participant in the SLC Section;
 - (bb) is eligible to become a participant in that Section;
 - (cc) would be eligible to become a participant in that Section if the individual had attained an age, or fulfilled a condition, specified in the ESPS; or
 - (dd) has been a participant in that Section,and the benefits which the person is accruing or would accrue or has accrued under that Section are, or include, reformed benefits, or
 - (ii) the individual—
 - (aa) is a participant in a relevant Section of the CNPP;
 - (bb) is eligible to become a participant in a relevant Section of the CNPP;

- (cc) would be eligible to become a participant in a relevant Section of the CNPP if the individual had attained an age, or fulfilled a condition, specified in the Trust Deeds or the CNPP; or
- (dd) has been a participant in a relevant Section of the CNPP, and the benefits which the person is accruing or would accrue or has accrued under that Section are, or include, reformed benefits.
- (5) References in paragraph (4) to an individual being eligible to participate in a Section of a scheme if the individual fulfils a condition—
- (a) do not include references to the individual being eligible if an employer other than those mentioned in paragraph (4)(a) becomes the individual’s employer, but
- (b) do include references, in the case of an individual whose participation is temporarily suspended (whether by reason of a secondment or a loan of the individual’s service or otherwise), to fulfilment of the conditions that would bring the suspension to an end.
- (6) In paragraph (4)—
- (a) “connected with” has the same meaning as in section 249 of the Insolvency Act 1986(2);
- (b) “relevant Section of the CNPP” means any of the following Sections into which the CNPP is divided (under clause 7 of the deed made on 28 March 2012 as it stood on 1 May 2022)—
- (i) Closed;
- (ii) DSRL;
- (iii) GPS DRS;
- (iv) GPS SLC;
- (v) LLWR;
- (vi) Magnox;
- (vii) Nirex;
- (viii) Sellafield;
- (c) the “SLC Section” means the SLC Section of the ME Group, being one of the Sections into which the ME Group is divided under the provisions of the ESPS.
- (7) Where—
- (a) at any time after 1 May 2022, any of the Sections named in paragraph (6)(b)(i) to (viii) is re-named, or has merged with another of those Sections (including by a transfer of the Section and another of those Sections to a new Section), a reference in paragraph (6)(b) to that Section is to be read as, or as including, a reference to the re-named or merged Section;
- (b) at any time after the day on which these Regulations come into force, the SLC Section is re-named, or has merged with another Section (including by transfer of that Section to a new Section), then a reference to that Section is to be read as, or as including, a reference to the re-named or merged Section.
- (8) In this regulation, “reformed benefits” means defined benefits under a structure that, as a result of amendments made in pursuance of regulations under section 311 of the Energy Act 2023, is a career average revalued earnings structure.