

2007 No. 782

PENSIONS

The Pension Protection Fund (Miscellaneous Amendments) Regulations 2007

<i>Made</i> - - - -	<i>9th March 2007</i>
<i>Laid before Parliament</i>	<i>15th March 2007</i>
<i>Coming into force</i> -	<i>6th April 2007</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 126(1)(b), 143(3) and (4), 151(8) and (9)(b), 163(6)(a), 168(1) and (2)(e), 179(1)(a) and (3), 206(2)(a), 315(2), (4) and (5) and 318(1) of, and paragraph 24(1) of Schedule 7 to, the Pensions Act 2004(a).

In accordance with section 317(1) of that Act he has consulted such persons as he considers appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pension Protection Fund (Miscellaneous Amendments) Regulations 2007 and shall come into force on 6th April 2007.

(2) In these Regulations “assessment date” means the date on which the assessment period in relation to the scheme or section, or (where there has been more than one such assessment) the last one, began.

[Regulation 2 amends S.I. 2005/590]

[Regulation 3 amends S.I. 2005/670]

[Regulation 4 amends S.I. 2005/672]

[Regulation 5 amends S.I. 2006/580]

Transitional provision for schemes with an assessment date before 1st April 2007

6. In the case of a scheme with an assessment date before 1st April 2007, the definition of “relevant accounts” in regulation 1(2) of the Pension Protection Fund (Valuation) Regulations 2005 shall continue to have effect until 31st December 2007 as if regulation 4(2)(b) of these Regulations had not come into force.

Revocation

7. The following provisions are revoked—

- (a) paragraph 13A of the Schedule to the Pension Protection Fund (Reviewable Matters) Regulations 2005(b) (prescribed period for failure to make a

(a) 2004 c. 35. The Act is modified in its application to partially guaranteed schemes by S.I. 2005/277, in its application to multi-employer schemes by S.I. 2005/441 (as amended by S.I. 2005/993 and 2113) and 2006/566, and in its application to hybrid schemes by S.I. 2005/449. The Act is further modified by S.I. 2005/3377 and 3380. Section 318(1) is cited because of the meaning there given to “prescribed” and “regulations”.

(b) S.I. 2005/600. Paragraph 13A was inserted by S.I. 2006/685.

- determination under regulation 6(2) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006);
- (b) regulation 21(5)(b) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006 (amendment of the Entry Rules Regulations);
 - (c) regulation 3 of the Pension Protection Fund (Reviewable Matters and Review and Reconsideration of Reviewable Matters) (Amendment) Regulations 2006(a) (which inserts the provision revoked by sub-paragraph (a)).

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

9th March 2007

James Purnell
Minister of State,
Department for Work and Pensions

(a) S.I. 2006/685.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pension Protection Fund (Entry Rules) Regulations 2005 (S.I. 2005/590) (“the Entry Rules Regulations”), the Pension Protection Fund (Compensation) Regulations 2005 (S.I. 2005/670) (“the Compensation Regulations”), Pension Protection Fund (Valuation) Regulations 2005 (S.I. 2005/672) (“the Valuation Regulations”) and the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006 (S.I. 2006/580) (“the Miscellaneous Regulations”).

Regulation 2 amends the Entry Rules Regulations so that former approved superannuation funds will cease to be eligible schemes for the purposes of the Pension Protection Fund. It also amends regulation 2(1)(l) and (m) to provide for all decisions which fall to be made by the trustees or company in its capacity as trustee to be made by unanimous agreement of the trustees, or directors of that company, who are members of the scheme. A cross reference in paragraph 5(b) of the Schedule is also corrected.

Regulation 3 amends regulation 19(3) of the Compensation Regulations to correct a cross reference.

Regulation 4 amends the Valuation Regulations to add a new definition of “pre-6th April 1997 contract of insurance” and substitute a new definition of “relevant accounts”. It amends the prescribed date by which an eligible scheme, which becomes a registrable scheme before the commencement date, submits its initial actuarial valuation in accordance with section 179 of the Pensions Act 2004 (c. 35) to within 15 months of the relevant time of the valuation or by no later than 31st March 2008, whichever is the earlier. It also amends the prescribed date by which the trustees or managers of an eligible scheme provide any subsequent actuarial valuation to the Board of the Pension Protection Fund, or the Pensions Regulator, to within 15 months of the relevant time of that valuation. It further provides for the amount representing the value of a pre-6th April 1997 contract of insurance to be excluded from the actuarial valuation of the assets and protected liabilities of an eligible scheme if, in the opinion of the appropriate person as defined in regulation 1(2) of the Valuation Regulations, there is insufficient information about that contract of insurance with which to conduct a valuation.

Regulation 5 amends provisions of the Miscellaneous Regulations which specify circumstances in which the Board is not required to recover overpayments of scheme benefits or compensation. Non-recovery of an amount is permitted in cases where its recovery would cause hardship and, in determining whether such grounds exist, the amendments made by this regulation provide that the Board may seek additional information and, having regard to the information before it, must make its determination as soon as is reasonably practicable.

Regulation 6 makes transitional provision in relation to the coming into force of the new definition of “relevant accounts” in the Valuation Regulations.

Regulation 7 makes revocations that are consequential on amendments made by regulations 2(3) and 5 of these Regulations.

These Regulations have only a negligible impact on the cost of business, charities or the voluntary sector. Publication of a full regulatory impact assessment is not necessary for such legislation.

