

2012 No. 3083

PENSIONS

The Pension Protection Fund (Miscellaneous Amendments) (No. 2) Regulations 2012

<i>Made</i> - - - -	<i>11th December 2012</i>
<i>Laid before Parliament</i>	<i>13th December 2012</i>
<i>Coming into force</i> -	<i>24th January 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 143(3), (4) and (5), 143A(5), 151(4), 156(1), 185(4)(a), 203(1), 207(1), (2) and (5)(a), 307(1)(b) and (2)(b), 315(2), (4) and (5) and 318(1) of the Pensions Act 2004(a).

By virtue of section 317(2)(b) of that Act these Regulations were not subject to consultation because in this case it appeared to the Secretary of State that by reason of urgency consultation was inexpedient.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pension Protection Fund (Miscellaneous Amendments) (No. 2) Regulations 2012.

(2) These regulations come into force as follows—

- (a) regulations 1(1) and (2) and 9 come into force on 24th January 2013, and
- (b) all other regulations come into force immediately after regulations 1(1) and (2) and 9.

(3) In these Regulations, “the Act” means the Pensions Act 2004.

[Regulation 2 makes various amends to S.I. 2005/441.]

[Regulation 3 makes amends to regulation 24 of S.I. 2005/590.]

[Regulation 4 makes various amends to S.I. 2005/669.]

[Regulation 5 makes various amends to S.I. 2005/672.]

[Regulation 6 makes various amends to Schedule 2 of S.I. 2005/674.]

[Regulation 7 makes amends to regulation 1(3) S.I. 2005/2184.]

[Regulation 8 makes amends to regulation 3(1) S.I. 2007/865.]

[Regulation 9 makes various amends to S.I. 2012/1688.]

10. Any action taken pursuant to amendments made by the 2012 Regulations before the date these Regulations come into force shall be deemed to have been taken under these Regulations.

(a) 2004 c. 35. Section 318(1) is cited for the meaning it gives to “prescribed” and “regulations”.

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

11th December 2012

Steve Webb
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are being issued free of charge to correct a defect in an earlier amending instrument S.I. 2012/1688. Regulation 9 revokes amendments made by S.I. 2012/1688 to:

- the Pension Protection Fund (Multi-employer Schemes) (Modification) Regulations 2005 (S.I. 2005/441) (“the MES Regulations”),
- the Pension Protection Fund (Entry Rules) Regulations 2005 (S.I. 2005/590) (“the Entry Rules Regulations”),
- the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005 (S.I. 2005/669) (“the Review and Reconsideration Regulations”),
- the Pension Protection Fund (Valuation) Regulations 2005 (S.I. 2005/672) (“the Valuation Regulations”),
- the Pension Protection Fund (Provision of Information) Regulations 2005 (S.I. 2005/674) (“the Provision of Information Regulations”),
- the Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations 2005 (S.I. 2005/2184) (“the Fraud Compensation Regulations”), and
- the Pension Protection Fund (Closed Schemes) Regulations 2007 (S.I. 2007/865) (“the Closed Schemes Regulations”).

These amendments are then remade by this instrument which is made as a matter of urgency to correct the previous defect.

Regulation 2 amends the MES Regulations which modify the provisions of Part 2 of the Pensions Act 2004 (c. 35) (“the Act”) in their application to multi-employer occupational pension schemes. The amendments modify the Act so that in relation to schemes with single employer sections, and those that have rules which do not contain provision for the partial winding up of the scheme on employer insolvency, the Board of the Pension Protection Fund (“the Board”) will be able to make a determination under section 143(2)(a) (“section 143 determination”) without obtaining a valuation. For schemes with rules that provide for partial wind up, the amendments modify the Act so that the Board will continue to be required to obtain a valuation under section 143(2)(b) of the Act.

Regulation 3 amends the Entry Rules Regulations to make provision for the form of evidence to be provided with an application for reconsideration made under section 151 of the Act when a protected benefits quotation is not being provided.

Regulation 4 amends the Review and Reconsideration Regulations to set the time limits within which an application for a review or reconsideration decision must be made for the new reviewable matters: whether the Board will make a section 143 determination or obtain a valuation, and the issue of a section 143 determination (with the same provision in relation to decisions relating to closed schemes under section 158). Regulation 4(4) defines who the interested persons are who may apply for a review decision on the new reviewable matters.

Regulation 5 amends the Valuation Regulations to provide for the assessment of the assets and liabilities of schemes when the Board make a determination under section 143(2)(a), 152(2B) or 158(3)(a) and for when the Board obtain a valuation under section 152(10A).

Regulation 5(3) inserts regulation 2A into the Valuation Regulations which provides for how the Board will make section 143 determinations. This provision is required before the Board is able to issue the statement required under section 143(5C) of the Act.

Regulation 5(7) inserts regulation 7A into the Valuation Regulations which applies the provisions of the Valuation Regulations to determinations made under sections 152(2B) and 158(3)(a) and valuations made under section 152(10A). These provisions are applied by virtue of sections 152(10) and (10C) and 158(4) and (5) of the Act.

Regulation 6 amends Schedule 2 to the Provision of Information Regulations which sets out the information that trustees or managers of certain occupational pension schemes are required to provide to the members and beneficiaries of those schemes. The amendments provide for trustees or managers to send to members and beneficiaries a 'determination summary' when the Board make a section 143 determination that will contain the same information that the members and beneficiaries would have received had the Board obtained a valuation.

Regulations 7 and 8 make minor amendments: to the definition of a 'PPF valuation' in the Fraud Compensation Regulations and to the definition of 'the relevant period' in the Closed Schemes Regulations.

Regulation 9(1) revokes nearly all of S.I. 2012/1688, with the exception of regulation 7 of that instrument, and regulation 9(2) has the effect of enabling the amendments made by these Regulations to take effect as intended, by providing that the effect of the revocations is that the relevant amendments made by S.I. 2012/1688 had never been made.

Regulation 10 makes transitional provision such that any action taken by the Board under the legislation amended by S.I. 2012/1688 is deemed to have been taken under the legislation as amended by these Regulations.

An assessment of the impact on private and voluntary sector pension schemes of this instrument is included in the impact assessment that accompanied the Pensions Act 2011. Copies of that assessment are available from the libraries of both Houses of Parliament and may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, 6B Caxton House, Tothill Street, London SW1H 9NA or from the DWP website: <http://www.dwp.gov.uk/publications/impact-assessments/>.

