

1998 No.1846

PENSIONS

The Occupational Pension Schemes (Validation of Rule Alterations) Regulations 1998

<i>Made</i> - - - -	<i>28th July 1998</i>
<i>Laid before Parliament</i>	<i>5th August 1998</i>
<i>Coming into force</i>	<i>26th August 1998</i>

The Secretary of State for Social Security, in exercise of the powers conferred on her by sections 37(1) and (2), 181(1) and 182(3) of the Pension Schemes Act 1993(a), and of all other powers enabling her in that behalf, after having consulted with such persons as she considered appropriate(b), hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Validation of Rule Alterations) Regulations 1998 and shall come into force on 26th August 1998.

(2) In these Regulations—

“Board” means the Occupational Pensions Board constituted in accordance with section 2 of the Pension Schemes Act 1993(c) and dissolved by section 150(1) of the Pensions Act 1995(d); and

“contracted-out scheme” includes a scheme which has ceased to be contracted-out so long as any person is entitled to receive, or has accrued rights to, any benefits under the scheme attributable to a period when the scheme was contracted-out.

Validation of rule alterations made before 6th April 1997

2.—(1) This regulation applies to any alteration—

- (a) made to the rules of a contracted-out scheme before 6th April 1997; and
- (b) which was void immediately before that date by virtue of section 37(3) of the Pension Schemes Act 1993 as then in force.

(2) Where the trustees or managers of a contracted-out scheme apply to the Secretary of State in accordance with paragraph (3) below for the validation of an alteration to which this regulation applies, the Secretary of State may, if satisfied that the Board had not refused before 6th April 1997 to consent to the alteration, validate the alteration with effect from the date when it was made.

(3) Any application for the purposes of this regulation shall be made by the trustees or managers to the Secretary of State in writing, and shall include a copy of the instrument by which the alteration was made, bearing the date on which the alteration was made.

(a) 1993 c. 48. Section 37(2) has been modified by S.I. 1998/1466. Section 181(1) is cited because of the meaning ascribed to “prescribed” and “regulations”.

(b) See section 185(1) of the Pension Schemes Act 1993, as amended by paragraph 80 of Schedule 5 to the Pensions Act 1995.

(c) Section 2 was repealed by paragraph 19 of Schedule 5 to the Pensions Act 1995.

(d) 1995 c. 26.

THE OCCUPATIONAL PENSION SCHEMES (**VALIDATION OF RULE
ALTERATIONS**) REGULATIONS 1998

Signed by authority of the Secretary of State for Social Security.

28th July 1998

John Y. Denham
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the retrospective validation by the Secretary of State of alterations made prior to 6th April 1997 to the rules of contracted-out occupational pension schemes and certain schemes which have ceased to be contracted-out.

These Regulations are made under section 37(2) of the Pension Schemes Act 1993 as modified by S.I. 1998/1466 which was made in exercise of powers conferred by section 174 of the Pensions Act 1995 to make transitional and other provisions in connection with the coming into force of provisions of that Act.