STATUTORY INSTRUMENTS

2018 No. 368

PENSIONS

The National Employment Savings Trust (Amendment) Order 2018

Made - - - -	*14th March 2018*
Coming into force - -	*6th April 2018*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 67(1) and (8), 144(2) to (4) and 145(1) of the Pensions Act 2008(**1**).

The Secretary of State, in accordance with section 71(2) of that Act, obtained the consent of the trustees(**2**) before making this Order. The trustees, in accordance with section 71(4) of that Act, consulted the members' panel and the employers' panel(**3**) before deciding whether to give that consent.

A draft of this Order was laid before Parliament in accordance with section 143(4) and (5)(c) of that Act(**4**) and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the National Employment Savings Trust (Amendment) Order 2018 and comes into force on 6th April 2018.

Amendment of the National Employment Savings Trust Order 2010

2.—(1) The National Employment Savings Trust Order 2010(**5**) is amended as follows.

(2) After article 6 (consultation of members and employers) insert—

"**Research**

6A. The Trustee must, from time to time, carry out research about the administration and management of the Scheme as the Trustee considers expedient, on—

(a) members of the Scheme;

(**1**) 2008 c. 30.
(**2**) The term "trustees" is defined in section 78 of the Pensions Act 2008.
(**3**) The terms "members' panel" and "employers' panel" are defined in section 78 of the Pensions Act 2008.
(**4**) Section 143(5)(c) was amended by section 8(3) of the Pensions Act 2011 (c. 19).
(**5**) S.I. 2010/917; relevant amending instruments are S.I. 2013/597 and S.I. 2015/178.

(b) participating employers; and

(c) any representatives of members of the Scheme and participating employers,

in connection with the operation, development or amendment of the Scheme.".

(3) In article 18 (duty to admit employers), after paragraph (3) insert—

2.—"(3A) Where an employer wishes to arrange for a worker to become a member of the Scheme other than in accordance with—

(a) in relation to Great Britain, sections 2 to 9 of the Act; or

(b) in relation to Northern Ireland, sections 2 to 9 of the NI Act,

the Trustee may admit the employer to participation in the Scheme in the circumstances specified in paragraph (4).".

(4) In article 19 (admittance of members)—

(a) after paragraph (2) insert—

2.—"(2A) Subject to paragraph (6), where an employer wishes to arrange for a worker to become a member of the Scheme other than in accordance with—

(a) in relation to Great Britain, sections 2 to 9 of the Act; or

(b) in relation to Northern Ireland, sections 2 to 9 of the NI Act,

the Trustee may admit as a member of the Scheme a worker employed by the employer in the circumstances specified in paragraph (3).";

(b) after paragraph (4A) insert—

"(4B) Subject to paragraph (6), the Trustee may admit as a member of the Scheme a person if—

(a) in relation to Great Britain, a scheme provides for a transfer of accrued rights in accordance with section 73(2)(a) of the Pension Schemes Act 1993(**6**); or

(b) in relation to Northern Ireland, a scheme provides for a transfer of accrued rights in accordance with section 69(2)(a) of the Pension Schemes (Northern Ireland) Act 1993(**7**),

in relation to that person, and the employer of persons to which the receiving scheme relates is a participating employer and is making contributions to the Scheme in respect of or on behalf of a jobholder.".

(5) In article 21 (members' accounts), for paragraph (6) substitute—

2.—"(6) Any amount received by the Trustee from, or in respect of or on behalf of, a member in relation to—

(a) the member's employment, or

(b) an instance described in article 19(4), (4A) or (4B),

must be applied to the relevant member's pension account.".

(6) After article 21 (members' accounts) insert—

"**Removal of members**

21A. The Trustee may remove a member from the Scheme if—

(a) the amount in the member's pension account is zero;

(**6**) 1993 c. 48. Section 73(2)(a) was amended by sections 18 and 88 of, and paragraph 3(2)(a) of Schedule 2 to, and Part I of Schedule 13 to, the Welfare Reform and Pensions Act 1999 (c. 30).

(**7**) 1993 c. 49. Section 69(2)(a) was amended by S.I. 1999/3147 (N.I. 11).