STATUTORY INSTRUMENTS

2016 No. 231

PENSIONS

The Occupational and Personal Pension Schemes (Modification of Schemes - Miscellaneous Amendments) Regulations 2016

Made - - - -	*24th February 2016*
Laid before Parliament	*1st March 2016*
Coming into force - -	*6th April 2016*

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 37(1) and 181(1) of the Pension Schemes Act 1993(**1**), sections 68(2)(e) and 124(1) of the Pensions Act 1995(**2**), and sections 259(1) and 318(1) of the Pensions Act 2004(**3**) makes the following Regulations.

These Regulations are consequential upon section 24(1) of, and Schedule 13 to, the Pensions Act 2014(**4**) and are made before the end of the period of six months beginning with the date those provisions come into force.

Citation and Commencement

1.—(1) These Regulations may be cited as the Occupational and Personal Pension Schemes (Modification of Schemes - Miscellaneous Amendments) Regulations 2016.

(2) These Regulations come into force on 6th April 2016.

Amendment of the Occupational Pension Schemes (Modification of Schemes) Regulations 2006

2. After regulation 7B (amendment of schemes for adjustment measure) of the Occupational Pension Schemes (Modification of Schemes) Regulations 2006(**5**) insert—

(**1**) 1993 c.48. Section 37 was substituted by paragraph 39 of Schedule 5 to the Pensions Act 1995 (c.26) ("the 1995 Act") and amended by paragraph 22 of Schedule 4 to the Marriage (Same Sex Couples) Act 2013 (c.30), S.I. 2014/3229, paragraph 24 of Schedule 13 to the Pensions Act 2014 (c.19) ("the 2014 Act"), and section 81 of the Pensions Schemes Act 2015 (c.8). Section 181(1) is cited for the meaning it gives to 'prescribed'.
(**2**) 1995 c.26. Section 124(1) is cited for the meaning it gives to 'prescribed'.
(**3**) 2004 c.35. Section 318(1) is cited for the meaning it gives to 'prescribed'.
(**4**) 2014 c.19.
(**5**) S.I. 2006/759. Regulation 7B was inserted by S.I. 2015/879.

"**Modification of schemes: revaluation of guaranteed minimum pensions**

7C.—(1) The trustees of a trust scheme may by resolution passed before 6th April 2017 modify the scheme for the purposes of —

(a) revaluing earnings factors for the purposes of section 14 (earner's guaranteed minimum pension) of the 1993 Act in accordance with section 16(2) (revaluation of earnings factors for the purposes of section 14: early leavers etc.) of that Act as substituted by paragraph 16 of Schedule 13 to the Pensions Act 2014; and

(b) where the scheme contains a rule or provision that would require or permit the increases referred to in section 16(3) of the 1993 Act to be applied to an earner whose service in contracted-out employment ceased on the second abolition date with effect from a relevant year before the last service tax year, disapplying that rule or provision to the extent that it does not require or permit such increases.

(2) Modifications made by resolution under paragraph (1)—

(a) must only have effect from 6th April 2016 or such later date as may be specified; and

(b) may have effect from a date before the resolution is passed.

(3) In this regulation—

"contracted-out employment" has the meaning given in section 8 (meaning of "contracted-out employment" etc.) of the 1993 Act(**6**);

"earnings factors" has the meaning given in section 181(1) (general interpretation) of the 1993 Act;

"last service tax year" has the meaning given in section 16(2) of the 1993 Act as substituted by paragraph 16 of Schedule 13 to the Pensions Act 2014;

"relevant year" has the meaning given in section 16(5) of the 1993 Act(**7**);

"the second abolition date" has the meaning given in section 181(1) of the 1993 Act(**8**).".

Amendment of the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006

3. In regulation 10(1) of the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 (listed changes: exclusions) after sub-paragraph (aa)(**9**) insert—

"(ab) is made for either or both of the purposes referred to in regulation 7C(1) (modification of schemes: revaluation of guaranteed minimum pensions)(**10**) of the Occupational Pension Schemes (Modification of Schemes) Regulations 2006,".

Amendment of the Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015

4. In regulation 20 (alteration of scheme rules) of the Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015(**11**)—

(**6**) Section 8 is amended by paragraph 7 of Schedule 13 to the 2014 Act.
(**7**) The definition of "relevant year" in section 16(5) was substituted by paragraph 4 of Schedule 2 to the Welfare Reform and Pensions Act 1999 (c. 30).
(**8**) The definition of "the second abolition date" was inserted by paragraph 43(2) of Schedule 13 to the 2014 Act.
(**9**) S.I. 2006/349. Paragraph (aa) was inserted by S.I. 2015/879.
(**10**) Regulation 7C is inserted by regulation 2 of this instrument.
(**11**) S.I. 2015/1677.