STATUTORY INSTRUMENTS

2015 No. 178

PENSIONS

The National Employment Savings Trust (Amendment) Order 2015

Made - - - - 9th February 2015

Coming into force - - 1st April 2017

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 67(1) and (8), 70(4) and 144(2) and (4) of the Pensions Act 2008(**1**).

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

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

Citation and commencement

1. This Order may be cited as the National Employment Savings Trust (Amendment) Order 2015 and comes into force on 1st April 2017.

Amendment of the National Employment Savings Trust Order 2010

2.—(1) The National Employment Savings Trust Order 2010(**4**) is amended as follows.

(2) In article 2 (interpretation), after the definition of "the NI Act" insert—

""the NI Preservation Regulations" means the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991(**5**);

"the Preservation Regulations" means the Occupational Pension Schemes (Preservation of Benefit) Regulations 1991(**6**);".

(3) In article 18 (duty to admit employers), in each place in which it occurs, for "article 19(6)" substitute "article 19(6A)".

(**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**) S.I. 2010/917, amended by S.I. 2013/597.
(**5**) S.R. (NI) 1991 No 37.
(**6**) S.I. 1991/167.

(4) For the heading to article 19 (duty to admit members) substitute "Admittance of members".

(5) In article 19—

(a) after paragraph (4) insert—

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

(a) the conditions set out—

(i) in relation to Great Britain, in paragraphs (2) and (3) of regulation 12 of the Preservation Regulations(**7**) (transfer of member's accrued rights without consent); or

(ii) in relation to Northern Ireland, in paragraphs (2) and (3) of regulation 12 of the NI Preservation Regulations(**8**) (transfer of member's accrued rights without consent),

are satisfied in relation to that person; and

(b) the employer referred to—

(i) in relation to Great Britain, in regulation 12(2) of the Preservation Regulations as the employer of persons to which the receiving scheme relates; or

(ii) in relation to Northern Ireland, in regulation 12(2) of the NI Preservation Regulations as 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."; and

(b) for paragraph (6) substitute—

"(6) Where a person has already been admitted as a member of the Scheme under this article, the Trustee must not admit the person afresh but instead must comply with paragraph (6A).

(6A) Where paragraph (6) applies, the Trustee must make arrangements for any amount received by the Trustee from, or in respect or on behalf of, the member in relation to the new employment or a new instance described in paragraph (4) or (4A) to be applied to the member's pension account.".

(6) In article 21 (members' accounts)—

(a) in paragraph (2) omit "articles 22 to 26 and"; and

(b) in paragraph (7) omit "and to articles 24 and 26".

(7) Omit articles 22 to 26 (annual contribution limit, timing of contributions, multiple employment).

(8) In article 28(2)(b) (power to invest the Scheme's assets), for "articles 30 and 31" substitute "article 31".

(9) Omit article 30 (acceptance by trustee of cash transfer sums).

(10) For the heading to article 32 (benefits) substitute "Payment of benefits by the Trustee".

(11) In article 32—

(**7**) Regulation 12(2) was substituted by S.I. 1992/1531, regulation 35, and amended by S.I. 1996/2131, regulation 2(7)(a) and S.I. 2013/459, regulation 2(4). Regulation 12(3) was substituted by S.I. 2011/672, regulation 3(2)(a).

(**8**) Regulation 12(2) was substituted by S.R. (NI) 1992 No 304, regulation 35, and amended by S.R. (NI) 1996 No 620, regulation 2(7)(a) and S.R. (NI) 2013 No 72, regulation 2(4). Regulation 12(3) was substituted by S.R. (NI) 2011 No 89, regulation 3(2)(a).