Draft Order laid before Parliament under section 143(4) of the Pensions Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. []

PENSIONS

The National Employment Savings Trust (Amendment) Order 2013

Made - - - -	***
Coming into force - -	*1st April 2013*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 67(1) and (8), 68(3) and (5) and 144(2) to (4) of the Pensions Act 2008(**1**).

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

In accordance with section 143(4) 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 2013 and comes into force on 1st April 2013.

Amendment of the National Employment Savings Trust Order 2010

2.—(1) The National Employment Savings Trust Order 2010(**3**) is amended as follows.

(2) In article 1(2) (citation and commencement) for "1st October 2016" substitute "1st March 2018".

(3) In article 2 (interpretation)—

(a) for the definition of "participating employer" substitute—

> ""participating employer" means an employer that has been admitted to participation in the Scheme and, except in articles 8 and 19, may include an employer that was formerly participating in the Scheme;"; and

(**1**) 2008 c. 30.
(**2**) The Trustee is the person appointed as trustee of the Scheme in accordance with section 75 of the Pensions Act 2008.
(**3**) S.I. 2010/917.

(b) after the definition of "qualifying arrangement" insert—

""qualifying person" and "qualifying self-employed person" have the same meanings as—

(a) in Great Britain, in regulation 2(1) of the Occupational Pension Schemes (Cross-border Activities) Regulations 2005(**4**); or

(b) in Northern Ireland, in regulation 2(1) of the Occupational Pension Schemes (Cross-border Activities) Regulations (Northern Ireland) 2005(**5**);

"quality requirement" means the quality requirement under—

(a) in relation to Great Britain, Part 1 of the Act; or

(b) in relation to Northern Ireland, Part 1 of the NI Act;".

(4) In article 13(5) (protection) for "paragraph (6)" substitute "paragraph (7)".

(5) In article 18 (duty to admit employers)—

(a) in paragraph (2), in both places where the words occur, for "regulation 3(4) or (5)" substitute "regulation 3(3) and (4)(**6**)"; and

(b) after paragraph (5) insert—

"(5A) A participating employer may, by giving notice to the Trustee, terminate its participation in the Scheme in accordance with rules.".

(6) In article 19 (duty to admit members)—

(a) for paragraph (4) substitute—

"(4) Subject to paragraph (6), the Trustee must admit as a member a person who wishes to join the Scheme and who is—,

(a) a self-employed person aged at least 16 and under 75, who is working or ordinarily works in the United Kingdom and who is not a qualifying self-employed person;

(b) a single person director aged at least 16 and under 75, who is working or ordinarily works in the United Kingdom and who is not a qualifying person; or

(c) a person entitled to a pension credit as referred to in article 31(1)(a)(i).";

(b) in paragraph (5)(a) after "is not employed" insert "in relation to that employment"; and

(c) omit paragraph (7).

(7) In article 20 (transitory provision) omit sub-paragraph (a) and the word "and" preceding sub-paragraph (b).

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

(a) in paragraph (2)—

(i) for "paragraph (3)" substitute "paragraphs (2A) and (3)";

(ii) for sub-paragraph (c) substitute—

"(c) any other person in respect of the member."; and

(b) after paragraph (2) insert—

(**4**) S.I. 2005/3381. Relevant amendments were made to regulation 2(1) by S.I. 2007/3014.
(**5**) S.R. 2005 No. 581. Relevant amendments were made to regulation 2(1) by S.R. 2007 No. 457.
(**6**) Regulation 3 of the Employers' Duties (Implementation) Regulations 2010 (S.I. 2010/4) was amended by S.I. 2012/215 and S.I. 2012/1813. Regulation 3 of the Employers' Duties (Implementation) Regulations (Northern Ireland) 2010 (S.R. 2010 No. 123) was amended by S.R. 2012 No. 232 and S.R. 2012 No. 332.