

**2009 No.**

**PENSIONS**

**Occupational Pension Schemes (Scottish Parliamentary  
Pensions Act 2009) Regulations 2009**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b), in relation to matters relating to personal and occupational pensions makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act, sections 68(6), 73(2)(b), 75(1)(b), 124(1) and 174(2) of the Pensions Act 1995(c) and sections 38(1)(b), 52(1)(b), 126(1)(b), 182(1)(a), 221(1)(b), 241(8)(c), 315(2) and 318(1) of the Pensions Act 2004(d).

In accordance with section 120(1) of the Pensions Act 1995 and section 317(1) of the Pensions Act 2004 the Secretary of State for Work and Pensions has consulted such persons as he considers appropriate before making these Regulations.

**Citation, commencement and interpretation**

1. These Regulations may be cited as the Occupational Pension Schemes (Scottish Parliamentary Pensions Act 2009) Regulations 2009 and shall come into force on [    ].

**Amendments to secondary legislation**

2. Schedule 1 to these Regulations has effect.

**SCHEDULE 1**

Regulation 3

**Amendments to secondary legislation**

1. In paragraph 18 of Schedule 1 (basic information about the scheme) to the Occupational Pension Schemes (Disclosure of Information) Regulations 1996(e), after “enactment” insert “(or any Act of the Scottish Parliament containing provision made by virtue of section 81(3) of the Scotland Act 1998)”.

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(a) S.I. 2004/3328.  
(b) 1972 c.68.  
(c) 1995 c.26.  
(d) 2004 c.35.  
(e) S.I. 1996/1655).

**2.** In regulation 10(1) (disapplication of section 75) of the Occupational Pension Schemes (Deficiency on Winding Up etc.) Regulations 1996(**a**), at the end of sub-paragraph (a)(i), omit “or”, and after sub-paragraph (a)(ii), insert “or (iii) provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive)”.

**3.** In regulation 2(1) (schemes which are not eligible schemes) of the Pension Protection Fund (Entry Rules) Regulations 2005(**b**), at the end insert “(q) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive)”.

**4.** In regulation 4(1) (schemes to which section 75 of the 1995 Act does not apply) of the Occupational Pension Schemes (Employer Debt) Regulations 2005(**c**), at the end insert “(m) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive)”.

**5.** In regulation 3(1) (schemes to which section 73 of the 1995 Act does not apply) of the Occupational Pension Schemes (Winding Up etc.) Regulations 2005(**d**), at the end insert “(n) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive)”.

**6.** In regulation 3 (prescribed schemes) of the Pensions Regulator (Contributions Notices and Restoration Orders) Regulations 2005(**e**), at the end insert “(l) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive)”.

**7.** In regulation 2(1) (prescribed schemes) of the Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations 2005(**f**), at the end insert “(m) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive)”.

**8.** In regulation 17(1) (exemptions-general) of the Occupational Pension Schemes (Scheme Funding) Regulations 2005(**g**), at the end insert “(n) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive)”.

**9.** In regulation 15(1) (exemptions) of the Occupational Pension Schemes (Regulatory Own Funds) Regulations 2005(**h**), at the end insert “(m) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive)”.

**10.** In regulation 2 (exemptions from requirement to have member nominated trustees) of the Occupational Pension Schemes (Member Nominated Trustees and Directors) Regulations 2006(**i**), at the end insert “(r) is a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive)”.

**11.** For regulation 8 (modification of schemes: prescribed schemes) of the Occupational Pension Schemes (Modification of Schemes) Regulations 2006(**j**), substitute—

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- (a) S.I. 1996/3128.
  - (b) S.I. 2005/590.
  - (c) S.I. 2005/678.
  - (d) S.I. 2005/706.
  - (e) S.I. 2005/931.
  - (f) S.I. 2005/2184.
  - (g) S.I. 2005/3377.
  - (h) S.I. 2005/3380.
  - (i) S.I. 2006/714.
  - (j) S.I. 2006/759.

“8. For the purposes of section 68(6) of the 1995 Act (the power to modify schemes by resolution does not apply to trust schemes within a prescribed class or description), the prescribed class or description of trust schemes is—

- (a) any scheme—
  - (i) in respect of which any Minister of the Crown has given a guarantee or made arrangements for the purposes of securing that the assets of the scheme are sufficient to meet its liabilities; and
  - (ii) which is a public service scheme; or
- (b) a scheme, provision for which is made by virtue of section 81(3) of the Scotland Act 1998 (remuneration of members of the Parliament and Executive)”.

Signed by authority of the Secretary of State for Work and Pensions.

	<i>Name</i>
	Parliamentary Under-Secretary of State, Department for Work and Pensions
Date	

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations concern schemes of pensions, gratuities or allowances for members of the Scottish Parliament and Scottish Executive (“Scottish Parliamentary Pensions”).

The Regulations (regulation 2 and schedule 1) exempt Scottish Parliamentary Pensions from certain requirements of UK occupational pensions legislation.

The exemption is necessary because the requirements in question confer rights and impose obligations which it would be inappropriate to confer or impose in relation to Scottish Parliamentary Pensions, being a public sector arrangement in which similar, but separate, rights and obligations exist.

An impact assessment has not been published for this instrument as it has only a negligible impact on the private, public and voluntary sectors.