STATUTORY INSTRUMENTS

1982 No. 1032

PENSIONS

The Occupational Pension Schemes (Connected Employers) Regulations 1982

Made - - - -	*20th July* 1982
Laid before Parliament	*2nd August* 1982
Coming into Operation	*23rd August* 1982

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 51A(12) of the Social Security Pensions Act 1975(**a**), and of all other powers enabling him in that behalf, after considering the report of the Occupational Pensions Board on the draft submitted to them, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Occupational Pension Schemes (Connected Employers) Regulations 1982, and shall come into operation on 23rd August 1982.

(2) In these regulations the expression "company" means a company registered under the Companies Act 1948(**b**) (hereinafter referred to as "the 1948 Act").

Meaning of the expression "connected employer"

2.—(1) The cases in which employers are to be treated as connected for the purposes of section 51A of the Social Security Pensions Act 1975 are specified in paragraph (2) of this regulation.

(2) The cases referred to in paragraph (1) of this regulation are those where any two employers are or were, at the relevant time—

(a) a holding company and a subsidiary within the meaning of section 154 of the 1948 Act, or

(b) subsidiaries of the same holding company within the meaning of section 154 of the 1948 Act, or

(c) part of a group of companies whose financial arrangements for the occupational pension scheme in question are such that the Occupational Pensions Board have considered or, if requested to do so, would consider

(**a**) 1975 c. 60; section 51A was inserted by section 40 of the Social Security and Housing Benefits Act 1982 (c. 24).
(**b**) 1948 c. 38.

it appropriate to treat the group as consisting of a holding company and one or more subsidiaries for the purpose of regulation 13(1) of the Occupational Pension Schemes (Certification of Employments) Regulations 1975(**a**), or

(d) companies each having the same persons as at least half of its directors, or

(e) companies in respect of each of which more than one half of the issued share capital is held, either directly or through a nominee, by the same person, or

(f) partnerships each having the same persons as at least half of its partners.

(3) In this regulation an employer is to be regarded as an employer at the relevant time where, as the case may require, he is the employer at the time of the surrender or cancellation of the first certificate or the employer at the time of the making of an election with a view to the issue of a further contracting-out certificate.

Norman Fowler,
20th July 1982. Secretary of State for Social Services.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations prescribe the cases in which employers are to be treated as connected when consideration is being given by the Occupational Pensions Board as to whether or not to refuse or cancel a further contracting-out certificate under section 51A of the Social Security Pensions Act 1975. These cases include holding and subsidiary companies under the Companies Act 1948, companies having the same controlling interest and companies and partnerships respectively each having at least half of the same directors or partners in common.

The report of the Occupational Pensions Board, dated 23rd June 1982, on the draft of these regulations is contained in a Command Paper (Cmnd. 8617) published by Her Majesty's Stationery Office.

(**a**) S.I. 1975/1927.

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