STATUTORY INSTRUMENTS

1973 No. 1431

PENSIONS

The Occupational Pension Schemes (Perpetuities) Regulations 1973

Made - - - -	*13th August* 1973
Laid before Parliament	*15th August* 1973
Coming into Operation	*5th September* 1973

The Secretary of State for Social Services, in exercise of his powers under section 69(2), (3), (4) and (5) of the Social Security Act 1973**(a)**, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Occupational Pension Schemes (Perpetuities) Regulations 1973, and shall come into operation on 5th September 1973.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Social Security Act 1973;

"the Taxes Act" means the Income and Corporation Taxes Act 1970**(b)**;

and other expressions have the same meanings as in the Act.

(3) Except so far as the context otherwise requires, any reference in these regulations to any enactment shall be construed as a reference to that enactment as amended, extended or re-enacted by any other enactment.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889**(c)** shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Schemes which qualify for exemption

2. An occupational pension scheme which is neither a public service pension scheme nor a scheme which is recognised under Part II of the Act in relation to any employment shall nevertheless qualify under section 69 of the Act (exemption of certain schemes from the rule against perpetuities) if it is—

(*a*) a scheme pursuant to which there are made, with a view to the provision of retirement and other benefits, payments which are exempted from the operation of section 220(1) of the Taxes Act by virtue of section 221 of that Act; or

(a) 1973 c. 38.
(b) 1970 c. 10.
(c) 1889 c. 63.

(*b*) a scheme whose fund or a part of whose fund is a superannuation fund which is approved by the Inland Revenue under section 208(4) of the Taxes Act; or

(*c*) a scheme whose fund has property from which there is derived income in respect of which the Inland Revenue have given relief under section 218 of the Taxes Act; or

(*d*) a retirement benefits scheme approved by the Inland Revenue under section 222(1) of the Taxes Act; or

(*e*) a trust scheme approved by the Inland Revenue under section 226(5) of the Taxes Act; or

(*f*) a retirement benefits scheme approved by the Inland Revenue for the purposes of Chapter II of Part II of the Finance Act 1970**(a)**; or

(*g*) a scheme in respect of which application for the approval of the Inland Revenue has been made, pursuant to paragraph 6 of Part II of Schedule 5 to the Finance Act 1970, and not withdrawn or refused, and the Inland Revenue have not given notice to the applicant that they believe the application has been dropped.

Extension of period of qualification

3. Where a scheme ceases to be one which is recognised under Part II of the Act in relation to any employment or ceases to satisfy the requirements of regulation 2 above, it may nevertheless be treated as continuing to qualify under section 69 for a further period of 2 years from the cesser, or for such longer period as the Occupational Pensions Board consider to be reasonable in the case of a particular scheme.

Keith Joseph.
Secretary of State for Social Services.

13th August 1973.

EXPLANATORY NOTE

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

These Regulations provide that certain occupational pension schemes which are exempt from tax or approved by the Inland Revenue under certain provisions of the Income Tax Acts, or in respect of which application for Revenue approval has been made, shall qualify under section 69(2) of the Social Security Act 1973 for exemption from the rules of law against perpetuities. They also provide that where a scheme ceases to qualify under that provision it shall nevertheless be treated as continuing to qualify for a further period of 2 years or such longer period as the Occupational Pensions Board may consider reasonable.

(a) 1970 c. 24.

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