STATUTORY INSTRUMENTS

# 1988 No. 2237

# PENSIONS

# The Personal and Occupational Pension Schemes (Incentive Payments) Amendment Regulations 1988

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| *Made - - - -* | *20th December 1988* |
| *Laid before Parliament* | *5th January 1989* |
| *Coming into force* | *26th January 1989* |

The Secretary of State for Social Security, in exercise of the powers conferred by sections 7(1) and 84(1) of the Social Security Act 1986(**a**) and of all other powers enabling him in that behalf, hereby makes the following Regulations, the Occupational Pensions Board having agreed that proposals in respect of them need not be referred to it(**b**):

**Citation and commencement**

**1.** These Regulations may be cited as the Personal and Occupational Pension Schemes (Incentive Payments) Amendment Regulations 1988 and shall come into force on 26th January 1989.

**Amendment of the Personal and Occupational Pension Schemes (Incentive Payments) Regulations 1987**

**2.** Regulation 3 of the Personal and Occupational Pension Schemes (Incentive Payments) Regulations 1987(**c**) shall be amended as follows –

(a) in paragraph (2)(b) after the words "the identity of the employer, or" there shall be inserted the words ", subject to paragraph (2A),"; and

(b) after paragraph (2) there shall be inserted the following paragraph –

"(2A) For the purposes of paragraph (2)(b) the employment of the earner in question is distinguishable from the employment mentioned in paragraph (2)(a) if –

(**a**) 1986 c.50. *See* definitions of "prescribed" and "regulations" in section 84(1). (**b**) *See* section 61(1)(b) of the Social Security Act 1986. (**c**) S.I.1987/1115.

(a) throughout the period beginning on 6th April 1988 and ending on the last day of the last tax week in respect of which the payment is claimed it is a condition for admission to membership of the scheme other than the scheme in question that the earner has attained a minimum age or completed a minimum period of service, or both, and on 6th April 1988 the earner in question had not attained that age or completed that period of service; and

(b) membership of the scheme in question is open only to earners who do not satisfy that condition or those conditions.".

Signed by authority of the Secretary of State for Social Security.

*Peter Lloyd*
Parliamentary Under-Secretary of State,
Department of Social Security

20th December 1988

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## EXPLANATORY NOTE

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

Regulation 3 of the Personal and Occupational Pension Schemes (Incentive Payments) Regulations 1987 specifies those cases in which an incentive payment under section 7 of the Social Security Act 1986 is not to be made. Paragraph (2) of that regulation provides that an incentive payment is not to be made if the earner in question or another earner has during any part of the period from 1st January 1986 to 5th April 1993 been in contracted-out employment by reference to another scheme, which employment is indistinguishable from the employment of the earner in question except by reference to the identity of the employer or employee or both.

These Regulations insert a new paragraph (2A) into regulation 3 which provides that the employment of the earner in question is to be distinguishable from the other employment if on 6th April 1988 the earner in question was ineligible for membership of the other scheme because he had not attained the minimum age or completed the minimum period of service required for membership and membership of the scheme in question is restricted to such earners.

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