



MISCELLANEOUS PUBLIC SECTOR PENSION SCHEMES BULK TRANSFER REGULATIONS 2013

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Statutory Document No. XX/20XX



Public Sector Pensions Act 2011

MISCELLANEOUS PUBLIC SECTOR PENSION SCHEMES BULK TRANSFER REGULATIONS 2013

Laid before Tynwald:

Coming into Operation:

XXXX

The Public Sector Pensions Authority, after consulting with the Treasury, makes the following Regulations under section 6 (1) (c) and section 11 (a) of the Public Sector Pensions Act 2011.

1 Title

These Regulations are the Miscellaneous Public Sector Pension Schemes Bulk Transfer Regulations 2013.

2 Commencement

These Regulations come into operation on XXXX.

3 Interpretation

In these Regulations —

“**Bulk Transfer Provision**” means the relevant Bulk Transfer Rule in a Transferring Scheme pursuant to the amendment of the Transferring Scheme under Schedule 1 to this Scheme.

“**the Rules of the Isle of Man Government Unified Scheme**” means the Rules set out in the Schedule to the Isle of Man Government Unified Scheme 2011¹.

“**Transferring Beneficiary**” means any current or prospective beneficiary of a Transferring Scheme whose Transferring Scheme Benefits are to be transferred to the Isle of Man Government Unified Scheme 2011 by virtue of the exercise of the respective Bulk Transfer Provision applicable to such individual pursuant to Schedule 2 to this Scheme.

“**Transferring Scheme**” means an order or a scheme set out in Schedule 3 to this Scheme.

¹ SD 0389/2011

“**Transferring Scheme Benefits**” means all or such part of the benefits of a Transferring Beneficiary under their Transferring Scheme as the Public Sector Pensions Authority determines for the purpose of making a bulk transfer to the Isle of Man Government Unified Scheme 2011 under the Bulk Transfer Provision applicable to such Transferring Beneficiary.

4 Amendments to the Rules of the Transferring Schemes

The Rules of the Transferring Schemes are amended by the modifications set out in Schedule 1 to these Regulations.

5 Bulk Transfer

- (1) These Regulations give effect to a bulk transfer in accordance with Schedule 2.
- (2) For the purposes of giving effect to this Scheme, the provisions of Schedule 1 shall take effect prior to Schedule 2 to these Regulations.

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J CARTER

Chairman, Public Sector Pensions Authority

SCHEDULE 1

THE BULK TRANSFER PROVISION

The modifications to the provisions of the Transferring Schemes are as follows:

1 Bulk Transfer Provision

- (1) All the Transferring Schemes are schemes validly made by the Public Sector Pensions Authority pursuant to the Transitional Provisions under section 17 and Schedule 1 of the Public Sector Pensions Act 2011.
- (2) By operation of this Scheme, the Transferring Schemes are hereby amended pursuant to section 6(1)(c) and section 11 (a) of the Public Sector Pensions Act 2011 as follows:
 - (a) so as to introduce the bulk transfer provision set out under paragraph (4) below into each Transferring Scheme; and
 - (b) in support of the amendments made under (a) above, to introduce the defined terms under (3) below into each Transferring Scheme.
- (3) Pursuant to (2)(b), each Transferring Scheme is amended by the introduction of the following defined terms:

“**Bulk Transfer Rule**” means the bulk transfer rule under these Regulations;

“**Transferring Beneficiary**” means a current or prospective beneficiary of these Regulations;

“**Transferring Scheme Benefits**” means all or such part of the benefits of a Transferring Beneficiary under these Regulations as the Public Sector Pensions Authority determines for the purpose of making a bulk transfer to the Isle of Man Government Unified Scheme 2011 under the Bulk Transfer Rule;”
- (4) Pursuant to (2)(a), each Transferring Scheme is amended by the introduction of the following bulk transfer provision:

“Bulk Transfer Rule

The Public Sector Pensions Authority may in respect of a Transferring Beneficiary or a group of Transferring Beneficiaries transfer all of the Transferring Scheme Benefits from these Regulations to the Isle of Man Government Unified Scheme 2011 by way of a bulk transfer (“Bulk Transfer”).

The consent of a Transferring Beneficiary shall not be required for the Public Sector Pensions Authority to exercise its powers under this Rule.

Where a Bulk Transfer is made to the Isle of Man Government Unified Scheme 2011 under this Rule:

- (a) the Transferring Beneficiary in relation to whom the Bulk Transfer relates shall immediately:
 - (i). cease to be entitled to any benefits (whether actual or contingent) under this Scheme; and
 - (ii). cease to be a member or beneficiary of this Scheme,
 - (b) to the extent applicable the Employers, managers and Public Sector Pensions Authority shall be discharged from any and all liability in respect of any Transferring Beneficiary relating to this Scheme.”
- (5) To the extent that any other provisions exist in a Transferring Scheme which conflict with the amendments made under (2) above, the amendments under (2) above shall prevail in respect of that Transferring Scheme.

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SCHEDULE 2

THE BULK TRANSFER & DISCHARGE

1 Interpretation

- (1) To the extent not already defined under paragraph 3 of these Regulations or under rule 1 of the Isle of Man Government Unified Scheme 2011, defined terms for the purposes of this Schedule are as follows:

“**Pension Schemes Act 1993**” means the Pension Schemes Act 1993 as applied to the Isle of Man by the Pension Schemes Act 1993 (Application) Order 1995²

“**Preservation of Benefit Regulations**” means the Occupational Pension Schemes (Preservation of Benefit) Regulations 1991 as applied to the Isle of Man³

2 Bulk transfer

- (1) By operation of this Scheme, and the amendments made to the Transferring Schemes under Schedule 2 to this Scheme, the Public Sector Pensions Authority confirms:
- (a) it has obtained approval from the Department of Social Care to the bulk transfer of benefits in respect of contracted-out employment in accordance with Section 50 of the Pension Schemes Act 1993 (powers to approve arrangements for scheme ceasing to be certified) in respect of the bulk transfer pursuant to section 50 of the Pension Schemes Act 1993 (powers to approve arrangements for scheme ceasing to be certified);
 - (b) in respect of each of the Transferring Schemes, it has obtained the required actuarial certification in respect of the bulk transfer in accordance with the requirements of regulation 12(3) of the Preservation of Benefit Regulations;
 - (c) it has, in respect of the bulk transfer, given the notices required under regulation 12(4B) of the Preservation of Benefit Regulations;
 - (d) the Isle of Man Government Unified Scheme 2011 is a statutory scheme for the purposes of the Income Tax (Retirement Benefit Schemes) Act 1978; and
 - (e) with effect from 1 April 2012, the Isle of Man Government Unified Scheme 2011 is a contracted-out scheme for the purposes of the Pension Schemes Act 1993.

² SD No. 531/95

³ GC No. 494/92.

- (2) Pursuant to the amendment of each Transferring Scheme under Schedule 2 to these Regulations (which, for the avoidance of doubt, shall be deemed to take effect immediately prior to this provision), the Public Sector Pensions Authority hereby exercises its respective powers under the 'Bulk Transfer Rule' of each of the amended Transferring Schemes (as therein defined) to make, and its power under rule 64 of the Isle of Man Government Unified Scheme 2011 to accept, a bulk transfer of all the liabilities owed in respect of the Transferring Beneficiaries from the Transferring Schemes to the Isle of Man Government Unified Scheme 2011. The exercise of these powers and the resultant bulk transfer shall take effect on XXXX.
- (3) In accordance with the respective provisions of the Bulk Transfer Rules of the Transferring Schemes and rule 64.5 of the Isle of Man Government Unified Scheme 2011, the bulk transfer under (2) shall effect a discharge of any and all the liabilities owed to or in respect of the Transferring Beneficiaries under the Transferring Schemes.
- (4) In giving effect to the bulk transfer under (2) and subject to the discharge of liabilities under (3), the Public Sector Pensions Authority shall:
 - (a) use its powers under rule 64 of the Isle of Man Government Unified Scheme 2011 to provide benefits under the Isle of Man Government Unified Scheme 2011 [in respect of the liabilities of the Transferring Beneficiaries so transferred]; and
 - (b) the benefits so provided in the Isle of Man Government Unified Scheme 2011 are as determined as appropriate by the Public Sector Pensions Authority in accordance with rule 64.6 of the Isle of Man Government Unified Scheme 2011 in consultation with the Scheme Actuary and as notified in accordance with rule 64.7 thereof.
- (5) For the avoidance of doubt:
 - (a) in approving this Scheme, Tynwald is deemed to give its consent in accordance with rule 64.4 of the Isle of Man Government Unified Scheme 2011; and
 - (b) the Public Sector Pensions Authority shall exercise such powers under the Public Sector Pension Act 2011 as are reasonably necessary to give effect to the bulk transfer.
- (6) Following a bulk transfer the Public Sector Pensions Authority may, at any time using its powers under the Public Sector Pensions Act 2011 issue a notice in writing to formally revoke and withdraw any or all of the Transferring Schemes, and all associated governing documentation, including the schemes referred to in Schedule 3 establishing those schemes.

SCHEDULE 3

TRANSFERRING SCHEMES

The Transferring Schemes are set out in the table below:

Reference	Title of Scheme
G.C. No 61/60	Superannuation (Officers of Boards) (Isle of Man Electricity Board) Scheme 1960
G.C. No. 123/72	The Superannuation (Manual Workers) (No.2) Scheme 1973
G.C. No 17/76	Isle of Man Electricity Board Manual Workers Superannuation Scheme 1976
G.C. No 434/89	Superannuation (Traffic Wardens) Scheme 1989

EXPLANATORY NOTE

(This note is not part of the Scheme.)

Under the Public Sector Pensions Act 2011, the Public Sector Pensions Authority (PSPA) may make regulations for the transfer of scheme members from one scheme to another. Under the former Superannuation Act 1984, Transfer Rules were included in each individual scheme. However, the Public Sector Pensions Act 2011 separates Transfers from Schemes in that Transfers should, from now on, be made under separate regulations.

Therefore, the PSPA has drafted separate Bulk Transfer Regulations in relation to the Isle of Man Government Unified Scheme 2011, specifically to enable the transfer of each individual member's accrued benefits from their existing scheme into the Unified Scheme. These regulations effect the transfer of benefits for existing pensioners and deferred members (previous leavers with preserved benefits) only, such that separate audited accounts do not have to be prepared and the number of legacy schemes is further rationalised. .

Under the Isle of Man Government Unified Scheme 2011, approved by Tynwald, the value of members' benefits will be protected on transferring to the Unified Scheme. The Bulk Transfer Scheme therefore provides that those arrangements can be in place both in the Unified Scheme and under existing schemes, before any transfer of accrued benefits takes place.