Pensions Act 2008

2008 CHAPTER 30

PART 3

PENSION COMPENSATION

CHAPTER 2

OTHER PROVISION ABOUT PENSION COMPENSATION

121 Charges in respect of pension sharing etc

After section 168 of the Pensions Act 2004 (c. 35) (administration of compensation) insert—

"Charges in respect of pension sharing etc

168A Charges in respect of pension sharing etc

(1) Regulations may make provision for the purpose of enabling the Board to recover prescribed charges in respect of complying with a relevant order or provision.

(2) In subsection (1) "a relevant order or provision" means any of the following—

(a) an order under section 23 of the Matrimonial Causes Act 1973 (financial provision in connection with divorce etc: England and Wales) so far as the order—

(i) includes provision made by virtue of section 25B or 25C of that Act (powers to include provision about pensions), and

(ii) applies in relation to the Board by virtue of section 25E of that Act;

(b) an order under section 23 of that Act so far as the order includes provision made by virtue of section 25F of that Act (attachment of pension compensation on divorce etc: England and Wales);

(c) an order under Part 1 of Schedule 5 to the Civil Partnership Act 2004 (financial provision orders in connection with dissolution of civil partnerships etc: England and Wales) so far as the order—

(i) includes provision made by virtue of Part 6 of that Schedule (powers to include provision about pensions), and

(ii) applies in relation to the Board by virtue of Part 7 of that Schedule;

(d) an order under Part 1 of that Schedule so far as the order includes provision made by virtue of paragraph 34A of that Schedule (attachment of pension compensation on dissolution of civil partnership etc: England and Wales);

(e) an order made under any provision corresponding to a provision mentioned in paragraphs (a) to (d) in force in Northern Ireland;

(f) an order under section 8(1)(baa) to (bb) of the Family Law (Scotland) Act 1985 (orders for financial provision) so far as the order applies in relation to the Board;

(g) any provision corresponding to provision which may be made by such an order and which is contained in a qualifying agreement (to which section 28(3) of the Welfare Reform and Pensions Act 1999, or section 110(1) of the Pensions Act 2008 relates) so far as the agreement applies in relation to the Board;

(h) an order or provision of a kind mentioned in section 28(1) of the Welfare Reform and Pensions Act 1999 (pension sharing) so far as the order or provision applies in relation to the Board by virtue of section 220 of this Act.

(3) Regulations under subsection (1) may include provision enabling the Board to set off against any PPF compensation payable to a person any charges owed to it by that person under the regulations.

(4) In this section "PPF compensation" means compensation payable—

(a) under or by virtue of this Chapter, or

(b) under or by virtue of Chapter 1 of Part 3 of the Pensions Act 2008 (pension compensation on divorce etc)."

122 Amendments of Schedule 7 to the Pensions Act 2004

Schedule 8 (amendments of Schedule 7 to the Pensions Act 2004) has effect.

123 Consequential amendments

(1) The Pensions Act 2004 (c. 35) is amended as follows.

(2) In section 173 (Pension Protection Fund)—

(a) in subsection (3)(b), after "the pension compensation provisions" insert "or Chapter 1 of Part 3 of the Pensions Act 2008";

(b) in subsection (5), omit "of this Act".

(3) After paragraph 18(2)(d) of Schedule 5 (Board of the Pension Protection Fund) insert—

"(da) section 168A (charges in respect of pension sharing etc);".

(4) After paragraph 18(2)(g) of that Schedule insert—

"(ga) section 116 of, and Schedule 5 to, the Pensions Act 2008 (discharge of liability in respect of pension compensation credit);

(gb) section 117 of that Act (charges in respect of pension compensation sharing costs);

(gc) section 118 of that Act (supply of information about pension compensation in relation to divorce etc);

(gd) section 119 of that Act (supply of information about pension compensation sharing);".

(5) In paragraph 18(2)(h) of that Schedule—

(a) after "section 111" insert "of this Act";

(b) for "(g)" substitute "(gd)".