



Social Security Act 1990

1990 CHAPTER 27

Occupational and personal pensions etc.

11 Annual increase of certain occupational pensions

(1) The following section shall be inserted after section 58 of the Pensions Act—

“58A Annual increase in rate of pension, other than guaranteed minimum pension or money purchase benefit

- (1) This section applies in relation to any occupational pension scheme—
- (a) which is neither a public service pension scheme nor a money purchase scheme; and
 - (b) whose rules do not require the annual rate of every pension which commences or has commenced under the scheme to be increased each year by at least an amount equal to the appropriate percentage of that rate.
- (2) On and after the appointed day, Schedule 3A to this Act shall have effect for the purpose of requiring the provision by schemes to which this section applies of annual increases in the annual rates of pensions under those schemes.
- (3) In this section—

“annual rate”, in relation to a pension, means the annual rate of the pension, as previously increased under the rules of the scheme or under Schedule 3A to this Act;

“the appointed day” means the day on which this section and Schedule 3A to this Act come into force;

“the appropriate percentage”, in relation to an increase in the annual rate of a pension, means the percentage specified in the last revaluation order made before the increase is to take effect as the revaluation percentage for the last revaluation period of twelve months;

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“money purchase scheme” means a pension scheme under which all the benefits that may be provided are money purchase benefits; “pension” does not include—

- (a) a guaranteed minimum pension or any increase in such a pension under section 37A above; or
- (b) any money purchase benefit;

“revaluation order”, “revaluation percentage” and “revaluation period” shall be construed in accordance with section 52A above.”

- (2) After Schedule 3 to the Pensions Act there shall be inserted the Schedule set out in Schedule 2 to this Act.
- (3) In the case of an occupational pension scheme—
 - (a) such as is mentioned in subsection (1) of section 58A of the Pensions Act, and
 - (b) which is constituted by trust deed,

no payment shall be made out of the resources of the scheme to or for a person who is or has been the employer of persons in the description or category of employment to which the scheme relates until such time as provision has been made by the scheme for every pension which commences or has commenced under it to be increased as mentioned in paragraph (b) of that subsection.
- (4) Nothing in subsection (3) above applies in relation to payments made to or for a person by virtue of his or any other person’s membership of the scheme in question.
- (5) Expressions used in this section and the Pensions Act have the same meaning in this section as they have in that Act.
- (6) The provisions of subsection (3) above override any provision of a scheme to the extent that it conflicts with them.

12 The Pensions Ombudsman

- (1) The Pensions Act shall have effect with the amendments made by Schedule 3 to this Act, which are made for the purpose of establishing, conferring functions on, and making general provision in connection with, a commissioner to be known as the Pensions Ombudsman.
- (2) In the Tribunals and Inquiries Act 1971—
 - (a) in paragraph 23 of Schedule 1 (certain tribunals concerned with pensions to be under the general supervision of the Council) there shall be added at the end of the second column—
 - “(e) the Pensions Ombudsman established under Part IVA of the Social Security Pensions Act 1975 (c. 60) in respect of his functions under or by virtue of section 59C(2) of that Act.”;
 - and
 - (b) in section 8(2) (which specifies the paragraph numbers of the tribunals which are excepted from the requirement of concurrence to the removal of members) after “22” there shall be inserted “23(e)”.

13 Registration of occupational and personal pension schemes

- (1) At the beginning of Part V of the Pensions Act there shall be inserted the following section—

“59K Registration of occupational and personal pension schemes

- (1) The Secretary of State may by regulations make provision—
 - (a) for the compilation and maintenance of a register of occupational and personal pension schemes (“the register”);
 - (b) for the appointment of a Registrar of Occupational and Personal Pension Schemes (“the registrar”); and
 - (c) for conferring on the registrar such functions relating to the compilation and maintenance of the register as may be specified in the regulations.
- (2) The regulations—
 - (a) may make provision with respect to any of the following matters, that is to say—
 - (i) the remuneration and expenses, and any pensions, allowances or gratuities, or compensation for loss of office, payable to or in respect of the registrar;
 - (ii) the staff and other facilities that are to be available to the registrar;
 - (iii) the other terms and conditions upon which the registrar is to hold office; and
 - (iv) the removal of the registrar from office; and
 - (b) may confer upon the registrar power to appoint an agent to perform any of his functions on his behalf.
- (3) The register—
 - (a) may consist of one or more parts, as may be prescribed;
 - (b) shall be organised in such manner, and contain such information relating to occupational and personal pension schemes, as may be prescribed; and
 - (c) subject to the regulations, may be kept in such manner and form as the registrar may think fit.
- (4) The regulations may make provision—
 - (a) for the register, or for extracts from the register, or for copies of the register or of extracts from the register, to be open to inspection by, and
 - (b) for copies of the register, or of extracts from it, to be supplied to, such persons, in such manner, at such times, upon payment of such fees, and subject to such other terms and conditions, as may be prescribed.
- (5) The regulations may require—
 - (a) any person who is or has been—
 - (i) a trustee or manager of an occupational or personal pension scheme or an administrator of a public service pension scheme, or
 - (ii) the employer in relation to employment of any description or category to which an occupational pension scheme relates, and
 - (b) such other persons as may be prescribed,

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to provide the registrar with such information for the purposes of the register in such form and within such time as may be prescribed.

(6) The Secretary of State, the Inland Revenue and the Occupational Pensions Board may provide the registrar with such information as he may request for the purposes of the register; and no obligation as to secrecy or confidentiality imposed by statute or otherwise on—

- (a) persons employed in the Department of Social Security,
- (b) persons employed in relation to the Inland Revenue, or
- (c) the staff of the Occupational Pensions Board,

shall prevent them from disclosing to the registrar such information as is necessary for the purposes of the register.

(7) The Secretary of State may direct the registrar to submit to him, in such form and at such intervals as may be specified in the direction, such statistical and other reports as the Secretary of State may require; and the Secretary of State may determine at his discretion whether or not to publish a report submitted to him under this subsection.

(8) In this section “employer”, in relation to a pension scheme, includes a person who is or has been treated under section 66(3) below as an employer in relation to the scheme for the purposes of Part III or IV of this Act.

(9) Subsections (2) to (5) above are without prejudice to the generality of subsection (1) above and nothing in subsection (5) or (6) above shall be taken to imply that the Occupational Pensions Board may not be appointed as the registrar.”

(2) The following provisions of the Pensions Act (which make provision with respect to the registration of occupational pension schemes and which are set out in Schedule 2 to the Social Security Act 1985 and have not all been brought into force) shall cease to have effect—

- (a) sections 56B to 56D;
- (b) section 56E(1)(c);
- (c) sections 56F to 56K;
- (d) section 56L(1)(b), (5)(b) and (9); and
- (e) sections 56M and 56N.

14 Miscellaneous amendments relating to pensions

(1) The enactments mentioned in Schedule 4 to this Act (which relate to occupational and personal pensions) shall have effect with the amendments there specified.

(2) Regulations may modify the provisions inserted into the Pensions Act by paragraph 2 of that Schedule in any manner which the Secretary of State thinks appropriate with a view to securing the orderly implementation of those provisions and to obtaining general compliance with them.