



Pensions Act 2004

2004 CHAPTER 35

PART 2

THE BOARD OF THE PENSION PROTECTION FUND

CHAPTER 3

PENSION PROTECTION

Assumption of responsibility for a scheme

160 Transfer notice

- (1) This section applies where the Board is required to assume responsibility for a scheme under section 127, 128, 152 or 158.
- (2) The Board must give the trustees or managers a notice (a “transfer notice”).
- (3) In a case to which section 127 or 128 applies, a transfer notice may not be given until the [^{F1}determination made or valuation obtained under section 143(2)] is binding.
- (4) In a case to which section 158 applies, a transfer notice may not be given until the [^{F2}determination made or] valuation obtained under subsection (3) of that section is binding.
- (5) A transfer notice may not be given in relation to a scheme during any period when the issue of, or failure to issue, a withdrawal notice under or by virtue of section 146 or 147 (refusal to assume responsibility) is reviewable (see section 149(6)(b)).
- (6) The Board must give a copy of any notice given under subsection (2) to—
 - (a) the Regulator, and
 - (b) any insolvency practitioner in relation to the employer or, if there is no such insolvency practitioner, the employer.

Changes to legislation: Pensions Act 2004, Section 160 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(7) This section is subject to section [F³172(2)] (no transfer notice F⁴... when fraud compensation application is pending).

Textual Amendments

- F1** Words in s. 160(3) substituted (23.7.2012) by [Pensions Act 2011 \(c. 19\), s. 38\(4\), Sch. 4 para. 12\(2\)](#); [S.I. 2012/1681, art. 3\(b\)\(ii\)](#)
- F2** Words in s. 160(4) inserted (23.7.2012) by [Pensions Act 2011 \(c. 19\), s. 38\(4\), Sch. 4 para. 12\(3\)](#); [S.I. 2012/1681, art. 3\(b\)\(ii\)](#)
- F3** Word in s. 160(7) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\), s. 38\(4\), Sch. 4 para. 17\(2\)\(a\)](#); [S.I. 2011/3034, art. 3\(i\)\(ii\)](#)
- F4** Words in s. 160(7) omitted (3.1.2012) by virtue of [Pensions Act 2011 \(c. 19\), s. 38\(4\), Sch. 4 para. 17\(2\)\(b\)](#); [S.I. 2011/3034, art. 3\(i\)\(ii\)](#)

Modifications etc. (not altering text)

- C1** Pt. 2 modified (8.3.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pension Protection Fund \(Partially Guaranteed Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/277\), regs. 1\(1\), 2-11](#)
- C2** Pt. 2 modified in part (9.3.2005 for specified purposes, 1.4.2005 for specified purposes, 6.4.2005 in so far as not already in force (except ch. 4)) by [The Pension Protection Fund \(Multi-employer Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/441\), regs. 1, 2-60, 71, 72](#)
- C3** Pt. 2 applied in part (with modifications) (20.7.2005 for specified purposes, 1.9.2005 for specified purposes, 5.12.2005 for specified purposes) by [The Financial Assistance Scheme Regulations 2005 \(S.I. 2005/1986\), regs. 1\(1\), 4, Sch. 1](#)
- C4** S. 160 modified (6.4.2005) by [The Pension Protection Fund \(Multi-employer Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/441\), regs. 1\(1\)\(d\), 61, 70\(1\)](#) and amendment to earlier affecting provision (1.8.2005) by [The Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/2113\), regs. 1\(2\), 10\(4\)](#)

Commencement Information

- I1** S. 160(1)-(3)(5)(6) in force at 6.4.2005 by [S.I. 2005/275, art. 2\(7\), Sch. Pt. 7](#)
- I2** S. 160(4) in force at 6.4.2007 by [S.I. 2006/2272, art. 2\(7\), Sch. Pt. 2](#)
- I3** S. 160(7) in force in so far as it relates to section 172(1) at 6.4.2005 for specified purposes by [S.I. 2005/275, art. 2\(7\), Sch. Pt. 7](#)
- I4** S. 160(7) in force at 6.4.2006 in so far as not already in force by [S.I. 2006/560, art. 2\(3\), Sch. Pt. 3](#)

Changes to legislation:

Pensions Act 2004, Section 160 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(5A) inserted by [2014 c. 19 s. 52\(2\)](#)
- s. 18(6) words inserted by [2014 c. 19 s. 52\(3\)](#)
- s. 18(8) words inserted by [2014 c. 19 s. 52\(3\)](#)
- s. 23(1A) inserted by [2015 c. 8 Sch. 2 para. 26\(3\)](#)
- s. 23(10A) inserted by [2015 c. 8 Sch. 2 para. 26\(5\)](#)
- s. 38(1)-(1B) substituted for s. 38(1) by [2015 c. 8 Sch. 2 para. 27](#)
- s. 38(7)(da) inserted by [2021 c. 1 s. 104\(2\)](#)
- s. 43(1)-(1B) substituted for s. 43(1) by [2015 c. 8 Sch. 2 para. 28\(2\)](#)
- s. 52(1)-(1B) substituted for s. 52(1) by [2015 c. 8 Sch. 2 para. 29](#)
- s. 80(1)(a)(iib) inserted by [2021 c. 1 s. 109\(3\)](#)
- s. 102(2)(a) words in s. 102(2) renumbered as s. 102(2)(a) by [2008 c. 30 s. 44\(5\)\(a\)](#)
- s. 102(2)(b) inserted by [2008 c. 30 s. 44\(5\)\(b\)](#)
- s. 103(1A) inserted by [2008 c. 30 s. 44\(6\)](#)
- s. 117A inserted by [2008 c. 30 Sch. 10 para. 3](#)
- s. 126(1)-(1B) substituted for s. 126(1) by [2015 c. 8 Sch. 2 para. 31](#)
- s. 188(1)(ba) inserted by [2008 c. 30 Sch. 10 para. 6](#)
- s. 189A inserted by [2008 c. 30 Sch. 10 para. 7](#)
- s. 209(9) added by [2008 c. 30 Sch. 10 para. 8](#)
- s. 291(4)(f) and word inserted by [2021 c. 1 Sch. 3 para. 19\(b\)](#)
- s. 318(3)(a)(viii)-(x) inserted by [2015 c. 8 Sch. 2 para. 38\(3\)\(a\)](#)
- s. 318(3)(b)(vi)-(viii) inserted by [2015 c. 8 Sch. 2 para. 38\(3\)\(b\)](#)
- Sch. 4 para. 7(5)(b) inserted by [2008 c. 30 s. 44\(8\)\(b\)](#)
- Sch. 4 para. 13(3) inserted by [2008 c. 30 s. 44\(9\)\(b\)](#)
- Sch. 4 para. 7(5)(a) words in Sch. 4 para. 7(5) renumbered as Sch. 4 para. 7(5)(a) by [2008 c. 30 s. 44\(8\)\(a\)](#)
- Sch. 7 para. 21(2)(c)-(cc) substituted for Sch. 7 para. 21(2)(b)(c) by [2008 c. 30 Sch. 8 para. 11](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 para. 10 (3.1.2012) omitted without ever being in force by virtue of [2011 c. 19](#), Sch. 4 para. 20; [S.I. 2011/3034 art. 3\(i\)\(iv\)](#))