



# Pensions Act 2004

## 2004 CHAPTER 35

### PART 1

#### THE PENSIONS REGULATOR

*New powers in respect of occupational and personal pension schemes*

#### **17 Power of the Regulator to recover unpaid contributions**

- (1) Where any employer contribution payable towards an occupational or personal pension scheme is not paid on or before its due date, the Regulator may, on behalf of the trustees or managers of the scheme, exercise such powers as the trustees or managers have to recover that contribution.
- (2) For the purposes of subsection (1), any employer contribution payable towards a personal pension scheme which is not paid on or before its due date is, if not a debt due from the employer to the trustees or managers apart from this subsection, to be treated as if it were such a debt.
- (3) In this section—
  - “due date”—
    - (a) in relation to employer contributions payable towards an occupational pension scheme in accordance with a schedule of contributions under section 227, has the same meaning as in section 228,
    - (b) in relation to employer contributions payable in accordance with a payment schedule under section 87 of the Pensions Act 1995 (c. 26) (schedules of payments to money purchase schemes), has the meaning given by subsection (2)(c) of that section,<sup>F1</sup>...
    - (c) in relation to employer contributions payable towards a personal pension scheme, has the same meaning as in section 111A of the Pension Schemes Act 1993 (c. 48) (monitoring of employer payments to personal pension schemes);<sup>F2</sup>and

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*Changes to legislation: Pensions Act 2004, Section 17 is up to date with all changes known to be in force on or before 16 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*

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- (d) in relation to employer contributions payable under a public service pension scheme, the date on which the contributions are due under the scheme;]
- “employer contribution”—
- (a) in relation to an occupational pension scheme [<sup>F3</sup>other than a public service pension scheme], means any contribution payable by or on behalf of the employer towards the scheme in accordance with a schedule of contributions under section 227 of this Act or a payment schedule under section 87 of the Pensions Act 1995 (c. 26) (schedules of payments to money purchase schemes) whether—
- (i) on the employer’s own account (but in respect of one or more employees), or
  - (ii) on behalf of an employee out of deductions from the employee’s earnings, <sup>F4</sup>...
- (b) in relation to a personal pension scheme, means any contribution payable towards the scheme under direct payment arrangements [<sup>F5</sup>and
- (c) in relation to a public service pension scheme, means any contributions payable under the scheme by the employer.]

#### Textual Amendments

- F1** Word in s. 17(3) repealed (1.4.2015) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), [Sch. 4 para. 5\(2\)\(a\)](#) (with [Sch. 11 para. 8](#)); S.I. 2015/4, art. 4(1)(b)
- F2** Words in s. 17(3) inserted (1.4.2015) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), [Sch. 4 para. 5\(2\)\(b\)](#) (with [Sch. 11 para. 8](#)); S.I. 2015/4, art. 4(1)(b)
- F3** Words in s. 17(3) inserted (1.4.2015) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), [Sch. 4 para. 5\(3\)\(a\)\(i\)](#) (with [Sch. 11 para. 8](#)); S.I. 2015/4, art. 4(1)(b)
- F4** Word in s. 17(3) repealed (1.4.2015) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), [Sch. 4 para. 5\(3\)\(a\)\(ii\)](#) (with [Sch. 11 para. 8](#)); S.I. 2015/4, art. 4(1)(b)
- F5** Words in s. 17(3) inserted (1.4.2015) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), [Sch. 4 para. 5\(3\)\(b\)](#) (with [Sch. 11 para. 8](#)); S.I. 2015/4, art. 4(1)(b)

#### Commencement Information

- I1** S. 17 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

**Changes to legislation:**

Pensions Act 2004, Section 17 is up to date with all changes known to be in force on or before 16 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 :**

- s. 17(3) words substituted by [2015 c. 8 Sch. 2 para. 25\(a\)](#)
- s. 17(3) words substituted by [2015 c. 8 Sch. 2 para. 25\(b\)](#)

**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))