



Pensions Act 2004

2004 CHAPTER 35

PART 2

THE BOARD OF THE PENSION PROTECTION FUND

CHAPTER 4

FRAUD COMPENSATION

The fund

188 Fraud Compensation Fund

- (1) The Fraud Compensation Fund shall consist of—
 - (a) any property and rights transferred under section 302 (dissolution of the Pensions Compensation Board) which the Board designates as assets of the Fund,
 - (b) contributions levied under section 189 (fraud compensation levy),
 - (c) money borrowed by the Board under section 115 for the purposes of this Chapter,
 - [^{F1}(ca) money borrowed by the Board under section 115A for the purposes of this Chapter,]
 - (d) amounts recovered under section 186 (recovery of interim payments), and
 - (e) any income or capital gain credited under subsection (2).
- (2) The Board must credit to the Fraud Compensation Fund any income or capital gain arising from the assets in the Fund.
- (3) The following are payable out of the Fraud Compensation Fund—
 - (a) sums required to meet liabilities transferred to the Board under section 302 (dissolution of the Pensions Compensation Board), which the Board designates as liabilities of the Fund,

Changes to legislation: Pensions Act 2004, Section 188 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

- (b) payments under section 185 (fraud compensation payments),
 - (c) payments under section 186(1) (interim payments),
 - (d) amounts required to be transferred to the Pension Protection Fund under section 187 (fraud compensation transfer payments),
 - (e) money required for the repayment of, and the payment of interest on, money within subsection (1)(c) [^{F2}or (ca)].
- (4) No other amounts are payable out of the Fraud Compensation Fund.
- (5) In subsection (1) (other than paragraphs (a) and (e)) and subsection (3) (other than paragraphs (a) and (e)) any reference to a provision of this Act is to be read as including a reference to any provision in force in Northern Ireland corresponding to that provision.

Textual Amendments

- F1** S. 188(1)(ca) inserted (20.10.2021) by [Compensation \(London Capital & Finance plc and Fraud Compensation Fund\) Act 2021 \(c. 29\), s. 2\(4\)\(a\)](#)
- F2** Words in s. 188(3)(e) inserted (20.10.2021) by [Compensation \(London Capital & Finance plc and Fraud Compensation Fund\) Act 2021 \(c. 29\), s. 2\(4\)\(b\)](#)

Modifications etc. (not altering text)

- C1** 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](#)

Commencement Information

- I1** S. 188(1)(2)(3)(a)-(c)(e)(4)(5) in force at 1.9.2005 by [S.I. 2005/1720, art. 2\(16\), Sch. Pt. 3](#)
- I2** S. 188(3)(d) in force at 6.4.2010 by [S.I. 2010/443, art. 2\(3\)](#)

Changes to legislation:

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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))