



Pensions Act 2004

2004 CHAPTER 35

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

General

306 Overriding requirements

- (1) Where any provision mentioned in subsection (2) conflicts with the provisions of an occupational or personal pension scheme—
 - (a) the provision mentioned in subsection (2), to the extent that it conflicts, overrides the provisions of the scheme, and
 - (b) the scheme has effect with such modifications as may be required in consequence of paragraph (a).
- (2) The provisions referred to in subsection (1) are those of—
 - (a) any order made by the Regulator under Part 1;
 - (b) any regulations made under section 19(7);
 - (c) any regulations made under section 21(4);
 - (d) any regulations made under section 24(7);
 - [^{F1}(da) any direction issued by the Regulator under section 39A(6);]
 - (e) any direction issued by the Regulator under section 41(4);
 - [^{F2}(ea) any direction issued by the Regulator under section 43A(3);]
 - (f) any direction issued by the Regulator under section 50(4);
 - (g) Part 2 (other than Chapter 1), any subordinate legislation made under that Part and any direction given under section 134 or 154;
 - (h) Part 3 and any subordinate legislation made under that Part;
 - (i) any regulations under section 237;
 - (j) sections 241 and 242, any regulations made under sections 241 to 243 and any arrangements under sections 241 and 242;

Changes to legislation: *Pensions Act 2004, Section 306 is up to date with all changes known to be in force on or before 13 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*

- (k) sections 247 and 248 and any regulations under sections 247 to 249;
 - (l) sections 256 and 258;
 - (m) any ring-fencing notice issued by the Regulator under section 292;
 - (n) any regulations under section 286, 307, 308, 315(6) or 318(4) or (5) and any order under section 322(5).
- (3) Subsection (1) is without prejudice to section 32(1) (overriding effect of freezing orders made by the Regulator) and section 154(12) (overriding effect of requirement to wind up pension scheme under Part 2).
- (4) In the case of a company to which section 242 (requirement for member-nominated directors of corporate trustees) applies, where any provision mentioned in subsection (5) conflicts with the provisions of the company's [^{F3}articles] of association—
- (a) the provision mentioned in subsection (5), to the extent that it conflicts, overrides the provisions of the [^{F3}articles], and
 - (b) the [^{F3}articles] have effect with such modifications as may be required in consequence of paragraph (a).
- (5) The provisions referred to in subsection (4) are those of—
- (a) section 242;
 - (b) any regulations made under section 242 or 243;
 - (c) any arrangements under section 242.

Textual Amendments

- F1** S. 306(2)(da) inserted (26.11.2008) by [Pensions Act 2008 \(c. 30\)](#), s. 149(2)(3), [Sch. 9 para. 11\(a\)](#)
- F2** S. 306(2)(ea) inserted (26.11.2008) by [Pensions Act 2008 \(c. 30\)](#), s. 149(2)(3), [Sch. 9 para. 11\(b\)](#)
- F3** Word in s. 306(4) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 243\(11\)](#) (with art. 10)
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Commencement Information

- I1** S. 306(1)(2)(a)-(g)(l)(n)(3) in force at 1.9.2005 by [S.I. 2005/2447](#), art. 2(4), [Sch. Pt. 1](#)
- I2** S. 306(2)(h)(m) in force at 4.12.2005 for specified purposes and 30.12.2005 in so far as not already in force by [S.I. 2005/3331](#), art. 2(1), [Sch. Pt. 1](#)
- I3** S. 306(2)(j)(k)(4)(5) in force at 6.4.2006 by [S.I. 2006/560](#), art. 2(3), [Sch. Pt. 3](#)

Changes to legislation:

Pensions Act 2004, Section 306 is up to date with all changes known to be in force on or before 13 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\(i\)\(iv\)](#))