



Pensions Act 2004

2004 CHAPTER 35

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

General

310 Admissibility of statements

- (1) A statement made by a person in compliance with an information requirement is admissible in evidence in any proceedings, so long as it also complies with any requirements governing the admissibility of evidence in the circumstances in question.
- (2) But in proceedings to which this subsection applies—
 - (a) no evidence relating to the statement may be adduced, and
 - (b) no question relating to it may be asked,by or on behalf of the prosecution or (as the case may be) the Regulator, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (3) Subsection (2) applies to—
 - (a) criminal proceedings in which that person is charged with a relevant offence, or
 - (b) proceedings as a result of which that person may be required to pay a financial penalty [^{F1}on a relevant ground] under or by virtue of—
 - [^{F2}(ai) section 88A (financial penalties),]
 - [^{F3}(bi) section 238G (penalties for contravention of regulations under section 238D),]
 - [^{F4}(i) section 168 of the Pension Schemes Act 1993 (breach of regulations),
 - (ia) section 10 of the Pensions Act 1995 (civil penalties),
 - (ib) paragraph 10 of Schedule 17 to the Pensions Act 2014 (penalties for contravention of regulations etc),

Changes to legislation: *Pensions Act 2004, Section 310 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*

- (ic) paragraph 3 of Schedule 18 to that Act (penalties for contravention of regulations etc),]
 - [^{F5}(ii) section 164 of the Pension Schemes (Northern Ireland) Act 1993 (c. 49) (breach of regulations),
 - (iii) Article 10 of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) (civil penalties),
 - (iv) Article 83A of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)) (financial penalties),
 - (v) Article 215G of that Order (penalties for contravention of regulations under Article 215D),
 - (vi) paragraph 10 of Schedule 17 to the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.)) (penalties for contravention of regulations etc), or
 - (vii) paragraph 3 of Schedule 18 to that Act (penalties for contravention of regulations etc).]
- [^{F6}(3A) For the purposes of this section a financial penalty is payable on a relevant ground if it is payable otherwise than under—
- (a) section 88A as it applies by virtue of—
 - (i) section 80A (financial penalty for providing false or misleading information to Regulator), or
 - (ii) section 80B (financial penalty for providing false or misleading information to trustees or managers), or
 - (b) Article 83A of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)) as it applies by virtue of—
 - (i) Article 75A of that Order (financial penalty for providing false or misleading information to Regulator), or
 - (ii) Article 75B of that Order (financial penalty for providing false or misleading information to trustees or managers).]
- (4) In this section—
- “information requirement” means any statement made in compliance with any duty imposed by or by virtue of—
- (a) section 64 (duties of trustees or managers to provide scheme return);
 - (b) section 70 (duty to report breaches of the law);
 - (c) section 72 (requirement to provide information to the Regulator);
 - (ca) [^{F7}section 72A (requirement to attend interview etc);]
 - (d) section 75 (inspection of premises: powers of inspectors to examine etc);
 - (e) section 78(2)(d) (power of inspector entering under warrant to require a person to provide an explanation of a document);
 - (f) section 190 (information to be provided to the Board);
 - (g) section 191 (notices requiring provision of information to the Board etc);
 - (h) section 192 (entry of premises: powers of appointed persons to examine etc);
 - (i) section 194(2)(d) (power of inspector entering under warrant to require a person to provide an explanation of a document);
 - (j) section 209 (power to make order enabling PPF Ombudsman to obtain information, documents etc);
 - (k) section 213 or 214 (disclosure of information on references made to PPF Ombudsman);

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- (l) section 228 (failure to make payments in accordance with schedule of contributions);
- (m) paragraph 19 of Schedule 1 (power to make regulations enabling Regulator to summon persons to give evidence before it);
- (n) paragraph 11 of Schedule 4 (the Pensions Regulator Tribunal: evidence);
- (o) [^{F8}Tribunal Procedure Rules so far as applying to decisions of the Regulator;]
“relevant offence” means any offence other than one under—
 - (a) section 77 (neglect or refusal to provide information etc to the Regulator);
 - (b) section 80 (providing false or misleading information to the Regulator);
 - (c) section 193 (neglect or refusal to provide information etc to the Board);
 - (d) section 195 (providing false or misleading information to the Board);
 - (e) any provision in force in Northern Ireland corresponding to a provision mentioned in paragraphs (a) to (d);
 - (f) section 5 of the Perjury Act 1911 (c. 6) (false statements made otherwise than on oath);
 - (g) section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) (false statements made otherwise than on oath);
 - (h) Article 10 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)).

Textual Amendments

- F1** Words in s. 310(3)(b) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(1), **Sch. 7 para. 11(2)(a)**; S.I. 2021/950, reg. 2(4)(f)
- F2** S. 310(3)(b)(ai) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(1), **Sch. 7 para. 11(2)(b)**; S.I. 2021/950, reg. 2(4)(f)
- F3** S. 310(3)(b)(bi) inserted (11.2.2021 for specified purposes, 14.10.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), **ss. 119(3), 131(1)(3)(a)**; S.I. 2022/1044, reg. 2(b)
- F4** S. 310(3)(b)(i)-(ic) substituted for s. 310(3)(b)(i) and word (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(1), **Sch. 7 para. 11(2)(c)**; S.I. 2021/950, reg. 2(4)(f)
- F5** S. 310(3)(b)(ii)-(vii) substituted for s. 310(3)(b)(ii) (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(1), **Sch. 7 para. 11(2)(d)**; S.I. 2021/950, reg. 2(4)(f)
- F6** S. 310(3A) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(1), **Sch. 7 para. 11(3)**; S.I. 2021/950, reg. 2(4)(f)
- F7** Words in s. 310(4) inserted (1.10.2021) by Pension Schemes Act 2021 (c. 1), s. 131(1), **Sch. 7 para. 11(4)**; S.I. 2021/950, reg. 2(4)(f)
- F8** Words in s. 310(4) inserted (E.W.S.) (6.4.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(2)(e), **Sch. 2 para. 84** (with Sch. 5) and added (N.I.) (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), s. 5(2), **Sch. 1 para. 9** (with Sch. 2); S.R. 2010/101, art. 2

Commencement Information

- I1** S. 310 in force at 1.9.2005 by S.I. 2005/2447, art. 2(4), **Sch. Pt. 1**

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))