



# Pensions Act 2004

## 2004 CHAPTER 35

### PART 1

#### THE PENSIONS REGULATOR

##### *Codes of practice*

#### **91 Procedure for issue and publication of codes of practice**

- (1) Where the Regulator proposes to issue a code of practice [<sup>F1</sup>under section 90 or 90A] it must prepare and publish a draft of the code.
- (2) Where the Regulator publishes a draft under subsection (1), it must consult—
  - (a) such persons as it considers appropriate, and
  - (b) any other persons the Secretary of State requires it to consult.
- (3) Having considered any representations made on the draft, the Regulator must make such modifications to it as it considers appropriate.
- (4) Subsections (2) and (3) do not apply—
  - (a) to a code made for the purpose only of consolidating other codes issued under section 90 [<sup>F2</sup>or 90A], or
  - (b) to a code if the Secretary of State considers consultation inexpedient by reason of urgency.
- (5) If the Regulator determines to proceed with a draft, it must send it to the Secretary of State who—
  - (a) if he approves of it, must lay it before Parliament, and
  - (b) if he does not approve of it, must publish details of his reasons for withholding approval.
- (6) Where a draft is laid before Parliament under subsection (5)(a)—
  - (a) if within the period mentioned in subsection (7) either House so resolves, no further proceedings may be taken on the draft code;

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*Changes to legislation: Pensions Act 2004, Section 91 is up to date with all changes known to be in force on or before 14 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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- (b) if no such resolution is passed, the Regulator must issue the code in the form of the draft.
- (7) The period referred to in subsection (6)(a) is the period of 40 days—
- (a) beginning with the day on which the draft is laid before Parliament (or, if it is laid before the two Houses on different days, with the later of the two days), and
- (b) ignoring any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (8) The fact that no further proceedings may be taken on a draft code in accordance with subsection (6)(a) does not prevent the laying of a new draft.
- (9) A code issued in accordance with subsection (6)(b) shall come into effect on such day as the Secretary of State may by order appoint.
- Without prejudice to section 315, such an order may contain such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the code of practice brought into operation.
- (10) The Regulator must arrange for any code issued by it under section 90 [<sup>F3</sup>or 90A] to be published in the way appearing to it to be appropriate.
- (11) The Regulator may charge a reasonable fee for providing a person with a copy of a code published under this section.
- (12) This section applies to a revised code as it applies to the first issue of a code.

#### Textual Amendments

- F1** Words in s. 91(1) inserted (1.11.2013) by [Public Service Pensions Act 2013 \(c. 25\), s. 41\(2\), Sch. 4 para. 15\(2\)](#) (with [Sch. 11 para. 8](#)); [S.I. 2013/2818](#), art. 3(d)
- F2** Words in s. 91(4)(a) inserted (1.11.2013) by [Public Service Pensions Act 2013 \(c. 25\), s. 41\(2\), Sch. 4 para. 15\(3\)](#) (with [Sch. 11 para. 8](#)); [S.I. 2013/2818](#), art. 3(d)
- F3** Words in s. 91(10) inserted (1.11.2013) by [Public Service Pensions Act 2013 \(c. 25\), s. 41\(2\), Sch. 4 para. 15\(3\)](#) (with [Sch. 11 para. 8](#)); [S.I. 2013/2818](#), art. 3(d)

#### Modifications etc. (not altering text)

- C1** S. 91(9) power exercised: 6.4.2005 appointed by [S.I. 2005/1108](#), art. 2(1)
- C2** S. 91(9) power exercised: 30.6.2005 appointed by [S.I. 2005/1720](#), art. 2(1)
- C3** S. 91(9) power exercised: 22.11.2006 appointed by [S.I. 2006/3079](#), art. 2
- C4** S. 91(9) power fully exercised: 24.1.2007 appointed by [S.I. 2007/76](#), art. 2
- C5** S. 91(9) power exercised: 28.7.2008 appointed by [S.I. 2008/1882](#), art. 2
- C6** S. 91(9) power exercised: 29.6.2009 appointed by [S.I. 2009/1565](#), art. 2
- C7** S. 91(9) power exercised: 26.11.2009 appointed by [S.I. 2009/3068](#), art. 2

#### Commencement Information

- I1** S. 91(1)-(9) in force at 17.12.2004 by [S.I. 2004/3350](#), art. 2, [Sch.](#)
- I2** S. 91(10)-(12) in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

**Changes to legislation:**

Pensions Act 2004, Section 91 is up to date with all changes known to be in force on or before 14 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))