



Pensions Act 2008

CHAPTER 30

PENSIONS ACT 2008

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

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Status: This is the original version (as it was originally enacted).

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Status: This is the original version (as it was originally enacted).

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- 5 The Secretary of State may remove a member from office...
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Part 1 — REVALUATION OF ACCRUED PENSION BENEFITS

- 1 Amendments to Schedule 3 to the 1993 Act
- 2 In paragraph 1 (the final salary method), for sub-paragraphs (1)...

Status: This is the original version (as it was originally enacted).

- 3 (1) Paragraph 2 (the revaluation percentage and the appropriate revaluation...
Part 2 — REVALUATION OF ACCRUED AMOUNTS ETC
- 4 Amendments to Schedule 7 to the 2004 Act
- 5 (1) Paragraph 12 (active members who have not attained normal...)
- 6 (1) Paragraph 17 (deferred members who have not attained normal...)
- 7 In paragraph 29 (Board's powers to alter rates of revaluation...
Part 3 — CONSEQUENTIAL AMENDMENTS
- 8 (1) Section 51ZA of the Pensions Act 1995 (c. 26)...

SCHEDULE 3 — Consolidation of additional pension

SCHEDULE 4 — Additional pension etc: minor and consequential amendments

- 1 Social Security Contributions and Benefits Act 1992 (c. 4)
- 2 In section 21(5A)(c) (contribution conditions), after “5(2)(b) and (4)(a)” insert...
- 3 In section 39(1) (rate of widowed mother's allowance and widow's...)
- 4 (1) Section 39C (rate of widowed parent's allowance and bereavement...)
- 5 (1) After section 45 (additional pension in Category A retirement...)
- 6 (1) Section 46 (modifications of section 45 for calculating the...)
- 7 In section 48A(4) (category B retirement pension for married person)
—...
- 8 In section 48B(2) (category B retirement pension for widows and...)
- 9 (1) Section 48BB (category B retirement pension: entitlement by reference...)
- 10 In section 48C(4) (category B retirement pension: general), for “and..."
- 11 In section 51(2) and (3) (category B retirement pension for...)
- 12 (1) Schedule 4B (additional pension: accrual rates for purposes of...)
- 13 In Schedule 7 (industrial injuries benefits) in paragraph 3(3), after...
Social Security Administration Act 1992 (c. 5)
- 14 Pension Schemes Act 1993 (c. 48)
- 15 (1) Section 46 (effect of entitlement to guaranteed minimum pensions...)
- 16 (1) Section 47 (further provisions concerning entitlement to guaranteed minimum...)
- 17 In section 48(2) (reduced benefits where minimum payments or minimum...)
- 18 In section 49(b) (women, married women and widows), after “46(1),”...
- 19 In section 164(5) (Crown employment), after “46(1),” insert “46A(2),”.
- 20 In section 165(2)(b) (cases with a foreign element), after “those..."
- 21 (1) In section 167(4) (application of provisions relating to social...)

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- 1 Introductory
- 2 Interpretation
- 3 Pension compensation age

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- 5 Compensation payable to widow, widower or surviving civil partner

Part 3 — TRANSFEREE ATTAINS PENSION COMPENSATION AGE AFTER TRANSFER DAY

- 6 Compensation payable to transferee
 - 7 Compensation payable to widow, widower or surviving civil partner
 - 8 Revaluation
 - 9 Commutation of periodic compensation
 - 10 Early payment of compensation
 - 11 Deferral of compensation
 - 12 Terminal illness lump sum: eligibility
 - 13 Terminal illness lump sum: application and evidence
 - 14 Terminal illness lump sum: determination of application
 - 15 Terminal illness lump sum: effect of successful application
 - 16 Terminal illness lump sum: information
- Part 4 — PROVISIONS APPLICABLE IRRESPECTIVE OF AGE OF TRANSFEREE
ON TRANSFER DAY
- 17 Annual increase in periodic compensation
 - 18 Compensation cap
 - 19 Compensation in form of dependant's benefits
 - 20 Board's power to alter rates of revaluation and indexation

SCHEDULE 6 — Pension compensation on divorce etc: England and Wales

Part 1 — AMENDMENTS OF THE MATRIMONIAL CAUSES ACT 1973

- 1 The Matrimonial Causes Act 1973 (c. 18) is amended as...
- 2 After section 21A (pension sharing orders) insert— Pension compensation sharing...
- 3 After section 24D (pension sharing orders: apportionment of charges) insert—...
- 4 (1) Section 25 (matters to which court is to have...
- 5 In section 25A(1) (exercise of court's powers in favour of...
- 6 In section 25E(9) (the Pension Protection Fund), omit the definition...
- 7 After section 25E insert— Attachment of pension compensation (1)
This section applies where, having regard to any PPF...
- 8 (1) Section 31 (variation, discharge etc of certain orders for...
- 9 After section 40A (appeals relating to pension sharing orders which...

Part 2 — AMENDMENTS OF THE MATRIMONIAL AND FAMILY
PROCEEDINGS ACT 1984

- 10 The Matrimonial and Family Proceedings Act 1984 (c. 42) is...
- 11 In section 17 (orders for financial provision and property adjustment),...
- 12 In section 18(7) (matters to which court to have regard),...
- 13 (1) Section 21 (application of certain provisions of Part 2...

Part 3 — AMENDMENTS OF THE CIVIL PARTNERSHIP ACT 2004

- 14 The Civil Partnership Act 2004 (c. 33) is amended as...
- 15 After Part 4 of Schedule 5 (pension sharing orders on...
- 16 (1) Part 5 of Schedule 5 (matters to which court...
- 17 (1) Part 7 of Schedule 5 (pension protection fund compensation...
- 18 (1) Part 11 of Schedule 5 (variation, discharge etc of...
- 19 In Part 14 of Schedule 5 (miscellaneous and supplementary) after...
- 20 (1) In Schedule 7 (financial relief in England and Wales...

SCHEDULE 7 — Pension compensation on divorce etc: Scotland

- 1 The Family Law (Scotland) Act 1985 (c. 37) is amended...
- 2 In section 8 (orders for financial provision)—
- 3 After section 8A insert— Pension compensation sharing orders:
apportionment of...
- 4 In section 10 (sharing of value of matrimonial property or...

Status: This is the original version (as it was originally enacted).

- 5 In section 12A (orders for payment of capital sum: pensions...
- 6 After section 12A insert— Order for payment of capital sum:...
- 7 In section 13 (order for periodical allowance), in subsection (2)(b),...
- 8 In section 16 (agreements on financial provision)—
- 9 In section 27 (interpretation)— (a) in subsection (1), before the...

SCHEDULE 8 — Amendments of Schedule 7 to the Pensions Act 2004

- 1 Schedule 7 to the Pensions Act 2004 (c. 35) (pension...
- 2 In paragraph 3(6), at the end, add “to the scheme”....
- 3 In paragraph 5(5), at the end, add “to the scheme”....
- 4 In paragraph 11(8), after “paragraph 24 (commutation),” insert—
paragraph 25E...
- 5 In paragraph 13, after sub-paragraph (3) insert—
- 6 In paragraph 14(9), after “paragraph 20 (compensation in respect of...
- 7 In paragraph 15(6), after “paragraph 24 (commutation),” insert—
paragraph 25E...
- 8 In paragraph 18, after sub-paragraph (3) insert—
- 9 In paragraph 19(8), after “This paragraph is subject to—” insert—...
- 10 In paragraph 21(1), for “15, 18 and 19” substitute “15...
- 11 For paragraph 21(2)(b) and (c) substitute— (c) for paragraph 15(5)...
- 12 In paragraph 25(3), after “before that person attains normal pension...
- 13 After paragraph 25 insert— Deferral of compensation (1) Regulations
may prescribe circumstances in which, and conditions subject...
- 14 After paragraph 25A (inserted by paragraph 13 above) insert—
Terminal...
- 15 In paragraph 33, make the existing provision sub-paragraph (1) and...
- 16 In paragraph 34(1), after “ill health” insert “or otherwise”.
- 17 For paragraph 35(2)(a) substitute— (a) in the case of a...
- 18 For paragraph 35(3) substitute— (3) This sub-paragraph applies to a...

SCHEDULE 9 — Contribution notices and financial support directions under Pensions Act 2004

- 1 Introduction
- 2 Contribution notices: material detriment test
- 3 In section 90(2) (the matters in relation to which the...
- 4 In section 96 (standard procedure), after subsection (1) insert—
- 5 In section 316(2) (subordinate legislation that is subject to affirmative...
- 6 Contribution notices: acting or failing to act otherwise than in good faith
- 7 Whether reasonable for Pensions Regulator to issue contribution notice
- 8 Contribution notices: series of acts or failures to act
- 9 Contribution notices and financial support directions: bulk transfers
- 10 After section 43 (financial support directions) insert— Financial support
directions:...
- 11 In section 306(2) (overriding requirements)— (a) after paragraph (d)
insert—...
- 12 In section 316(2) (subordinate legislation that is subject to affirmative...
- 13 In Part 4 of Schedule 2 (the reserved regulatory functions...
- 14 Financial support directions: meaning of “insufficiently resourced”
- 15 Effect of amendments made by this Schedule
- 16 Transitional provision

SCHEDULE 10 — Interest on late payment of levies

- 1 Pension Schemes Act 1993 (c. 48)

- 2 Pensions Act 2004 (c. 35)
- 3 After section 117 (PPF administration levy) insert— Administration
levy: interest...
- 4 In section 173 (Pension Protection Fund), after subsection (1)(b) insert
—...
- 5 After section 181 (calculation, collection and recovery of levies) insert
—...
- 6 In section 188 (Fraud Compensation Fund), after subsection (1)(b)
insert—...
- 7 After section 189 (fraud compensation levy) insert— Fraud
compensation levy:...
- 8 In section 209 (Ombudsman for the Board of the Pension...
- 9 In section 323(2)(b)(i) (provisions extending to Northern Ireland), for
“subsections...

SCHEDULE 11 — Repeals

- Part 1 — PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS
- Part 2 — SAFEGUARDED RIGHTS
- Part 3 — CONTRACTING-OUT: ABOLITION OF ALL PROTECTED RIGHTS
- Part 4 — PENSION COMPENSATION
- Part 5 — FINANCIAL ASSISTANCE SCHEME
- Part 6 — MISCELLANEOUS