

Status: Point in time view as at 05/09/2018.

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2017, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 38

MINOR AND CONSEQUENTIAL AMENDMENTS

Pension Schemes Act 1993 (c. 48)

- 1 The Pension Schemes Act 1993 is amended as follows.
- 2 In section 100B(2) (meaning of “scheme rules”: occupational pension schemes)—
- (a) in paragraph (a), at the end insert—
- “(xiv) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act 2017;”;
- (b) in paragraph (b), at the end insert—
- “(xi) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act 2017.”
- 3 In section 101AI(8) (rights under section 101AB: further provision)—
- (a) in paragraph (a), at the end insert—
- “(xii) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act 2017;”;
- (b) in paragraph (b), at the end insert—
- “(x) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act 2017.”

Pensions Act 1995 (c. 26)

- 4 In section 67A(9) of the Pensions Act 1995 (subsisting rights provisions: meaning of “scheme rules”)—
- (a) in paragraph (a), at the end insert—
- “(xiii) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act 2017;”;
- (b) in paragraph (b), at the end insert—
- “(xi) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act 2017.”

Pensions Act 2004 (c. 35)

- 5 The Pensions Act 2004 is amended as follows.
- 6 In section 13 (improvement notices), in subsection (7) (meaning of “pensions legislation”)—
- (a) in the opening words, after “by virtue of” insert “ any of the following ”;

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- (b) omit the “or” at the end of paragraph (f);
- (c) after paragraph (g) insert—
 - “(h) Part 1 of the Pension Schemes Act 2017.”

Commencement Information

I1 Sch. 3 para. 6 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

- 7 In section 70 (duty to report breaches of the law), in subsection (1), at the end insert—
- “(f) a scheme strategist or scheme funder of a Master Trust scheme within the meaning of Part 1 of the Pension Schemes Act 2017 (see section 39 of that Act).”

Commencement Information

I2 Sch. 3 para. 7 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

- 8 In section 72 (provision of information), in subsection (1A), after “2008” insert “or Part 1 of the Pension Schemes Act 2017”.

Commencement Information

I3 Sch. 3 para. 8 in force at Royal Assent for specified purposes, see s. 44(1)(a)(iv)

I4 Sch. 3 para. 8 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

- 9 (1) Section 90 (codes of practice) is amended as follows.
- (2) In subsection (2) (matters on which the Pensions Regulator must issue codes of practice), after paragraph (j) insert—
- “(ja) the process for making an application for authorisation of a Master Trust scheme under Part 1 of the Pension Schemes Act 2017;
 - (jb) the matters that the Pensions Regulator expects to take into account in deciding whether it is satisfied that a Master Trust scheme meets the authorisation criteria under that Part (see section 5 of the Pension Schemes Act 2017);”.
- (3) In subsection (6), in the definition of “the pensions legislation”—
- (a) omit the “or” at the end of paragraph (e), and
 - (b) after paragraph (f) insert “, or
 - (g) the Pension Schemes Act 2017.”

Commencement Information

I5 Sch. 3 para. 9 in force at 1.2.2018 by S.I. 2018/62, reg. 2

- 10 In section 93(2) (“regulatory functions” of the Regulator subject to procedure), omit the “and” at the end of paragraph (p) and after that paragraph insert—

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“(pa) the power to give a direction under section 26(7) of the Pension Schemes Act 2017 (direction to submit implementation strategy), and”.

Commencement Information

I6 Sch. 3 para. 10 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

- 11 In section 97(5) (special procedure: applicable cases), after paragraph (ta) insert—
- “(tb) the power to withdraw authorisation of a Master Trust scheme under section 19 of the Pension Schemes Act 2017;
 - (tc) the power to make a pause order under section 31 of that Act;
 - (td) the power to make an order under paragraph 2(2) of Schedule 1 to that Act extending the period for which a pause order has effect;
 - (te) the power to make an order under paragraph 3 of that Schedule validating action taken in contravention of a pause order;
 - (tf) the power to make an order under paragraph 4(3) of that Schedule directing the notification of members or employers;”.

Commencement Information

I7 Sch. 3 para. 11 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

- 12 In section 318(3) (interpretation: scheme rules)—
- (a) in paragraph (a), at the end insert—
“(xiii) sections 21, 23, 26, 28, 29 and 33 of and Schedule 1 to the Pension Schemes Act 2017;”;
 - (b) in paragraph (b), at the end insert—
“(xi) sections 21(7), 23(7), 26(9), 28(6), 29(2) and 33(5) of and paragraph 1(7) of Schedule 1 to the Pension Schemes Act 2017.”
- 13 In Schedule 2 (functions exercisable by the Determinations Panel), after Part 4 insert—

“PART 4A

FUNCTIONS UNDER THE PENSION SCHEMES ACT 2017

- 44A The power to withdraw authorisation of a Master Trust scheme under section 19.
- 44B The power to give a direction under section 28(4) (direction to pursue continuity option).
- 44C The power to make a pause order under section 31.
- 44D The power to make an order under paragraph 2(2) of Schedule 1 extending the period for which a pause order has effect.
- 44E The power to make an order under paragraph 3 of that Schedule validating action taken in contravention of a pause order.

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- 44F The power to make an order under paragraph 4(3) of that Schedule directing the notification of members or employers.
- 44G Terms used in this Part have the same meaning as in Part 1 of the Pension Schemes Act 2017.”

Commencement Information

18 Sch. 3 para. 13 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

Pensions Act 2008 (c. 30)

- 14 In section 31 of the Pensions Act 2008 (effect of freezing order or assessment period: qualifying schemes)—
- (a) in subsection (3), in the definition of “freezing event”, after paragraph (b) insert “, or
- (c) the making of a pause order under section 31 of the Pension Schemes Act 2017.”;
- (b) in subsection (3), in the definition of “relevant provision”, after paragraph (b) insert—
- “(c) in relation to a pause order, provision contained in the order or the provision made with respect to the order by section 31 of the Pension Schemes Act 2017.”;
- (c) in the section heading, for “or assessment period” substitute “, assessment period or pause order”.

Commencement Information

19 Sch. 3 para. 14 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

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