

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”;

Status: This is the original version (as it was originally enacted).

- (b) omit the “or” at the end of paragraph (f);
 - (c) after paragraph (g) insert—
 - “(h) Part 1 of the Pension Schemes Act 2017.”
- 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).”
- 8 In section 72 (provision of information), in subsection (1A), after “2008” insert “or Part 1 of the Pension Schemes Act 2017”.
- 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.”
- 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—
- “(pa) the power to give a direction under section 26(7) of the Pension Schemes Act 2017 (direction to submit implementation strategy), and”.
- 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;”.
- 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

The power to withdraw authorisation of a Master Trust scheme under section 19.

The power to give a direction under section 28(4) (direction to pursue continuity option).

The power to make a pause order under section 31.

The power to make an order under paragraph 2(2) of Schedule 1 extending the period for which a pause order has effect.

The power to make an order under paragraph 3 of that Schedule validating action taken in contravention of a pause order.

The power to make an order under paragraph 4(3) of that Schedule directing the notification of members or employers.

Terms used in this Part have the same meaning as in Part 1 of the Pension Schemes Act 2017.”

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”.