

Status: Point in time view as at 05/09/2018.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. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 31

PAUSE ORDERS

Consequences of a pause order

- 1 (1) If a pause order is made in relation to a Master Trust scheme, any action taken in contravention of the order is void, except to the extent that the action is validated by an order under paragraph 3.
- (2) A pause order in relation to a Master Trust scheme does not prevent the scheme being wound up in pursuance of an order under section 11 of the Pensions Act 1995 (power to wind up occupational pension schemes).
- (3) If a pause order contains a direction under section 31(5)(b) that no further contributions (or no further specified contributions) are to be paid towards a scheme during the period for which the order has effect—
- (a) any contributions which are the subject of the direction and which would otherwise be due to be paid towards the scheme during that period are to be treated as if they do not fall due, and
 - (b) any obligation to pay those contributions (including any obligation under section 49(8) of the Pensions Act 1995 to pay amounts deducted corresponding to such contributions) is to be treated as if it does not arise.
- (4) If a pause order contains a direction under section 31(5)(e) (no transfers etc of members' rights) it does not prevent—
- (a) a pension sharing order or provision having effect, or
 - (b) a pension earmarking order having effect in a case where—
 - (i) the order requires a payment to be made if a payment in respect of any benefits under the scheme becomes due to a person, and
 - (ii) a direction under section 31(5)(d) does not prevent the payment becoming due.
- (5) In sub-paragraph (4)—
- “pension sharing order or provision” means an order or provision falling within section 28(1) of the Welfare Reform and Pensions Act 1999 (activation of pension sharing);
 - “pension earmarking order” means—
 - (a) an order under section 23 of the Matrimonial Causes Act 1973 (financial provision orders in connection with divorce etc) so far as it includes provision made by virtue of section 25B or 25C of that Act (powers to include provision about pensions),
 - (b) an order under Part 1 of Schedule 5 to the Civil Partnership Act 2004 (financial provision in connection with dissolution, nullity or separation) so far as it includes provision made by virtue of paragraphs

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- 25 and 26 of Part 6 of that Schedule (powers to include provision about pensions),
- (c) an order under section 12A(2) or (3) of the Family Law (Scotland) Act 1985 (powers in relation to pension lump sums when making a capital sum order),
 - (d) an order under Article 25 of the Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15)) so far as it includes provision made by virtue of Article 27B or 27C of that Order (Northern Ireland powers corresponding to those mentioned in paragraph (a)), or
 - (e) an order under Part 1 of Schedule 15 to the Civil Partnership Act 2004 (financial provision in connection with dissolution, nullity or separation) so far as it includes provision made by virtue of paragraphs 20 and 21 of Part 5 of that Schedule (powers to include provision about pensions).
- (6) The Secretary of State may make regulations modifying any provision of—
- (a) Chapter 1 of Part 4ZA of the Pension Schemes Act 1993 (transfer rights: general), or
 - (b) Chapter 2 of that Part (early leavers: cash transfer sums and contribution refunds),
- in their application to a Master Trust scheme in relation to which a pause order has effect containing a direction under section 31(5)(e) (no transfers etc of members' rights).
- (7) Regulations under sub-paragraph (6) override any provision of the Master Trust scheme, to the extent that there is a conflict.
- (8) Disregarding sub-paragraph (1), if a pause order made in relation to a scheme is not complied with, section 10 of the Pensions Act 1995 (civil penalties) applies to any trustee of the Master Trust scheme who has failed to take all reasonable steps to secure compliance.
- (9) Sub-paragraph (8) does not apply in the case of non-compliance with a direction under section 31(5)(c) (direction that certain deducted contributions are to be repaid by employer).
- (10) In such a case, section 10 of the Pensions Act 1995 (civil penalties) applies to an employer who, without reasonable excuse, fails to repay an amount as required by the direction.
- (11) Regulations under this paragraph are subject to negative resolution procedure.

Commencement Information

II Sch. 1 para. 1 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

Period of effect etc of pause order

- 2
- (1) A pause order must specify the period for which it has effect, which must not exceed three months.
 - (2) The Pensions Regulator may on one or more occasions by order extend the period for which the pause order has effect for a further three months.

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- (3) A pause order that is in effect at the end of the triggering event period ceases to have effect at the end of that period.

Commencement Information

I2 Sch. 1 para. 2 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

Validation of action in contravention of pause order

- 3 (1) If a pause order is made in relation to a Master Trust scheme, the Pensions Regulator may by order validate action taken in contravention of the order.
- (2) Any of the following persons may apply to the Regulator for an order under this paragraph validating particular action—
- (a) the trustees of the scheme;
 - (b) any person directly affected by the action.

Commencement Information

I3 Sch. 1 para. 3 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

Notification of trustees, scheme funders, scheme strategists, employers and members

- 4 (1) This paragraph applies where—
- (a) a pause order is made in relation to a Master Trust scheme, or
 - (b) an order is made under paragraph 3 validating action taken in contravention of a pause order made in relation to a scheme.
- (2) The Pensions Regulator must, as soon as reasonably practicable after the order has been made, notify the following persons of the fact that the order has been made and of its effect—
- (a) the trustees of the scheme;
 - (b) the scheme funders and scheme strategists.
- (3) The Pensions Regulator may by order direct the trustees of the scheme to notify the following persons of the fact that the order has been made and of its effect—
- (a) all of the members of the scheme or such members as are specified in the order;
 - (b) all employers by which the scheme is used, or such employers as are specified in the order.
- (4) The trustees must give a notification under sub-paragraph (3) within the period and in the manner specified in the order under that sub-paragraph.
- (5) If the trustees of a scheme fail to comply with a direction to them contained in an order made under sub-paragraph (3), section 10 of the Pensions Act 1995 (civil penalties) applies to any trustee who has failed to take all reasonable steps to secure compliance.

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I4 Sch. 1 para. 4 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

Supplementary provision

- 5 (1) A pause order, or an order made under any of paragraphs 2, 3 or 4, may be made in relation to a Master Trust scheme—
- (a) in spite of any enactment or rule of law, or any rule of the scheme, which would otherwise operate to prevent the order being made, and
 - (b) without regard to any such enactment, rule of law or rule of the scheme as would otherwise require, or might otherwise be taken to require, the implementation of any procedure or the obtaining of any consent, with a view to making the order.
- (2) Sub-paragraph (1) does not have effect to authorise the Pensions Regulator to make an order as mentioned in that sub-paragraph if its doing so would be unlawful as a result of section 6(1) of the Human Rights Act 1998 (unlawful for public authority to act in contravention of a Convention right).

Commencement Information

I5 Sch. 1 para. 5 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

SCHEDULE 2

Section 37

MASTER TRUSTS OPERATING BEFORE COMMENCEMENT: TRANSITIONAL PROVISION

Overview of Schedule

- 1 (1) This Schedule modifies the application of Part 1 as it applies in relation to existing Master Trust schemes.
- (2) The modifications in paragraphs 2 to 7 have effect from the date on which this Act is passed.
- (3) The modifications in paragraphs 8 to 15 have effect from the commencement date.
- (4) In this Schedule—
- the “commencement date” means the date on which section 3 (prohibition on operating scheme unless authorised) comes into force;
 - “existing Master Trust scheme” means a Master Trust scheme in operation before the commencement date.

Modifications having effect from the date on which this Act is passed

- 2 Section 20 (triggering event: duties of trustees) has effect as if—
- (a) the existing text were numbered subsection (1);
 - (b) before that subsection there were inserted—

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- “(A1) If a triggering event occurs in relation to an existing Master Trust scheme on or after 20 October 2016 but before the commencement date, the trustees must comply with the notification requirements applicable to them (see sections 22 and 25).”;
- (c) in subsection (1), for “a Master Trust scheme” there were substituted “an existing Master Trust scheme on or after the commencement date”.
- 3 Section 21 (triggering events) has effect as if, in subsection (5)(b) after “resolved” there were inserted “, or, in a case where the Regulator is satisfied that the triggering event was resolved before the date on which this Act is passed, the date specified in that notification”.
- 4 Section 22 (notification requirements) has effect as if—
- (a) for subsection (7) there were substituted—
- “(7) A notification under this section must be given—
- (a) in a case where the triggering event occurs on or after 20 October 2016 but before the commencement date, before the end of the period of seven days beginning with the date on which the triggering event occurred;
- (b) in a case where the triggering event occurs on or after the commencement date, before the end of the period specified in regulations made by the Secretary of State.”;
- (b) in subsection (10), at the end there were inserted “including in the period between 20 October 2016 and the date on which this Act is passed”.
- 5 Section 25 (continuity option 2: resolving triggering event) has effect as if—
- (a) for subsections (1) and (2) there were substituted—
- “(1) Where—
- (a) a triggering event occurs in relation to an existing Master Trust scheme on or after 20 October 2016 but before the commencement date, and
- (b) the trustees consider that the triggering event has been resolved,
- the trustees must notify the Pensions Regulator that they consider that the triggering event has been resolved.
- (2) Where—
- (a) a triggering event occurs in relation to an existing Master Trust scheme on or after the commencement date, and
- (b) the trustees decide to pursue continuity option 2,
- the trustees must attempt to resolve the triggering event and must notify the Pensions Regulator when they consider that the triggering event has been resolved.”;
- (b) in subsection (3), for “The notification” there were substituted “A notification under subsection (1) or (2)”;
- (c) for subsection (4) there were substituted—
- “(4) The notification must be given—
- (a) in a case where the trustees consider that the triggering event was resolved before the date on which this Act is

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passed, before the end of the period of 14 days beginning with that date (but the trustees may notify the Regulator before that date);

- (b) in a case where the trustees consider that the triggering event was resolved on or after the date on which this Act is passed but before the commencement date, before the end of the period of 14 days beginning with the date on which the triggering event was, in the opinion of the trustees, resolved;
- (c) in a case where the triggering event occurred before the commencement date and the trustees consider that it was resolved on or after that date, before the end of the period of 14 days beginning with the date on which the triggering event was, in the opinion of the trustees, resolved;
- (d) in a case where the triggering event occurred on or after the commencement date, before the end of the period specified in regulations made by the Secretary of State.”;
- (d) in subsection (5) at the end there were inserted “and, in a case where the Regulator is satisfied that the triggering event was resolved before the date on which this Act is passed, must specify in the notification the date on which the Regulator considers that the triggering event was resolved.

6 Section 33 (prohibition on increasing charges etc during triggering event period) has effect as if—

- (a) at the beginning there were inserted—
 - “(A1) Subsections (B1) and (C1) apply where a triggering event occurs in relation to an existing Master Trust scheme on or after 20 October 2016 but before the commencement date.
 - (B1) The trustees must, before the end of the period of seven days beginning with the date on which the triggering event occurred, provide the Pensions Regulator with a statement under subsection (1F).
 - (C1) The trustees must not, during the triggering event period—
 - (a) impose any administration charges on or in respect of members at levels above those set out in the statement under subsection (1F),
 - (b) impose any new administration charges on or in respect of members, or
 - (c) impose any administration charges on or in respect of a member in consequence of the member leaving, or deciding to leave, the scheme during the triggering event period.”;
- (b) in subsection (1), for “a Master Trust scheme” there were substituted “ an existing Master Trust scheme, where the triggering event occurred on or after the commencement date, ”;
- (c) after that subsection, there were inserted—
 - “(1A) Subsections (1B) to (1E) have effect where—

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- (a) a triggering event occurs in relation to an existing Master Trust scheme on or after 20 October 2016 but before the commencement date, and
 - (b) the accrued rights of members of that scheme (the “transferring scheme”) have been transferred to one or more other Master Trust schemes under section 73(2)(a) of the Pensions Act 1993 (a “receiving scheme”).
- (1B) The trustees of a receiving scheme must provide the Pensions Regulator with a statement under subsection (1F) and a statement under subsection (1G).
- (1C) In a case where the accrued rights are transferred before the date on which this Act is passed, the statements must be provided to the Pensions Regulator before the end of the period of seven days beginning with the date on which this Act is passed.
- (1D) In a case where the accrued rights are transferred on or after the date on which this Act is passed but before the commencement date, the statements must be provided to the Pensions Regulator before the end of the period of seven days beginning with the date on which the rights are transferred.
- (1E) The trustees of a receiving scheme must not—
- (a) impose any administration charges on or in respect of members at levels above those set out in the statement under subsection (1F), or
 - (b) impose any new administration charges on or in respect of members,
- for the purposes of meeting any of the costs mentioned in subsection (3).
- (1F) A statement under this subsection must state the annual levels of administration charges that applied in relation to members of the scheme on 20 October 2016, for each arrangement or fund within the scheme.
- (1G) A statement under this subsection is a statement explaining how the receiving scheme has complied with subsection (1E), and must include—
- (a) an explanation of whether the receiving scheme is liable for the costs mentioned in subsection (3)(a) or (b), and
 - (b) in a case where the receiving scheme is so liable, how it is to meet those costs.”;
- (d) in subsection (2), at the beginning there were inserted “Where a triggering event occurs in relation to an existing Master Trust scheme on or after the commencement date,”;
- (e) in subsection (4)(b), after “subsection” there were inserted “ (1E) or ”;
- (f) in subsection (7)—
- (i) for “subsection (1)” there were substituted “ subsection (B1), (C1), (1), (1B), (1E) ”;
 - (ii) at the end there were inserted “, including in the period between 20 October 2016 and the date on which this Act is passed”;

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- (g) in subsection (8), before the definition of “receiving scheme” there were inserted—

““arrangement” means an allocation of contributions towards an investment or investments according to a strategy adopted by the trustees;”;

- (h) in that subsection—

(i) in the definition of “receiving scheme”, before “means” there were inserted “, other than in subsections (1A), (1B) and (1E), and subsection (3) as it applies to subsection (1E),”;

(ii) in the definition of “transferring scheme”, before “means” there were inserted “, other than in subsection (1A), and subsection (3) as it applies to subsection (1E),”.

- 7 Part 1 applies in relation to an existing Master Trust scheme as if after section 33 there were inserted—

“33A Existing unauthorised schemes: liability for costs of winding up

- (1) This section applies where—

- (a) a triggering event occurs on or after 20 October 2016 in relation to an existing Master Trust scheme that has not been authorised when the event occurs, and
- (b) a decision is taken that the scheme should be wound up, or the trustees are required to secure that the scheme is wound up.

- (2) A scheme funder of the Master Trust scheme is liable for the costs incurred by the scheme during the triggering event period, to the extent that liability for those costs does not lie elsewhere (taking into account, in particular, the prohibitions in section 33).”

Modifications having effect from the commencement date

- 8 Section 3 (prohibition on operating a Master Trust scheme unless authorised) has effect as if for the existing text there were substituted—

Existing Master Trust schemes: need for authorisation

- “3 (1) A person may not operate an existing Master Trust scheme at any time after the end of the application period unless—

- (a) the scheme is authorised, or
- (b) the trustees have applied for authorisation of the scheme under section 4 and the decision on the application has not yet become final (see section 35).

- (2) Section 10 of the Pensions Act 1995 (civil penalties) applies to a person who breaches subsection (1).

- (3) The trustees of an existing Master Trust scheme must, before the end of the application period—

- (a) apply for authorisation of the scheme under section 4, or
- (b) decide to wind up the scheme.

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For the consequences of a decision to wind up the scheme, see sections 20 to 33A (as modified by paragraphs 2 to 7 of Schedule 2).

- (4) If—
- (a) the Pensions Regulator becomes aware that an existing Master Trust scheme is operating after the end of the application period without authorisation, and
 - (b) the Regulator has not received either—
 - (i) an application for authorisation, or
 - (ii) a notification under section 22 of a decision to wind up the scheme,
- the Regulator must notify the trustees of the scheme that it is not authorised.
- (5) A notification under subsection (4) must include an explanation that it is a triggering event for the purposes of sections 20 to 33A, and of the trustees' duties under those sections.
- (6) The application period is the period of six months beginning with the commencement date.
- (7) But if, before the end of that six month period, the trustees satisfy the Pensions Regulator that they have a good reason for needing an extension to the period, the Regulator may extend the application period by up to six weeks.
- (8) For the purposes of this Part, a person “operates” a Master Trust scheme if the person—
- (a) accepts money from members or employers (or prospective members or employers), in respect of fees, charges, contributions or otherwise, in relation to the scheme, or
 - (b) enters into an agreement with an employer that relates to the provision of pension savings for employees or other workers,
- and references to a scheme that is “operating” or “in operation” are to be construed accordingly.

Existing Master Trust schemes: pause orders

- 3A (1) This section applies where the trustees of an existing Master Trust scheme have applied for authorisation of the scheme under section 4 and the decision on the application has not yet become final (see section 35).
- (2) The Pensions Regulator may make a pause order in relation to the scheme if it is satisfied that—
- (a) there is, or is likely to be if a pause order is not made, an immediate risk to the interests of members under the scheme or the assets of the scheme, and
 - (b) it is necessary to make a pause order to protect the interests of the generality of members of the scheme.
- (3) A pause order under this section is to be treated as if it is made under section 31.

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- (4) But in its application to a pause order under this section, paragraph 2 of Schedule 1 is to be read as if sub-paragraph (3) were omitted.”

Commencement Information

I6 Sch. 2 para. 8 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

- 9 Section 5 (decision on application) has effect as if at the end there were inserted—
- “(7) In the case of a notification under subsection (5) relating to an existing Master Trust scheme, the notification must also include an explanation that the decision is a triggering event for the purposes of sections 20 to 33A, and of the trustees' duties under those sections.
- (8) In relation to an application received under section 4 from the trustees of an existing Master Trust scheme, the functions of the Regulator under this section are to be exercised by the Determinations Panel on behalf of the Regulator.
- (9) In subsection (8), “the Determinations Panel” means the committee established under section 9 of the Pensions Act 2004.”

Commencement Information

I7 Sch. 2 para. 9 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

- 10 Section 21 (triggering events) has effect as if—
- (a) in subsection (2)—
- (i) after “2” there were inserted “, 2A ”;
- (ii) after “withdraw” there were inserted “ or refuse ”;
- (b) in subsection (5)(c)—
- (i) after “2” there were inserted “ or 2A ”;
- (ii) after “withdraw” there were inserted “ or refuse ”;
- (iii) after “withdrawn” there were inserted “ or refused ”;
- (c) in the table in subsection (6), after the row for item 2 there were inserted—
- | | | |
|------|--|--|
| “2A. | The Pensions Regulator notifies the trustees of an existing Master Trust scheme of the Regulator's decision to refuse to grant the scheme authorisation. | The date on which the notification is given.”; |
|------|--|--|
- (d) in that table, in the triggering event described in item 3, for “3(3)” there were substituted “ 3(4) ”.

Commencement Information

I8 Sch. 2 para. 10 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

- 11 Section 23 (continuity options) has effect as if—
- (a) in subsection (2)(a)—

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- (i) after “2” there were inserted “ or 2A ”;
- (ii) after “withdraw” there were inserted “ or refuse ”;
- (b) in subsection (3)(a), after “2” there were inserted “ , 2A ”.

Commencement Information

I9 Sch. 2 para. 11 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

- 12 Section 26 (approval of implementation strategy) has effect as if—
- (a) in subsection (2)—
 - (i) after “2” there were inserted “ or 2A ”;
 - (ii) after “withdraw” there were inserted “ or refuse ”;
 - (b) in subsection (3), after “2” there were inserted “ , 2A ”.

Commencement Information

I10 Sch. 2 para. 12 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

- 13 Section 28 (duty to pursue continuity option) has effect as if, in subsection (3)(a), after “2” there were inserted “ , 2A ”.

Commencement Information

I11 Sch. 2 para. 13 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

- 14 Section 34 (when it becomes clear that authorisation is not to be withdrawn) has effect as if—
- (a) in subsection (1)—
 - (i) after “2” there were inserted “ or 2A ”;
 - (ii) after “withdrawn” there were inserted “ or refused ”;
 - (b) in the table in subsection (3), in the first column (triggering event) for “Item 1 or 2” (in both places) there were substituted “ Item 1 or 2 or 2A (decision to refuse to authorise existing Master Trust scheme) ”;
 - (c) in that table, in the first row for item 1 or 2 or 2A, in the second column (circumstances)—
 - (i) in point 1, after “determination” there were inserted “ or decision ”;
 - (ii) in point 2, after “withdrawn” there were inserted “ or refused ”;
 - (d) in that table, in the second row for item 1 or 2 or 2A, in the second column (circumstances), in point 2, after “withdrawn” there were inserted “ or refused ”;
 - (e) in subsection (4), at the end there were inserted—

“(c) section 6(2), in a case where that section applies.”;
 - (f) in the section heading, at the end there were inserted “or refused”.

Commencement Information

I12 Sch. 2 para. 14 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

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15 Section 35 (when decision to withdraw authorisation becomes final) has effect as if—

- (a) in subsection (1)—
 - (i) after “2” there were inserted “ or 2A ”;
 - (ii) after “withdraw” there were inserted “ or refuse ”;
- (b) after subsection (1) there were inserted—

“(1A) This section also applies for the purposes of determining the date on which the decision on an application for authorisation of an existing Master Trust scheme becomes final for the purposes of section 3(1)(b).”;

- (c) in the table in subsection (3), after the row for item 2 there were inserted—

“Item 2A (notification of decision to refuse to grant authorisation to existing Master Trust scheme)	(1)	The Pensions Regulator decides to refuse to grant authorisation to an existing Master Trust scheme, and	The date of the Regulator's decision.”;
	(2)	there is no referral of the Regulator's decision to the Tribunal within the time period allowed for doing so.	

- (d) in that table—
 - (i) in the first column, for “Item 1 or 2” (in both places) there were substituted “ Item 1 or 2 or 2A ”;
 - (ii) in the first row for item 1 or 2 or 2A, in the second column, in point 2, after “withdrawn” there were inserted “ or refused ”;
 - (iii) in the second row for item 1 or 2 or 2A, in the second column, in point 2, after “withdrawn” there were inserted “ or refused ”;
- (e) in subsection (4), at the end there were inserted—
 - “(c) section 6(2), in a case where that section applies.”;
- (f) in the section heading, after “withdraw” there were inserted “ or refuse ”.

Commencement Information

I13 Sch. 2 para. 15 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

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.”;

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- (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 ”;
- (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

I14 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

I15 Sch. 3 para. 7 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

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. (See end of Document for details)

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

Commencement Information

- I16** Sch. 3 para. 8 in force at Royal Assent for specified purposes, see s. 44(1)(a)(iv)
I17 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

- I18** 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—
- “(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

- I19** 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;”.

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. (See end of Document for details)

Commencement Information

I20 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.
- 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

I21 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;”;

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. (See end of Document for details)

- (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

I22 Sch. 3 para. 14 in force at 5.9.2018 for specified purposes by S.I. 2018/965, reg. 2(a)

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.