



Pensions Act 1995

1995 CHAPTER 26

PART I

OCCUPATIONAL PENSIONS

Winding up

[^{F1}73B Sections 73 and 73A: supplementary

- (1) Any action taken in contravention of section 73A(3) [^{F2}or (6A)] is void.
- (2) If any provision made by or by virtue of the winding up provisions is not complied with in relation to a scheme to which section 73 applies, section 10 applies to any trustee or manager of the scheme who has failed to take all reasonable steps to secure compliance.
- (3) For the purposes of subsection (2), when determining whether section 73A(3) [^{F3}or (6A)] has been complied with subsection (1) of this section is to be disregarded.
- (4) Regulations may—
 - (a) prescribe how, for the purposes of the winding up provisions—
 - (i) the assets and liabilities of a scheme to which section 73 applies, and
 - (ii) their value or amount,are to be determined, calculated and verified;
 - (b) modify any of the winding up provisions as it applies—
 - (i) to prescribed schemes or prescribed descriptions of schemes;
 - (ii) in relation to a scheme where only part of the scheme is being wound up;
 - (iii) in relation to a case where any liability of the scheme in respect of a member has been discharged by virtue of regulations under section 135(4) of the Pensions Act 2004 (power to make regulations permitting discharge of scheme's liabilities during an assessment period).

Changes to legislation: Pensions Act 1995, Section 73B is up to date with all changes known to be in force on or before 16 June 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

- (5) Without prejudice to the generality of subsection (4), regulations under paragraph (b) (i) of that subsection may, in particular, modify any of the winding up provisions as it applies in relation to a scheme in relation to which there is more than one employer.
- (6) The winding up provisions do not apply—
- (a) in relation to any liability for an amount by way of pensions or other benefits which a person became entitled to payment of, under the scheme rules, before commencement of the winding up period,
 - (b) in prescribed circumstances, in relation to any liability in respect of rights of a prescribed description to which a member of the scheme became entitled under the scheme rules by reason of his pensionable service under the scheme terminating before the commencement of the winding up period,
 - (c) in relation to any liability in respect of rights of prescribed descriptions to which a member of the scheme had become entitled under the scheme rules before the commencement of the winding up period, or
 - (d) in relation to any liability the discharge of which is validated under section 136 of the Pensions Act 2004 (power to validate actions taken during an assessment period to discharge liabilities of a scheme).
- (7) But nothing in subsection (6) prevents the winding up provisions applying in relation to a liability under [F⁴Chapter 1 of Part 4ZA] of the Pension Schemes Act 1993 (transfer values) which—
- (a) arose before the commencement of the winding up of the scheme, and
 - (b) was not discharged before the commencement of the winding up period.
- (8) Regulations may provide that, in prescribed circumstances, where—
- (a) an occupational pension scheme to which section 73 applies is being wound up,
 - (b) a member of the scheme died before the winding up began, and
 - (c) during the winding up period a person becomes entitled under the scheme rules to a benefit of a prescribed description in respect of the member,
- his entitlement to payment of all or part of the benefit is, for the purposes of subsection (6), to be treated as having arisen immediately before the commencement of the winding up period.
- (9) If, immediately before the winding up period in relation to an occupational pension scheme to which section 73 applies, a person is entitled to an amount but has postponed payment of it, he is not, for the purposes of subsection (6), to be regarded as having become entitled to payment of the amount before that period.
- (10) For the purposes of this section—
- (a) “winding up provisions” means this section and sections 73, 73A and 74, and
 - (b) subsection (10) of section 73 applies as it applies for the purposes of that section.]

Textual Amendments

- F1** Ss. 73-73B substituted for s. 73 (10.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by *Pensions Act 2004 (c. 35)*, **ss. 270(1), 322(1)** (with s. 313); S.I. 2005/275, art. 2(3)(a)(b), Sch. Pt. 3 (with art. 2(8)(9))

Changes to legislation: Pensions Act 1995, Section 73B is up to date with all changes known to be in force on or before 16 June 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

- F2** Words in s. 73B(1) inserted (6.4.2015) by Pension Schemes Act 2015 (c. 8), **ss. 58(2)**, 89(3)(b) (with s. 87)
- F3** Words in s. 73B(3) inserted (6.4.2015) by Pension Schemes Act 2015 (c. 8), **ss. 58(2)**, 89(3)(b) (with s. 87)
- F4** Words in s. 73B(7) substituted (6.4.2015) by Pension Schemes Act 2015 (c. 8), s. 89(3)(b), **Sch. 4 para. 31** (with s. 87)

Modifications etc. (not altering text)

- C1** Ss. 73-74 applied (with modifications) by The Occupational Pension Schemes (Winding Up) Regulations 1996 (S.I. 1996/3126), regs. 1(1), **12** (as amended (6.4.2005) by S.I. 2005/706, reg. 1(2), Sch. paras. 6, 7)
- C2** Ss. 73-73B modified in part (6.4.2005) by The Occupational Pension Schemes (Winding up etc.) Regulations 2005 (S.I. 2005/706), regs. 1(2), **10(2)**

Changes to legislation:

Pensions Act 1995, Section 73B is up to date with all changes known to be in force on or before 16 June 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 73B power to modify conferred by [2015 c. 8 s. 26\(3\)\(a\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 36](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 37(1A)(b) inserted by [2015 c. 8 Sch. 2 para. 7\(b\)](#)
- s. 51(5A)-(5C) inserted by [2015 c. 8 s. 43\(1\)](#)
- s. 51(7A) inserted by [2015 c. 8 s. 41\(1\)\(b\)](#)
- s. 51(9)(10) inserted by [2015 c. 8 s. 42\(3\)](#)
- s. 67A(3)(aa)-(ac) inserted by [2015 c. 8 s. 45\(3\)](#)
- s. 67A(9)(a)(viii)-(x) inserted by [2015 c. 8 s. 45\(6\)\(a\)](#)
- s. 67A(9)(b)(vi)-(viii) inserted by [2015 c. 8 s. 45\(6\)\(b\)](#)
- s. 73(2)(2A) substituted for s. 73(2) by [2015 c. 8 Sch. 2 para. 11](#)
- s. 75(1)-(1B) substituted for s. 75(1) by [2015 c. 8 Sch. 2 para. 12](#)
- s. 175(2)(ca) inserted by [2004 c. 35 s. 240\(2\)](#)
- s. 175(2)(za) inserted by [2015 c. 8 s. 43\(2\)](#)