



# Child Support, Pensions and Social Security Act 2000

## 2000 CHAPTER 19

### PART II

#### PENSIONS

### CHAPTER II

#### OCCUPATIONAL AND PERSONAL PENSION SCHEMES

##### *Other provisions*

#### **51 Restriction on index-linking where annuity tied to investments.**

- (1) In section 51(2) of the <sup>M1</sup>Pensions Act 1995 (annual increases in rate of pension), for “Subject to section 52” there shall be substituted “Subject to sections 51A and 52”.
- (2) After section 51 of that Act there shall be inserted—

#### **“51A Restriction on increase where annuity tied to investments.**

- (1) No increase under section 51 is required to be made, at any time on or after the relevant date, of so much of any pension under a money purchase scheme as—
- (a) is payable by way of an annuity the amount of which for any year after the first year of payment is determined (whether under the terms of the scheme or under the terms of the annuity contract in pursuance of which it is payable) by reference to fluctuations in the value of, or the return from, particular investments;
  - (b) does not represent benefits payable in respect of the protected rights of any member of the scheme; and
  - (c) satisfies such other conditions (if any) as may be prescribed.

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- (2) For the purposes of this section it shall be immaterial whether the annuity in question is payable out of the funds of the scheme in question or under an annuity contract entered into for the purposes of the scheme.
- (3) In this section “the relevant date” means the date appointed for the coming into force of section 51 of the Child Support, Pensions and Social Security Act 2000.”

#### Marginal Citations

M1 1995 c. 26.

### 52 Information for members of schemes etc.

- (1) In subsection (1) of section 113 of the <sup>M2</sup>Pension Schemes Act 1993 (regulations as to information to be provided to scheme members etc.), for the word “and” at the end of paragraph (c) there shall be substituted—
- “(ca) of the pensions and other benefits an entitlement to which would be likely to accrue to the member, or be capable of being secured by him, in respect of the rights that may arise under it; and”.
- (2) After subsection (3) of that section there shall be inserted—
- “(3A) The regulations may provide for the information that must be given to be determined, in whole or part, by reference to guidance which—
- (a) is prepared and from time to time revised by a prescribed body; and
  - (b) is for the time being approved by the Secretary of State.
- (3B) The regulations may, in relation to cases where a scheme is being wound up, contain—
- (a) provision conferring power on the Regulatory Authority, at times before the period expires, to extend any period specified in the regulations as the period within which a requirement imposed by the regulations must be complied with; and
  - (b) provision as to the contents of any application for the exercise of such a power and as to the form and manner in which, and the time within which, any such application must be made.”

#### Commencement Information

I1 S. 52 partly in force; s. 52 not in force at Royal Assent see s. 86(2); s. 52 in force for certain purposes at 1.1.2001 by S.I. 2000/3166, art. 2(3)(a)

#### Marginal Citations

M2 1993 c. 48.

### 53 Jurisdiction of the Pensions Ombudsman.

- (1) Section 146 of the <sup>M3</sup>Pension Schemes Act 1993 (functions of the Pensions Ombudsman) shall be amended as follows.

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- (2) In subsection (1), after paragraph (b) there shall be inserted—
- “(ba) a complaint made to him by or on behalf of an independent trustee of a trust scheme who, in connection with any act or omission which is an act or omission either—
- (i) of trustees of the scheme who are not independent trustees, or
- (ii) of former trustees of the scheme who were not independent trustees,
- alleges maladministration of the scheme,”.
- (3) In that subsection, for the words after sub-paragraph (ii) of paragraph (d) there shall be substituted—
- “and in a case falling within sub-paragraph (ii) references in this Part to the scheme to which the reference relates are references to each of the schemes,
- (e) any dispute not falling within paragraph (f) between different trustees of the same occupational pension scheme,
- (f) any dispute, in relation to a time while section 22 of the <sup>M4</sup>Pensions Act 1995 (schemes subject to insolvency procedures) applies in relation to an occupational pension scheme, between an independent trustee of the scheme and either—
- (i) trustees of the scheme who are not independent trustees, or
- (ii) former trustees of the scheme who were not independent trustees, and
- (g) any question relating, in the case of an occupational pension scheme with a sole trustee, to the carrying out of the functions of that trustee.”
- (4) After that subsection there shall be inserted—
- “(1A) The Pensions Ombudsman shall not investigate or determine any dispute or question falling within subsection (1)(c) to (g) unless it is referred to him—
- (a) in the case of a dispute falling within subsection (1)(c), by or on behalf of the actual or potential beneficiary who is a party to the dispute,
- (b) in the case of a dispute falling within subsection (1)(d), by or on behalf of any of the parties to the dispute,
- (c) in the case of a dispute falling within subsection (1)(e), by or on behalf of at least half the trustees of the scheme,
- (d) in the case of a dispute falling within subsection (1)(f), by or on behalf of the independent trustee who is a party to the dispute,
- (e) in the case of a question falling within subsection (1)(g), by or on behalf of the sole trustee.
- (1B) For the purposes of this Part, any reference to or determination by the Pensions Ombudsman of a question falling within subsection (1)(g) shall be taken to be the reference or determination of a dispute.”
- (5) In subsection (3) (persons responsible for the management of the scheme to be the trustees and managers and employer), after “occupational pension scheme” there shall be inserted “or a personal pension scheme”.
- (6) For paragraph (a) of subsection (6) (exclusion of the Ombudsman’s jurisdiction where court proceedings have been begun) there shall be substituted—
- “(a) if, before the making of the complaint or the reference of the dispute—

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- (i) proceedings in respect of the matters which would be the subject of the investigation have been begun in any court or employment tribunal, and
  - (ii) those proceedings are proceedings which have not been discontinued or which have been discontinued on the basis of a settlement or compromise binding all the persons by or on whose behalf the complaint or reference is made;”.
- (7) In subsection (7) (persons who are actual or potential beneficiaries)—
  - (a) after paragraph (b) there shall be inserted—
    - “(ba) a person who is entitled to a pension credit as against the trustees or managers of the scheme;”
  - and
  - (b) in sub-paragraph (i) of paragraph (c), for “paragraph (a) or (b)” there shall be substituted “paragraph (a), (b) or (ba)”.
- (8) In subsection (8) (interpretation) after the definition of “employer” there shall be inserted—
  - ““independent trustee”, in relation to a scheme, means—
    - (a) a trustee of the scheme appointed under section 23(1)(b) of the <sup>M5</sup>Pensions Act 1995 (appointment of independent trustee by insolvency practitioner or official receiver),
    - (b) a person appointed under section 7(1) of that Act to replace a trustee falling within paragraph (a) or this paragraph;”.
- (9) In subsection (1)—
  - (a) for “complaints and disputes” there shall be substituted “matters”;
  - (b) in paragraph (b), for the words from “is to” to the end of the paragraph there shall be substituted “are references to the other scheme referred to in that sub-paragraph”; and
  - (c) in paragraphs (c) and (d), the words “which arises”, in each place where they occur, shall be omitted.
- (10) Subsection (6) does not have effect in relation to proceedings begun before the day appointed under section 86 for the coming into force of this section.

#### Marginal Citations

**M3** 1993 c. 48.

**M4** 1995 c. 26.

**M5** 1995 c. 26.

## 54 Investigations by the Pensions Ombudsman.

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### Textual Amendments

- F1** S. 54 repealed (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), ss. 276(1), 320, 322(1), [Sch. 13 Pt. 1](#); [S.I. 2004/275](#), [art. 2\(7\)\(12\)](#), [Sch. Pt. 7](#) (with [art. 4](#))

## 55 Prohibition on different rules for overseas residents etc.

After section 66 of the <sup>M6</sup>Pensions Act 1995 there shall be inserted—

*“ Treatment of overseas residents etc.*

### 66A Prohibition on different rules for overseas residents etc.

- (1) This section applies where an occupational pension scheme contains provisions contravening subsection (2) or (3).
- (2) Except so far as regulations otherwise provide, provisions of an occupational pension scheme contravene this subsection to the extent that they would (apart from this section) have an effect with respect to—
  - (a) the entitlement of any person to benefits under the scheme, or
  - (b) the payment to any person of benefits under the scheme,
 which would be different according to whether or not a place outside the United Kingdom is specified by that person as the place to which he requires payments of benefits under the scheme to be made to him.
- (3) Except so far as regulations otherwise provide, provisions of an occupational pension scheme contravene this subsection to the extent that they would (apart from this section) have an effect with respect to—
  - (a) the entitlement of any person to remain a member of the scheme,
  - (b) the eligibility of any person to remain a person by or in respect of whom contributions are made towards or under the scheme, or
  - (c) the making by or in respect of any person who is a member of the scheme of any contributions towards or under the scheme,
 which would be different according to whether that person works wholly in the United Kingdom or wholly or partly outside the United Kingdom.
- (4) Provisions contravening subsection (2) shall have effect, in relation to all times after the coming into force of section 55 of the Child Support, Pensions and Social Security Act 2000, as if they made the same provision in relation to a person who requires payments of benefits to be made to a place outside the United Kingdom as they make in relation to a person in whose case all payments of benefits fall to be made to a place in the United Kingdom.
- (5) Provisions contravening subsection (3) shall have effect, in relation to all times after the coming into force of section 55 of the Child Support, Pensions and Social Security Act 2000, as if they made the same provision in relation to persons working wholly or partly outside the United Kingdom as they make in relation to persons working wholly in the United Kingdom.
- (6) This section—

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- (a) shall be without prejudice to any enactment under which any amount is to be or may be deducted, or treated as deducted, from amounts payable by way of benefits under the scheme or treated as so payable; and
- (b) shall not apply in relation to so much of any provision of a scheme as is required for securing compliance with the conditions of any approval, exemption or relief given or available under the Tax Acts.”

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#### Marginal Citations

**M6** 1995 c. 26.

### 56 Miscellaneous amendments and alternative to anti-franking rules.

Schedule 5 (which contains miscellaneous amendments of the <sup>M7</sup>Pension Schemes Act 1993 and the <sup>M8</sup>Pensions Act 1995 and makes provision for an alternative to the anti-franking rules in Part III of that Act of 1993) shall have effect.

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#### Commencement Information

**I2** S. 56 partly in force; s. 56 not in force at Royal Assent see s. 86(2); s. 56 in force for certain purposes at 1.11.2000 by S.I. 2000/2950, art. 2; s. 56 in force for certain further purposes at 1.1.2001 and 12.2.2001 by S.I. 2000/3166, art. 2(3)(b)(5); s. 56 in force for certain further purposes at 2.4.2001 by S.I. 2001/1252, art. 2(1)(c); s. 56 in force for certain further purposes at 6.4.2002 by S.I. 2001/2295, art. 2(b)

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#### Marginal Citations

**M7** 1993 c. 48.

**M8** 1995 c. 26.

**Changes to legislation:**

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

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

- s. 70A inserted by [2012 c. 5 Sch. 3 para. 13](#)
- Sch. 7 para. 1(2)(c) inserted by [2007 c. 5 Sch. 5 para. 13](#)
- Sch. 7 para. 6(5A)(5B) inserted by [2012 c. 5 Sch. 11 para. 13\(3\)](#)
- Sch. 7 para. 6(8)(b) inserted by [2012 c. 5 Sch. 11 para. 13\(4\)\(b\)](#)
- Sch. 7 para. 6(8)(a) words in Sch. 7 para. 6(8) renumbered as Sch. 7 para. 6(8)(a) by [2012 c. 5 Sch. 11 para. 13\(4\)\(a\)](#)

**Commencement Orders yet to be applied to the Child Support, Pensions and Social Security Act 2000**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/346 art. 2](#) amendment to earlier commencing SI 2003/192 art. 6