



# Pensions Act 2004

## CHAPTER 35

### PENSIONS ACT 2004

#### PART 1

##### THE PENSIONS REGULATOR

###### *Establishment*

- 1 The Pensions Regulator
- 2 Membership of the Regulator
- 3 Further provision about the Regulator

###### *General provisions about functions*

- 4 Regulator's functions
- 5 Regulator's objectives
- 6 Supplementary powers
- 7 Transfer of OPRA's functions to the Regulator

###### *Non-executive functions*

- 8 Non-executive functions

###### *The Determinations Panel*

- 9 The Determinations Panel
- 10 Functions exercisable by the Determinations Panel

###### *Annual report*

- 11 Annual reports to Secretary of State

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### *Provision of information, education and assistance*

#### 12 Provision of information, education and assistance

##### *New powers in respect of occupational and personal pension schemes*

- 13 Improvement notices
- 14 Third party notices
- 15 Injunctions and interdicts
- 16 Restitution
- 17 Power of the Regulator to recover unpaid contributions
- 18 Pension liberation: interpretation
- 19 Pension liberation: court's power to order restitution
- 20 Pension liberation: restraining orders
- 21 Pension liberation: repatriation orders

##### *Powers in relation to winding up of occupational pension schemes*

- 22 Powers to wind up occupational pension schemes
- 23 Freezing orders
- 24 Consequences of freezing order
- 25 Period of effect etc of freezing order
- 26 Validation of action in contravention of freezing order
- 27 Effect of determination to wind up scheme on freezing order
- 28 Effect of winding up order on freezing order
- 29 Effect of assessment period under Part 2 on freezing order
- 30 Power to give a direction where freezing order ceases to have effect
- 31 Notification of trustees, managers, employers and members
- 32 Sections 23 to 31: supplementary

##### *Trustees of occupational pension schemes*

- 33 Prohibition orders
- 34 Suspension orders
- 35 Appointments of trustees by the Regulator
- 36 Independent trustees
- 37 Disqualification

##### *Contribution notices where avoidance of employer debt*

- 38 Contribution notices where avoidance of employer debt
- 39 The sum specified in a section 38 contribution notice
- 40 Content and effect of a section 38 contribution notice
- 41 Section 38 contribution notice: relationship with employer debt
- 42 Section 38 contribution notice: clearance statements

##### *Financial support directions*

- 43 Financial support directions
- 44 Meaning of “service company” and “insufficiently resourced”
- 45 Meaning of “financial support”
- 46 Financial support directions: clearance statements
- 47 Contribution notices where non-compliance with financial support direction
- 48 The sum specified in a section 47 contribution notice
- 49 Content and effect of a section 47 contribution notice

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- 50 Section 47 contribution notice: relationship with employer debt
- 51 Sections 43 to 50: interpretation

*Transactions at an undervalue*

- 52 Restoration orders where transactions at an undervalue
- 53 Restoration orders: supplementary
- 54 Content and effect of a restoration order
- 55 Contribution notice where failure to comply with restoration order
- 56 Content and effect of a section 55 contribution notice

*Sections 38 to 56: partnerships and limited liability partnerships*

- 57 Sections 38 to 56: partnerships and limited liability partnerships

*Applications under the Insolvency Act 1986*

- 58 Regulator's right to apply under section 423 of Insolvency Act 1986

*Register of schemes*

- 59 Register of occupational and personal pension schemes
- 60 Registrable information
- 61 The register: inspection, provision of information and reports etc
- 62 The register: duties of trustees or managers
- 63 Duty of the Regulator to issue scheme return notices
- 64 Duty of trustees or managers to provide scheme return
- 65 Scheme returns: supplementary

*Register of prohibited trustees*

- 66 Register of prohibited trustees
- 67 Accessibility of register of prohibited trustees

*Collecting information relevant to the Board of the Pension Protection Fund*

- 68 Information relevant to the Board
- 69 Duty to notify the Regulator of certain events

*Reporting breaches of the law*

- 70 Duty to report breaches of the law

*Reports by skilled persons*

- 71 Reports by skilled persons

*Gathering information*

- 72 Provision of information
- 73 Inspection of premises
- 74 Inspection of premises in respect of employers' obligations
- 75 Inspection of premises: powers of inspectors
- 76 Inspection of premises: supplementary
- 77 Penalties relating to sections 72 to 75
- 78 Warrants
- 79 Sections 72 to 78: interpretation

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*Provision of false or misleading information*

80 Offences of providing false or misleading information

*Use of information*

81 Use of information

*Disclosure of information*

82 Restricted information

83 Information supplied to the Regulator by corresponding overseas authorities

84 Disclosure for facilitating exercise of functions by the Regulator

85 Disclosure for facilitating exercise of functions by the Board

86 Disclosure for facilitating exercise of functions by other supervisory authorities

87 Other permitted disclosures

88 Tax information

*Reports*

89 Publishing reports etc

*Codes of practice*

90 Codes of practice

91 Procedure for issue and publication of codes of practice

92 Revocation of codes of practice

*Exercise of regulatory functions*

93 The Regulator's procedure in relation to its regulatory functions

94 Publication of procedure in relation to regulatory functions

95 Application of standard and special procedure

96 Standard procedure

97 Special procedure: applicable cases

98 Special procedure

99 Compulsory review

100 Duty to have regard to the interests of members etc

101 Powers to vary or revoke orders, notices or directions etc

*The Pensions Regulator Tribunal*

102 The Pensions Regulator Tribunal

103 References to the Tribunal

104 Appeal on a point of law

105 Redetermination etc by the Tribunal

106 Legal assistance scheme

**PART 2**

**THE BOARD OF THE PENSION PROTECTION FUND**

**CHAPTER 1**

**THE BOARD**

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### *Establishment*

- 107 The Board of the Pension Protection Fund
- 108 Membership of the Board
- 109 Further provision about the Board

### *General provision about functions*

- 110 Board's functions
- 111 Supplementary powers

### *Non-executive functions*

- 112 Non-executive functions

### *Financial matters*

- 113 Investment of funds
- 114 Investment principles
- 115 Borrowing
- 116 Grants
- 117 Administration levy
- 118 Fees

### *Annual reports*

- 119 Annual reports to Secretary of State

## **CHAPTER 2**

### INFORMATION RELATING TO EMPLOYER'S INSOLVENCY ETC

#### *Insolvency events*

- 120 Duty to notify insolvency events in respect of employers
- 121 Insolvency event, insolvency date and insolvency practitioner

#### *Status of scheme*

- 122 Insolvency practitioner's duty to issue notices confirming status of scheme
- 123 Approval of notices issued under section 122

#### *Board's duties*

- 124 Board's duty where there is a failure to comply with section 122
- 125 Binding notices confirming status of scheme

## **CHAPTER 3**

### PENSION PROTECTION

#### *Eligible schemes*

- 126 Eligible schemes

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*Circumstances in which Board assumes responsibility for eligible schemes*

- 127 Duty to assume responsibility for schemes following insolvency event
- 128 Duty to assume responsibility for schemes following application or notification
- 129 Applications and notifications for the purposes of section 128
- 130 Board's duty where application or notification received under section 129
- 131 Protected liabilities

*Restrictions on schemes during the assessment period*

- 132 Assessment periods
- 133 Admission of new members, payment of contributions etc
- 134 Directions
- 135 Restrictions on winding up, discharge of liabilities etc
- 136 Power to validate contraventions of section 135
- 137 Board to act as creditor of the employer
- 138 Payment of scheme benefits
- 139 Loans to pay scheme benefits

*Ill health pensions*

- 140 Reviewable ill health pensions
- 141 Effect of a review
- 142 Sections 140 and 141: interpretation

*Valuation of assets and liabilities*

- 143 Board's obligation to obtain valuation of assets and protected liabilities
- 144 Approval of valuation
- 145 Binding valuations

*Refusal to assume responsibility*

- 146 Schemes which become eligible schemes
- 147 New schemes created to replace existing schemes
- 148 Withdrawal following issue of section 122(4) notice

*Cessation of involvement with a scheme*

- 149 Circumstances in which Board ceases to be involved with an eligible scheme
- 150 Consequences of the Board ceasing to be involved with a scheme

*Reconsideration*

- 151 Application for reconsideration
- 152 Duty to assume responsibility following reconsideration

*Closed schemes*

- 153 Closed schemes

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### *Winding up*

- 154 Requirement to wind up schemes with sufficient assets to meet protected liabilities

### *Provisions applying to closed schemes*

- 155 Treatment of closed schemes
- 156 Valuations of closed schemes

### *Reconsideration of closed schemes*

- 157 Applications and notifications where closed schemes have insufficient assets
- 158 Duty to assume responsibility for closed schemes
- 159 Closed schemes: further assessment periods

### *Assumption of responsibility for a scheme*

- 160 Transfer notice
- 161 Effect of Board assuming responsibility for a scheme
- 162 The pension compensation provisions
- 163 Adjustments to be made where the Board assumes responsibility for a scheme
- 164 Postponement of compensation entitlement for the assessment period
- 165 Guaranteed minimum pensions
- 166 Duty to pay scheme benefits unpaid at assessment date etc
- 167 Modification of Chapter where liabilities discharged during assessment period
- 168 Administration of compensation

### *Discharge of Board's liabilities*

- 169 Discharge of liabilities in respect of compensation
- 170 Discharge of liabilities in respect of money purchase benefits

### *Equal treatment*

- 171 Equal treatment

### *Relationship with fraud compensation regime*

- 172 Relationship with fraud compensation regime

### *The fund*

- 173 Pension Protection Fund

### *The levies*

- 174 Initial levy
- 175 Pension protection levies
- 176 Supplementary provisions about pension protection levies
- 177 Amounts to be raised by the pension protection levies
- 178 The levy ceiling
- 179 Valuations to determine scheme underfunding
- 180 Pension protection levies during the transitional period

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- 181 Calculation, collection and recovery of levies

#### CHAPTER 4

##### FRAUD COMPENSATION

###### *Entitlement to fraud compensation*

- 182 Cases where fraud compensation payments can be made  
183 Board's duties in respect of certain applications under section 182  
184 Recovery of value  
185 Fraud compensation payments  
186 Interim payments  
187 Board's powers to make fraud compensation transfer payments

###### *The fund*

- 188 Fraud Compensation Fund

###### *The levy*

- 189 Fraud compensation levy

#### CHAPTER 5

##### GATHERING INFORMATION

- 190 Information to be provided to the Board etc  
191 Notices requiring provision of information  
192 Entry of premises  
193 Penalties relating to sections 191 and 192  
194 Warrants

###### *Provision of false or misleading information*

- 195 Offence of providing false or misleading information to the Board

###### *Use of information*

- 196 Use of information

###### *Disclosure of information*

- 197 Restricted information  
198 Disclosure for facilitating exercise of functions by the Board  
199 Disclosure for facilitating exercise of functions by the Regulator  
200 Disclosure for facilitating exercise of functions by other supervisory authorities  
201 Other permitted disclosures  
202 Tax information

###### *Provision of information to members of schemes etc*

- 203 Provision of information to members of schemes etc



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### *Interpretation*

- 204 Sections 190 to 203: interpretation

### *Reports*

- 205 Publishing reports etc

## **CHAPTER 6**

### REVIEWS, APPEALS AND MALADMINISTRATION

#### *Review etc by the Board*

- 206 Meaning of “reviewable matters”  
207 Review and reconsideration by the Board of reviewable matters  
208 Investigation by the Board of complaints of maladministration

#### *The PPF Ombudsman*

- 209 The Ombudsman for the Board of the Pension Protection Fund  
210 Deputy PPF Ombudsmen  
211 Status etc of the PPF Ombudsman and deputies  
212 Annual reports to Secretary of State

#### *References to the PPF Ombudsman*

- 213 Reference of reviewable matter to the PPF Ombudsman  
214 Investigation by PPF Ombudsman of complaints of maladministration  
215 Referral of questions of law  
216 Publishing reports etc  
217 Determinations of the PPF Ombudsman  
218 Obstruction etc of the PPF Ombudsman

## **CHAPTER 7**

### MISCELLANEOUS

#### *Backdating the winding up of eligible schemes*

- 219 Backdating the winding up of eligible schemes

#### *Pension sharing*

- 220 Pension sharing

## **PART 3**

### SCHEME FUNDING

#### *Introductory*

- 221 Pension schemes to which this Part applies

#### *Scheme funding*

- 222 The statutory funding objective  
223 Statement of funding principles

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- 224 Actuarial valuations and reports
- 225 Certification of technical provisions
- 226 Recovery plan
- 227 Schedule of contributions
- 228 Failure to make payments
- 229 Matters requiring agreement of the employer
- 230 Matters on which advice of actuary must be obtained
- 231 Powers of the Regulator

*Supplementary provisions*

- 232 Power to modify provisions of this Part
- 233 Construction as one with the Pensions Act 1995

**PART 4**

FINANCIAL PLANNING FOR RETIREMENT

*Retirement planning*

- 234 Promoting and facilitating financial planning for retirement
- 235 Supply of information for purposes of section 234
- 236 Use and supply of information: private pensions policy and retirement planning
- 237 Combined pension forecasts

*Employee information and advice*

- 238 Information and advice to employees

**PART 5**

OCCUPATIONAL AND PERSONAL PENSION SCHEMES: MISCELLANEOUS PROVISIONS

*Categories of pension scheme*

- 239 Categories of pension scheme
- 240 Meaning of “employer” in Part 1 of the Pensions Act 1995

*Requirements for member-nominated trustees and directors*

- 241 Requirement for member-nominated trustees
- 242 Requirement for member-nominated directors of corporate trustees
- 243 Member-nominated trustees and directors: supplementary

*Obligations of trustees of occupational pension schemes*

- 244 Investment principles
- 245 Power to make regulations governing investment by trustees
- 246 Borrowing by trustees
- 247 Requirement for knowledge and understanding: individual trustees
- 248 Requirement for knowledge and understanding: corporate trustees
- 249 Requirement for knowledge and understanding: supplementary

*Payment of surplus to employer*

- 250 Payment of surplus to employer
- 251 Payment of surplus to employer: transitional power to amend scheme

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*Restrictions on payment into occupational pension schemes*

- 252 UK-based scheme to be trust with effective rules
- 253 Non-European scheme to be trust with UK-resident trustee
- 254 Representative of non-European scheme to be treated as trustee

*Activities of occupational pension schemes*

- 255 Activities of occupational pension schemes

*No indemnification for fines or civil penalties*

- 256 No indemnification for fines or civil penalties

*Pension protection on transfer of employment*

- 257 Conditions for pension protection
- 258 Form of protection

*Consultation by employers*

- 259 Consultation by employers: occupational pension schemes
- 260 Consultation by employers: personal pension schemes
- 261 Further provisions about regulations relating to consultation

*Modification of pension rights*

- 262 Modification of subsisting rights

*Short service benefit*

- 263 Increase in age at which short service benefit must be payable

*Early leavers*

- 264 Early leavers: cash transfer sums and contribution refunds

*Safeguarding pension rights*

- 265 Paternity leave and adoption leave
- 266 Inalienability of occupational pension

*Voluntary contributions*

- 267 Voluntary contributions

*Payments by employers*

- 268 Payments made by employers to personal pension schemes
- 269 Payments made by employers and members to occupational pension schemes

*Winding up*

- 270 Winding up

*Deficiency in assets of certain occupational pension schemes*

- 271 Debt due from the employer when assets insufficient

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272 Debt due from the employer in the case of multi-employer schemes

*Pension disputes*

273 Resolution of disputes

*The Pensions Ombudsman*

274 The Pensions Ombudsman and Deputy Pensions Ombudsmen

275 Jurisdiction

276 Investigations

*Pension compensation*

277 Amendments relating to the Pensions Compensation Board

*Annual increases in rate of pensions*

278 Annual increase in rate of certain occupational pensions

279 Annual increase in rate of certain personal pensions

280 Power to increase pensions giving effect to pension credits etc

*Revaluation*

281 Exemption from statutory revaluation requirement

*Contracting out*

282 Meaning of “working life” in Pension Schemes Act 1993

283 Power to prescribe conditions by reference to Inland Revenue approval

284 Restrictions on commutation and age at which benefits may be received

*Stakeholder pensions*

285 Meaning of “stakeholder pension scheme”

**PART 6**

FINANCIAL ASSISTANCE SCHEME FOR MEMBERS OF CERTAIN PENSION SCHEMES

286 Financial assistance scheme for members of certain pension schemes

**PART 7**

CROSS-BORDER ACTIVITIES WITHIN EUROPEAN UNION

*UK occupational pension scheme receiving contributions from European employer*

287 Occupational pension scheme receiving contributions from European employer

288 General authorisation to accept contributions from European employers

289 Approval in relation to particular European employer

290 Notification of legal requirements of host member State outside United Kingdom

291 Duty of trustees or managers to act consistently with law of host member State

292 Power of Regulator to require ring-fencing of assets

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*European occupational pension scheme receiving contributions from UK employer*

- 293 Functions of Regulator in relation to institutions administered in other member States

*Assistance for other European regulators*

- 294 Stopping disposal of assets of institutions administered in other member States

*Interpretation*

- 295 Interpretation of Part

**PART 8**

STATE PENSIONS

*Entitlement to more than one pension*

- 296 Persons entitled to more than one Category B retirement pension

*Deferral of state pension*

- 297 Deferral of retirement pensions and shared additional pensions

*Miscellaneous*

- 298 Disclosure of state pension information  
299 Claims for certain benefits following termination of reciprocal agreement with Australia

**PART 9**

MISCELLANEOUS AND SUPPLEMENTARY

*Dissolution of existing bodies*

- 300 Dissolution of OPRA  
301 Transfer of employees from OPRA to the Regulator  
302 Dissolution of the Pensions Compensation Board

*Service of notifications etc and electronic working*

- 303 Service of notifications and other documents  
304 Notification and documents in electronic form  
305 Timing and location of things done electronically

*General*

- 306 Overriding requirements  
307 Modification of this Act in relation to certain categories of schemes  
308 Modification of pensions legislation that refers to employers  
309 Offences by bodies corporate and partnerships  
310 Admissibility of statements  
311 Protected items  
312 Liens  
313 Crown application

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### *Regulations and orders*

- 314 Breach of regulations
- 315 Subordinate legislation (general provisions)
- 316 Parliamentary control of subordinate legislation
- 317 Consultations about regulations

### *Interpretation*

- 318 General interpretation

### *Miscellaneous and supplementary*

- 319 Minor and consequential amendments
- 320 Repeals and revocations
- 321 Pre-consolidation amendments
- 322 Commencement
- 323 Extent
- 324 Northern Ireland
- 325 Short title

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## SCHEDULES

### SCHEDULE 1 — The Pensions Regulator

#### Part 1 — MEMBERS OF THE REGULATOR

#### *Terms of appointment and tenure of members*

- 1 (1) The members of the Regulator appointed by the Secretary...
- 2 Where a person ceases to be employed as Chief Executive,...
- 3 No person is to be prevented from being a member...

#### *Remuneration etc of members*

- 4 The Regulator may pay, or make provision for paying, its...
- 5 The Regulator may— (a) pay to or in respect of...
- 6 Where— (a) a non-executive member ceases to be a member...

#### Part 2 — STAFF OF THE REGULATOR

#### *The staff*

- 7 (1) The staff of the Regulator consists of—

#### *The Chief Executive*

- 8 (1) The Regulator is to employ a person as its...

#### *Other employees*

- 9 (1) Other employees of the Regulator may be appointed by...

#### *Additional staff etc*

- 10 (1) The Secretary of State may make available to the...

#### Part 3 — MEMBERS OF THE DETERMINATIONS PANEL

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*Nomination of the chairman of the Panel*

- 11 (1) On each occasion when the Regulator is required to...

*Terms of appointment and tenure of members of the Panel*

- 12 (1) The members of the Determinations Panel are to be...  
13 No person is to be prevented from being a member...

*Remuneration etc of members of the Panel*

- 14 The Regulator may pay, or make provision for paying, the...  
15 The Regulator may— (a) pay to or in respect of...  
16 Where— (a) a member of the Panel ceases to be...  
Part 4 — PROCEEDINGS AND DELEGATION ETC

*Committees*

- 17 (1) The Regulator may establish committees for any purpose.

*Procedure*

- 18 (1) The Regulator may determine— (a) its own procedure (including...  
19 (1) The Secretary of State may make regulations—

*Delegation*

- 20 (1) The Regulator may authorise— (a) any executive member of...  
21 The Secretary of State may make regulations—

*Application of seal and proof of instruments*

- 22 (1) The fixing of the common seal of the Regulator...  
23 A document purporting to be duly executed under the seal...  
Part 5 — FUNDING AND ACCOUNTS

*Funding*

- 24 The Secretary of State may pay the Regulator out of...  
25 (1) The Secretary of State may make regulations authorising the...  
26 (1) Section 175 of the Pension Schemes Act 1993 (c....

*Accounts*

- 27 (1) The Regulator must— (a) keep proper accounts and proper...

*Other expenses*

- 28 (1) The Regulator may— (a) pay, or make provision for...  
Part 6 — STATUS AND LIABILITY ETC

*Status*

- 29 (1) The Regulator is not to be regarded—

*Validity*

- 30 The validity of any proceedings of the Regulator (including any...

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### *Disqualification*

- 31 Schedule 1 to the House of Commons Disqualification Act 1975...
- 32 Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975...

### *The Parliamentary Commissioner for Administration*

- 33 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c....

### *The Superannuation Act 1972*

- 34 (1) The persons to whom section 1 of the Superannuation...

### *Exemption from liability in damages*

- 35 (1) Neither the Regulator nor any person who is a...

### SCHEDULE 2 — The reserved regulatory functions

#### Part 1 — FUNCTIONS UNDER THE PENSION SCHEMES ACT 1993 (C. 48)

- 1 The power by direction under section 99(4) to grant an...
  - 2 The power by direction under section 101J(2) to extend the...
  - 3 The power under regulations made by virtue of section 168(4)...
- #### Part 2 — FUNCTIONS UNDER THE PENSIONS ACT 1995 (C. 26)
- 4 The power to make an order under section 3(1) prohibiting...
  - 5 The power to make an order under section 3(3) revoking...
  - 6 The power to make an order under section 4(1) suspending...
  - 7 The power to make an order under section 4(2) extending...
  - 8 The power to make an order under section 4(5) revoking...
  - 9 The power to make an order appointing a trustee under...
  - 10 The power under section 9 to exercise by order the...
  - 11 The power to require a person to pay a penalty...
  - 12 The power to make an order under section 11 directing...
  - 13 The power to give directions to trustees under section 15....
  - 13A The duty under section 23(4), and regulations made thereunder, to...
  - 14 The power under section 29(5) to give a notice waiving...
  - 15 The power under section 30(2) to exercise by order the...
  - 15A The power under section 58(7) to extend or further extend...
  - 15B The power under section 60(7) to extend or further extend...
  - 16 The power to make an order under section 67G(2) by...
  - 17 The power to make an order under section 67H(2) prohibiting,...
  - 18 The power to make an order under section 69 authorising...
  - 19 The power to make an order under section 71A modifying...

#### Part 3 — FUNCTIONS UNDER THE WELFARE REFORM AND PENSIONS ACT 1999 (C. 30)

- 20 The power by direction under section 2(3)(b) to remove a...

#### Part 4 — FUNCTIONS UNDER THIS ACT

- 21 The power to make or extend a restraining order under...
- 22 The power to make an order under section 20(10) permitting...
- 23 The power to make a repatriation order under section 21....
- 24 The power to make a freezing order under section 23....
- 25 The power to make an order under section 25(3) extending...
- 26 The power to make an order under section 26 validating...
- 27 The power to make an order under section 28 directing...
- 28 The power to make an order under section 30 giving...



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- 29 The power to make an order under section 31(3) directing...
- 30 The power to issue a contribution notice under section 38....
- 31 The power to issue a direction under section 41(4) to...
- 32 The power to issue a revised contribution notice under section...
- 33 The power to issue a financial support direction under section...
- 34 The power to issue a contribution notice under section 47....
- 35 The power to issue a direction under section 50(4) to...
- 36 The power to issue a revised contribution notice under section...
- 37 The power to make a restoration order under section 52....
- 38 The power to issue a contribution notice under section 55....
- 39 The power to issue a notice under section 71 requiring...
- 40 The power to make a direction under section 76(8) extending...
- 41 The power to make a direction under section 78(10) extending...
- 42 The power to make an order under section 231 modifying...
- 43 The power to issue a ring-fencing notice under section 292....
- 44 The power to vary or revoke under section 101—

SCHEDULE 3 — Restricted information held by the Regulator: certain permitted disclosures to facilitate exercise of functions

SCHEDULE 4 — The Pensions Regulator Tribunal  
Part 1 — THE TRIBUNAL

*The Panels*

- 1 (1) The Lord Chancellor must appoint a panel of persons...

*The President*

- 2 (1) The Lord Chancellor must appoint one of the members...

*Terms of office etc*

- 3 (1) Subject to the provisions of this Schedule, each member...

*Remuneration and allowances*

- 4 The Lord Chancellor may pay, or make provision for paying,...

*Staff*

- 5 (1) The Lord Chancellor may appoint such staff for the...

*Expenses*

- 6 The Lord Chancellor may pay, out of money provided by...

Part 2 — CONSTITUTION OF THE TRIBUNAL

- 7 (1) On a reference to the Tribunal, the persons to...

Part 3 — TRIBUNAL PROCEDURE

*General*

- 8 For the purpose of dealing with references, or any matter...
- 9 Rules made by the Lord Chancellor under section 102 may,...

*Status: Point in time view as at 24/11/2005.*

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*Practice directions*

- 10 The President may give directions as to the practice and...

*Evidence*

- 11 (1) The Tribunal may by summons require any person to...

*Decisions of the Tribunal*

- 12 (1) A decision of the Tribunal may be taken by...

*Costs*

- 13 (1) If the Tribunal considers that a party to any...  
Part 4 — STATUS ETC

*Disqualification*

- 14 In Part 3 of Schedule 1 to the House of...  
15 In Part 3 of Schedule 1 to the Northern Ireland...

*The Parliamentary Commissioner for Administration*

- 16 In Schedule 4 to the Parliamentary Commissioner Act 1967 (c....

*Judicial Pensions and Retirement Act 1993*

- 17 (1) The Judicial Pensions and Retirement Act 1993 (c. 8)...

*Disclosure of information*

- 18 In section 449(1) of the Companies Act 1985 (c. 6)...  
19 In Schedule 15D to that Act (permitted disclosures of information)...  
20 In section 87(2) of the Companies Act 1989 (c. 40)...  
21 In section 50(2) of the Courts and Legal Services Act...

SCHEDULE 5 — The Board of the Pension Protection Fund  
Part 1 — MEMBERS OF THE BOARD

*Appointment of chairman*

- 1 The chairman of the Board is to be appointed by...

*Appointment of ordinary members*

- 2 (1) The appointments of the first five ordinary members are...

*Terms of appointment*

- 3 (1) The chairman and the ordinary members appointed by the...

*Tenure of members*

- 4 (1) Subject to the following provisions, the chairman and any...  
5 Where a person ceases to be employed as Chief Executive,...  
6 No person is to be prevented from being a member...

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### *Remuneration etc of members*

- 7 The Board may pay, or make provision for paying, its...
- 8 The Board may— (a) pay to or in respect of...
- 9 Where— (a) a non-executive member ceases to be a member...

### *Interpretation of Part 1*

- 10 In this Part “ordinary member” has the same meaning as...  
Part 2 — STAFF OF THE BOARD

### *The staff*

- 11 (1) The staff of the Board consists of—

### *The Chief Executive*

- 12 (1) The Board is to employ a person as its...

### *Other employees*

- 13 (1) Other employees of the Board may be appointed by...

### *Additional staff etc*

- 14 (1) The Secretary of State may make available to the...  
Part 3 — PROCEEDINGS AND DELEGATION ETC

### *Committees*

- 15 (1) The Board may establish committees for any purpose.

### *Procedure*

- 16 The Board may determine— (a) its own procedure (including quorum),...

### *Delegation*

- 17 (1) The Board may authorise— (a) any executive member of...
- 18 (1) The Board may make arrangements for any of its...
- 19 (1) Where the Board makes arrangements under paragraph 18(1) for...

### *Application of seal and proof of instruments*

- 20 (1) The fixing of the common seal of the Board...
- 21 A document purporting to be duly executed under the seal...  
Part 4 — ACCOUNTS

### *Accounts*

- 22 (1) The Board must— (a) keep proper accounts and proper...

### *Other expenses*

- 23 The Board may— (a) pay, or make provision for paying,...  
Part 5 — STATUS AND LIABILITY ETC

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*Status*

- 24 (1) The Board is not to be regarded—

*Validity*

- 25 The validity of any proceedings of the Board (including any...

*Disqualification*

- 26 In Schedule 1 to the House of Commons Disqualification Act...  
27 In Schedule 1 to the Northern Ireland Assembly Disqualification Act...

*The Superannuation Act 1972*

- 28 (1) The persons to whom section 1 of the Superannuation...

*Exemption from liability in damages*

- 29 (1) Neither the Board nor any person who is a...

SCHEDULE 6 — Transfer of property, rights and liabilities to the Board

- 1 This Schedule applies where the property, rights and liabilities of...  
2 (1) Subject to sub-paragraph (2), the property, rights and liabilities...  
3 (1) Without prejudice to the generality of section 161 and...  
4 The transfer is binding on all persons, even if, apart...  
5 No person shall have any power, in consequence of the...  
6 Any reference in any agreement, document or instrument of any...  
7 (1) The Board must take all such steps as may...

SCHEDULE 7 — Pension compensation provisions

*Introductory*

- 1 This Schedule applies for the purposes of determining the compensation...  
2 In this Schedule references to “the assessment date” are to...

*Pensions in payment at assessment date*

- 3 (1) Compensation is payable in accordance with this paragraph where,...  
4 (1) This paragraph applies where— (a) the pensioner dies on...

*Pension benefits postponed at assessment date*

- 5 (1) Compensation is payable in accordance with this paragraph where...  
6 (1) This paragraph applies where the postponed pensioner—  
7 (1) Compensation is payable in accordance with this paragraph where...

*Active members over normal pension age at assessment date*

- 8 (1) Compensation is payable in accordance with this paragraph where...  
9 (1) This paragraph applies where the active member dies on...  
10 (1) Compensation is payable in accordance with this paragraph where...

*Active members who have not attained normal pension age at assessment date*

- 11 (1) Compensation is payable in accordance with this paragraph where...

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- 12 (1) This paragraph applies for the purposes of paragraph 11(4)(b)....
- 13 (1) This paragraph applies where the active member dies on...
- 14 (1) Compensation is payable in accordance with this paragraph where...

*Deferred members who have not attained normal pension age at assessment date*

- 15 (1) Compensation is payable in accordance with this paragraph where,...
- 16 (1) This paragraph applies for the purposes of paragraph 15(4)(b)....
- 17 (1) This paragraph applies for the purposes of paragraph 15(4)(c)....
- 18 (1) This paragraph applies where— (a) the deferred member dies...
- 19 (1) Compensation is payable in accordance with this paragraph where,...

*Compensation in respect of scheme right to transfer payment or contribution refund*

- 20 (1) Compensation is payable in accordance with this paragraph where  
—...

*Pension credit members who have not attained normal benefit age at assessment date*

- 21 (1) Paragraphs 15, 18 and 19 apply in relation to...

*Survivors who do not meet conditions for scheme benefits at assessment date*

- 22 (1) Compensation is payable in accordance with this paragraph where  
—...

*Compensation in form of dependants' benefits*

- 23 (1) Regulations may provide for compensation to be payable, in...

*Effect of discharge of liability during or immediately before assessment period*

- 23A (1) This paragraph applies if— (a) at any time during...

*Commutation of periodic compensation*

- 24 (1) In prescribed circumstances, a person entitled to periodic compensation...

*Early payment of compensation*

- 25 (1) Regulations may prescribe circumstances in which, and conditions subject...

*Compensation cap*

- 26 (1) Where— (a) a person becomes entitled to relevant compensation...

*Increasing the compensation cap in line with earnings*

- 27 (1) This paragraph applies where, on a review under subsection...

*Annual increase in periodic compensation*

- 28 (1) This paragraph provides for the increases mentioned in sub-paragraph...

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*Board's powers to alter rates of revaluation and indexation*

29 (1) The Board may determine the percentage that is to...

*Secretary of State's powers to vary percentage paid as compensation*

30 (1) The Secretary of State may, on the recommendation of...

*Special provision in relation to certain pensions in payment before the assessment date*

31 (1) The powers conferred by this paragraph are exercisable in...

*Short periods of service which terminate on commencement of assessment period*

32 (1) This paragraph applies to a member of the scheme...

*Power to modify Schedule in its application to certain schemes*

33 Where the scheme is a prescribed scheme or a scheme...

*Normal pension age*

34 (1) In this Schedule “normal pension age”, in relation to...

*Scheme rules, admissible rules etc*

35 (1) In this Schedule, in relation to the scheme, the...

*Accrual rate, pensionable service and pensionable earnings*

36 (1) In this Schedule, in relation to a member's entitlement...

*Other definitions*

37 (1) In this Schedule— “deferred member”, in relation to the...

SCHEDULE 8 — Restricted information held by the Board: certain permitted disclosures to facilitate exercise of functions

SCHEDULE 9 — Reviewable matters

- 1 The issue of a determination notice under section 123 approving...
- 2 The failure to issue a determination notice under section 123....
- 3 The issue of, or failure to issue, a notice under...
- 3A The issue of, or failure to issue, a validation notice...
- 4 The issue of, or failure to issue—
- 5 Any direction given under subsection (2) of section 134 (directions...
- 6 The issue of a notice under section 136(2) (power to...
- 7 The making of a loan under section 139(2) (loans to...
- 7A Any determination by the Board under section 141(2) (determination on...
- 8 The failure by the Board to obtain an actuarial valuation...
- 9 The approval of, or failure to approve, a valuation in...
- 10 The issue of, or failure to issue, a withdrawal notice...
- 11 The issue of, or failure to issue, a withdrawal notice...
- 12 The issue of, or failure to issue, a determination notice...
- 13 The issue of, or failure to issue, a determination notice...
- 14 Any direction given under section 154(7) (directions about winding up...

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- 15 The failure by the Board to give a transfer notice...
- 16 Any determination by the Board of a person's entitlement to...
- 17 Any failure by the Board to make a payment required...
- 17A The making of a payment under section 166(2) (amount of...
- 18 Any determination by the Board under section 181(3)(a) (the eligible...
- 19 The amount of the initial levy or any pension protection...
- 20 The making of a fraud compensation payment under section 182(1),...
- 21 The issue of, or failure to issue, a notice under...
- 22 Any settlement date determined by the Board under section 184(2)...
- 23 Any determination by the Board under section 184(4) (recovery of...
- 24 The making of a payment under section 186(1) (interim payments),...
- 25 Any term or condition imposed by the Board—
- 26 Any determination by the Board under section 186(3)(b) (interim payments)...
- 27 Any date determined by the Board under section 187(4) (earliest...
- 28 Any determination by the Board under section 187(6) (fraud compensation...
- 29 Any determination by the Board under section 189(7)(a) (occupational pension...
- 30 The amount of any fraud compensation levy payable in respect...

#### SCHEDULE 10 — Use and supply of information: private pensions policy and retirement planning

##### *Use of information held by Secretary of State etc*

- 1 (1) Section 3 of the Social Security Act 1998 (c....

##### *Supply of information held by tax authorities*

- 2 (1) This paragraph applies to information which is held—

##### *Supply of housing benefit and council tax benefit information*

- 3 (1) Section 122D of the Social Security Administration Act 1992...

#### SCHEDULE 11 — Deferral of retirement pensions and shared additional pensions

##### Part 1 — PRINCIPAL AMENDMENTS OF SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 (C. 4)

- 1 In this Part of this Schedule “the principal Act” means...
- 2 Schedule 5 to the principal Act (increase of pension where...
- 3 For the heading, substitute “ PENSION INCREASE OR LUMP SUM...
- 4 Before paragraph 1 insert— Choice between increase of pension and...
- 5 For paragraph 1 (increase of pension where pensioner's entitlement is...
- 6 (1) In paragraph 2 (calculation of increment), in sub-paragraph (5)(b),...
- 7 After paragraph 2 insert— (1) This paragraph applies where— (a) a person's entitlement to...
- 8 (1) After paragraph 3 insert— Lump sum where pensioner's entitlement...
- 9 After paragraph 3B (inserted by paragraph 8 of this Schedule)...
- 10 (1) Paragraph 4 (increase of pension where pensioner's deceased spouse...
- 11 (1) After paragraph 7 insert— Entitlement to lump sum where...
- 12 After paragraph 7B (inserted by paragraph 11 of this Schedule)...

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- 13 For the heading immediately preceding paragraph 8 substitute “Married couples”....
- 14 In paragraph 8 (married couples)— (a) in sub-paragraph (3) for...
- 15 After Schedule 5 to the principal Act insert— SCHEDULE 5A...  
Part 2 — CONSEQUENTIAL AMENDMENTS

*Social Security Contributions and Benefits Act 1992 (c. 4)*

- 16 The Social Security Contributions and Benefits Act 1992 is amended...
- 17 In section 62(1) (graduated retirement benefit)— (a) in paragraph (a),...
- 18 In section 122(1) (interpretation of Parts 1 to 6)—
- 19 In section 176 (parliamentary control of subordinate legislation) in subsection...

*Social Security Administration Act 1992 (c. 5)*

- 20 The Social Security Administration Act 1992 is amended as follows....
- 21 In section 150 (annual up-rating of benefits)—
- 22 In section 151 (up-rating—supplementary) in subsection (2)—

*Welfare Reform and Pensions Act 1999 (c. 30)*

- 23 The Welfare Reform and Pensions Act 1999 is amended as...
- 24 In section 50, omit subsection (2) (which amends provisions relating...
- 25 In section 52(2) (power to make regulations preserving rights in...  
Part 3 — TRANSITIONAL PROVISIONS

*Widowers' entitlement to increase of pension or widowed person's lump sum*

- 26 In the case of a widower who attains pensionable age...

*Transitional provision*

- 27 (1) The Secretary of State may by regulations make such...

SCHEDULE 12 — Minor and consequential amendments

*Public Records Act 1958 (c. 51)*

- 1 In Schedule 1 to the Public Records Act 1958 (definition...

*Superannuation Act 1972 (c. 11)*

- 2 (1) Schedule 1 to the Superannuation Act 1972 (kinds of...

*Matrimonial Causes Act 1973 (c. 18)*

- 3 After section 25D of the Matrimonial Causes Act 1973 (pensions:...

*Matrimonial and Family Proceedings Act 1984 (c. 42)*

- 4 (1) The Matrimonial and Family Proceedings Act 1984 is amended...

*Companies Act 1985 (c. 6)*

- 5 (1) The Companies Act 1985 is amended as follows.



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*Companies Act 1989 (c. 40)*

6 In section 87 of the Companies Act 1989 (exception from...

*Social Security Administration Act 1992 (c. 5)*

7 In section 122AA of the Social Security Administration Act 1992...

*Tribunals and Inquiries Act 1992 (c. 53)*

8 (1) The Tribunals and Inquiries Act 1992 is amended as...

*Pension Schemes Act 1993 (c. 48)*

- 9 The Pension Schemes Act 1993 is amended as follows.  
10 In section 53 (supervision: former contracted-out schemes), after  
subsection (1B)...  
11 (1) Section 56 (provision supplementary to provision relating to  
payment...  
12 In section 61 (deduction of contributions equivalent premium from  
refund...  
13 (1) Section 94 (right to cash equivalent) is amended as...  
14 In section 99 (trustees' duties after exercise of option)—  
15 In section 101J (time for compliance with transfer notice)—  
16 In section 111A (monitoring of employers' payments to personal  
pension...  
17 In section 113 (disclosure of information about schemes to members...  
18 After that section insert— Disclosure of information about transfers  
etc...  
19 In section 123 (interpretation of Chapter 2 of Part 7)...  
20 In section 124 (duty of Secretary of State to pay...  
21 In section 129(1) (overriding requirements),— (a) for “and IV”  
substitute...  
22 In section 130(b) (extra-statutory benefits), for “or IV” substitute “...  
23 In section 145 (the Pensions Ombudsman), after subsection (1) insert  
—...  
24 In section 146 (functions of the Pensions Ombudsman)—  
25 In section 149 (procedure on investigation by Pensions Ombudsman),  
in...  
26 (1) Section 158A (other disclosures by the Secretary of State)...  
27 In section 168(4) (penalties for contravention of regulations) after “the...  
28 In section 175 (levies)— (a) for subsection (8) substitute—  
29 In section 178 (power to make regulations as to the...  
30 (1) Section 179 (linked qualifying service) is amended as follows...  
31 In section 181(1) (general interpretation), in the definition of “transfer...  
32 In section 183(3) (sub-delegation), after “97(1)” insert “ , 101AF(1)...  
33 In section 192(2) (provisions extending to Northern Ireland)—

*Pensions Act 1995 (c. 26)*

- 34 The Pensions Act 1995 is amended as follows.  
35 In section 4 (suspension orders), in subsections (3) and (5)...  
36 In section 7 (appointment of trustees)— (a) in subsection (1)...  
37 In section 9 (removal and appointment of trustees: property), after...  
38 In section 10 (civil penalties), in subsection (5)(a) omit “as...

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- 39 In section 15(4) (failure to comply with Authority’s direction) for...
- 40 In section 22 (circumstances in which independent trustee provisions apply),...
- 41 In section 25 (appointment and powers of independent trustees: further...
- 42 In section 26 (insolvency practitioner or official receiver to give...
- 43 Sections 26A to 26C are hereby repealed.
- 44 In section 28 (consequences of prohibition on trustee being auditor...
- 45 In section 29 (persons disqualified for being trustees), in subsection...
- 46 In section 30 (persons disqualified: consequences)— (a) in subsection (2),...
- 47 Omit section 30A (accessibility of register of disqualified trustees).
- 48 In section 32 (decisions of trustees by a majority)—
- 49 In section 34 (powers of investment and delegation) in subsection...
- 50 (1) Section 38 (power to defer winding up) is amended...
- 51 In section 40 (restriction on employer-related investments), in subsection (4)...
- 52 In section 41 (provision of documents for members)—
- 53 In section 47 (professional advisers), in subsections (3), (8) and...
- 54 In section 49 (other responsibilities of trustees, employers, etc)—
- 55 In section 49A (record of winding up decisions) omit subsection...
- 56 In section 68 (power of trustees to modify schemes by...
- 57 In section 69 (grounds for applying for modifications)—
- 58 In section 71A(4)(d) (power to make provision in relation to...
- 59 In section 72A (reports to Authority about winding up) omit...
- 60 In section 72C (duty to comply with directions for facilitating...
- 61 In section 73 (preferential liabilities on winding up) in subsection...
- 62 In section 76 (excess assets on winding up)—
- 63 In section 77 (excess assets remaining after winding up: power...
- 64 In section 87 (schedules of payment to money purchase schemes)...
- 65 In section 88 (provision supplementary to section 87) omit subsection...
- 66 In section 89 (application of further provisions to money purchase...
- 67 In section 118 (powers to modify Part 1 of the...
- 68 In section 119 (calculations etc under regulations: sub-delegation), for “73(3)”...
- 69 (1) Section 124 (interpretation of Part 1) is amended as...

*Bank of England Act 1998 (c. 11)*

- 70 In Schedule 7 to the Bank of England Act 1998...

*Welfare Reform and Pensions Act 1999 (c. 30)*

- 71 The Welfare Reform and Pensions Act 1999 is amended as...
- 72 In section 1 (stakeholder pension schemes), in subsection (6), after...
- 73 In section 2 (registration of stakeholder pension schemes)—
- 74 In section 8(2)(a) (providing for stakeholder pension schemes to be...
- 75 In section 38 (treatment in winding up)—
- 76 (1) Paragraph 1 of Schedule 1 (application of enactments relating...
- 77 (1) Schedule 5 (pension credits: mode of discharge) is amended...

*Terrorism Act 2000 (c. 11)*

- 78 In Schedule 3A to the Terrorism Act 2000 (regulated sector...

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*Freedom of Information Act 2000 (c. 36)*

79 In Schedule 1 to the Freedom of Information Act 2000...

*Proceeds of Crime Act 2002 (c. 29)*

80 In Schedule 9 to the Proceeds of Crime Act 2002...

SCHEDULE 13 — Repeals and revocations

Part 1 — REPEALS

Part 2 — REVOCATIONS

**Status:**

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