Pensions Act 2004

CHAPTER 35

PENSIONS ACT 2004

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

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

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

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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...

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...

3B The provision of information by the Board under—

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...
15 The failure by the Board to give a transfer notice...
16 Any determination by the Board of a person’s entitlement to...
16A Any step taken by the Board under section 163(4)(a) (adjustments...
16B Any determination by the Board , or the failure to...
17 Any failure by the Board to make a payment required...
17A The making of a payment under section 166(2) (amount of...
17B Any determination made by the Board under regulation 16(2) or...
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...
Before paragraph 1 insert— Choice between increase of pension and... 
For paragraph 1 (increase of pension where pensioner’s entitlement is... 
(1) In paragraph 2 (calculation of increment), in sub-paragraph (5)(b),... 
After paragraph 2 insert— (1) This paragraph applies where— (a) a... 
person’s entitlement to... 
(1) After paragraph 3 insert— Lump sum where pensioner’s... 
entitlement... 
After paragraph 3B (inserted by paragraph 8 of this Schedule)... 
(1) Paragraph 4 (increase of pension where pensioner’s deceased... 
spouse... 
(1) After paragraph 7 insert— Entitlement to lump sum where... 
After paragraph 7B (inserted by paragraph 11 of this Schedule)... 
For the heading immediately preceding paragraph 8 substitute “Married... 
couples”.... 
In paragraph 8 (married couples)— (a) in sub-paragraph (3) for... 
After Schedule 5 to the principal Act insert— SCHEDULE 5A...

Part 2 — CONSEQUENTIAL AMENDMENTS

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

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

Social Security Administration Act 1992 (c. 5)

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

Welfare Reform and Pensions Act 1999 (c. 30)

The Welfare Reform and Pensions Act 1999 is amended as...
In section 50, omit subsection (2) (which amends provisions relating...
In section 52(2) (power to make regulations preserving rights in...

Part 3 — TRANSITIONAL PROVISIONS

Widowers’ and surviving civil partners’ entitlement to increase of... 
pension or widowed person’s or surviving civil partner's lump sum

In the case of a widower or surviving civil partner...

Transitional provision

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

SCHEDULE 12 — Minor and consequential amendments

Public Records Act 1958 (c. 51)

In Schedule 1 to the Public Records Act 1958 (definition...
Superannuation Act 1972 (c. 11)

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.

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...
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...
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...
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...
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...

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
Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Pensions Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.
View outstanding changes

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– Sch. 11 para. 7 repealed by 2011 c. 19 Sch. 2 para. 4(c)
– Sch. 12 para. 11(1)(3) coming into force by S.I. 2006/2272 art. 2(3)
– Sch. 12 para. 17 omitted by 2015 c. 8 s. 38(7)
– Sch. 13 Pt. 1 coming into force by S.I. 2006/2272 art. 2(7) Sch. Pt. 2

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
– Act applied (with modifications) by S.I. 2011/245 Sch. 6 Pt. 1
– Act modified by S.I. 2008/576 Sch. 4 para. 5
– Act modified by S.I. 2009/317 art. 3Sch.
– Act power to modify conferred by 2008 c. 30 s. 146(2)(e)
– Act power to modify conferred by 2014 c. 19 s. 45(1)
– Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 5
– 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. 5(1)(ca) inserted by 2014 c. 19 s. 48
– s. 5(1)(ca) inserted by 2008 c. 30 s. 65
– s. 10(6)(ea) inserted by 2014 c. 19 Sch. 19 para. 6
– s. 11(3)(d) inserted by 2013 c. 25 Sch. 4 para. 2
– s. 13(7)(e) inserted by 2013 c. 25 Sch. 4 para. 3(3)(b)
– s. 13(7)(e) word omitted by 2015 c. 8 Sch. 2 para. 24(a)
– s. 13(7)(f) (and word) inserted by S.I. 2015/879 reg. 25(b)
– s. 13(7)(f) word omitted by 2017 c. 17 Sch. 3 para. 6(b)
– s. 13(7)(g) inserted by 2015 c. 8 Sch. 2 para. 24(b)
– s. 13(7)(h) inserted by 2017 c. 17 Sch. 3 para. 6(c)
– Sch. 9 para. 19B inserted by S.I. 2010/560 reg. 2
– Sch. 9 para. 16C-16F inserted by S.I. 2011/731 reg. 35
– Sch. 9 para. 16G-16I inserted by S.I. 2014/1954 reg. 4
– Sch. 9 para. 7B-7D substituted for Sch. 9 para. 8 by 2011 c. 19 Sch. 4 para. 13(2)
– Sch. 10 para. 4 excluded by SI 2005/255 (N.I.) art. 83(5) (as substituted) by 2008 c. 13 (N.I.) s. 61(1)
– Sch. 10 para. 4 and cross-heading inserted by 2008 c. 30 s. 63(1)

Commencement Orders yet to be applied to the Pensions Act 2004
Commencement Orders bringing provisions within this Act into force:
– S.I. 2009/1583 art. 2 amendment to earlier commencing SI 2005/1720 art. 4(8)

Commencement Orders bringing legislation that affects this Act into force:
– S.I. 2007/309 art. 23Sch. commences (2006 c. 50)
– S.I. 2007/3063 art. 2 commences (2007 c. 22)
– S.I. 2007/3512 art. 2 commences (2007 c. 22)
– S.I. 2008/839 art. 2 commences (2007 c. 18)
– S.I. 2008/1653 art. 2 commences (2007 c. 15)
– S.I. 2008/2860 art. 34Sch. 1 commences (2006 c. 46)
– S.I. 2008/3241 art. 2 commences (2008 c. 30)
– S.I. 2009/82 art. 2 commences (2008 c. 30)
– S.I. 2009/406 art. 2 commences (2007 c. 22)
– S.I. 2009/809 art. 2 commences (2008 c. 30)
– S.I. 2009/1566 art. 2 commences (2008 c. 30)
– S.I. 2009/1604 art. 2 commences (2005 c. 4)
– S.I. 2009/3250 art. 2 commences (2007 c. 29)
– S.I. 2010/10 art. 2(a) commences (2008 c. 30)
– S.I. 2010/467 art. 2 commences (2008 c. 30)
– S.I. 2010/1145 art. 2 commences (2008 c. 30)
– S.I. 2011/664 art. 2 commences (2008 c. 30)
– S.I. 2011/1267 art. 23 commences (2007 c. 22)
– S.I. 2011/2485 art. 2 commences (2010 c. 25)
– S.I. 2011/3034 art. 2-4 commences (2011 c. 19)
– S.R. 2009/22 art. 2 commences (2008 c. 13 (N.I.))
– S.R. 2009/249 art. 2 commences (2008 c. 13 (N.I.))
– S.R. 2010/101 art. 2 commences (2010 c. 4 (N.I.))