

PENSIONS ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – the Pensions Regulator

Transactions at an undervalue

Section 54: Content and effect of a restoration order

208. *Subsection (2)* provides that a restoration order issued by the Regulator under section 52 must specify the period within which any obligation imposed must be complied with. *Subsection (3)* provides that, where the order imposes an obligation on a person (A) to transfer or pay a sum of money to a person (B), the sum is to be treated as a debt due from A to B. *Subsection (4)* provides that if the debt is due to the trustees or managers of the scheme, the Regulator can enforce the debt on their behalf. *Subsection (5)* deals with the situation where the Board of the Pension Protection Fund has become involved with the scheme during an assessment period, in which case the Board will take over enforcement of the debt. *Subsection (6)* provides that, where any amount is transferred or paid to the Board in respect of a debt due under a restoration order during an assessment period, the Board must pay that amount to the trustees or managers of the scheme.