



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

### CHAPTER 5

#### DUTY TO ESTABLISH A PENSION SCHEME

##### *Pension scheme*

#### **67 Duty to establish a pension scheme**

- (1) The Secretary of State must establish a pension scheme and make provision for its administration and management.
- (2) A scheme established under this section is to be treated for all purposes as established under an irrevocable trust.
- (3) <sup>F1</sup> .....
- (4) It must when registered under [<sup>F2</sup>Chapter 2 of Part 4 of the Finance Act 2004] be a scheme such that a jobholder's employer, if a participating employer, may comply with an enrolment duty by arranging for the jobholder to become an active member of the scheme.
- (5) It must be a scheme that complies with any provision of Northern Ireland legislation corresponding to subsection (4).
- (6) The scheme administrator must ensure that the scheme is and remains registered under Chapter 2 of Part 4 of the Finance Act 2004.
- (7) "Scheme administrator" has the same meaning here as in that Part.
- (8) The power to make provision in pursuance of subsection (1) is exercisable by order.

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**Changes to legislation:** *Pensions Act 2008, Section 67 is up to date with all changes known to be in force on or before 30 March 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*

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- (9) If an order establishes a scheme, any further provision that may be made by order in relation to the scheme may also be made by rules (and rules may be made so as to come into force at the same time as the establishing order).
- (10) That is subject to subsections (11) and (12).
- (11) Rules are subject to any provision made by order.
- (12) No provision may be made by rules about—
- (a) the purpose or object of the scheme;
  - (b) the appointment or removal of trustees;
  - (c) (as regards trustees, or members of any corporate trustee) meetings, committees or delegation of functions;
  - (d) any exclusion of liability on the part of trustees, or the provision of any indemnity or insurance out of the funds of the scheme.
- (13) Except as expressly provided, nothing in this Act limits the generality of the powers conferred by this section.

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**Textual Amendments**

- F1** S. 67(3) omitted (16.12.2010) by virtue of [Finance \(No. 3\) Act 2010 \(c. 33\), s. 30\(2\)\(a\)](#)
- F2** Words in s. 67(4) substituted (16.12.2010) by [Finance \(No. 3\) Act 2010 \(c. 33\), s. 30\(2\)\(b\)](#)

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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. 3(1A) inserted by [2023 c. 44 s. 1\(2\)](#)
- s. 5(1C) inserted by [2023 c. 44 s. 1\(3\)](#)
- s. 13(3)(ec) inserted by [2023 c. 20 Sch. para. 56](#)
- s. 13A inserted by [2023 c. 44 s. 1\(4\)](#)
- s. 24(1)(c) inserted by [2015 c. 8 Sch. 2 para. 43\(2\)\(d\)](#)
- s. 143(6)(7) inserted by [2023 c. 44 s. 1\(5\)\(b\)](#)