

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 1

Section 40

EARLY LEAVERS: REVALUATION OF ACCRUED BENEFITS

F11

Textual Amendments

F1 Sch. 1 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(d), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F12

Textual Amendments

F1 Sch. 1 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(d), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F13

Textual Amendments

F1 Sch. 1 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(d), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F14

Textual Amendments

F1 Sch. 1 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(d), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F15

Textual Amendments

F1 Sch. 1 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(d), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F16

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

Textual Amendments

F1 Sch. 1 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(d), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F17

Textual Amendments

F1 Sch. 1 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(d), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

8 In Schedule 3 to that Act (revaluation methods), before paragraph 1 insert—

“The default method

A1 The default method is to revalue the benefits in any way in which they would have been revalued if—

- (a) in the case of an occupational pension scheme, the member's pensionable service had not terminated, or
- (b) in the case of a personal pension scheme, contributions in respect of the member had not ceased to be paid.”

9 Omit paragraphs 3A and 4 of that Schedule.

10 In paragraph 5(1) of that Schedule, for “if his pensionable service had not terminated” substitute “if—

- (a) in the case of an occupational pension scheme, the member's pensionable service had not terminated, or
- (b) in the case of a personal pension scheme, contributions in respect of the member had not ceased to be paid.”

11 Omit the following, which are no longer needed given the earlier provisions of this Schedule—

- (a) paragraph 31(3) of Schedule 12 to the Welfare Reform and Pensions Act 1999;
- (b) section 19(1) to (3) of the Pensions Act 2011.

SCHEDULE 2

Section 46

OTHER AMENDMENTS TO DO WITH PARTS 1 AND 2

PROSPECTIVE

Pension Schemes Act 1993 (c. 48)

F21

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F2₂

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F2₃

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F2₄

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F2₅

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

PROSPECTIVE

Pensions Act 1995 (c. 26)

F2₆

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F2₇

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F28

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F29

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F210

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F211

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F212

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F213

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F214

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F2¹⁵

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F2¹⁶

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F2¹⁷

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F2¹⁸

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

PROSPECTIVE

Welfare Reform and Pensions Act 1999 (c. 30)

F2¹⁹

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

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PROSPECTIVE

Financial Services and Markets Act 2000 (c. 8)

F220

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F221

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F222

Textual Amendments

F2 Sch. 2 paras. 1-22 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(i), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

Pensions Act 2004 (c. 35)

PROSPECTIVE

23 The Pensions Act 2004 is amended as follows.

- 24 In section 13 (improvement notices), in subsection (7)—
- (a) omit the “or” at the end of paragraph (e);
 - (b) after paragraph (f) insert “, or
 - (g) the Pension Schemes Act 2015.”

PROSPECTIVE

F325

Textual Amendments

F3 Sch. 2 paras. 25-29 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(ii), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

PROSPECTIVE

F326

Textual Amendments

F3 Sch. 2 paras. 25-29 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(ii), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

PROSPECTIVE

F327

Textual Amendments

F3 Sch. 2 paras. 25-29 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(ii), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

PROSPECTIVE

F328

Textual Amendments

F3 Sch. 2 paras. 25-29 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(ii), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

PROSPECTIVE

F329

Textual Amendments

F3 Sch. 2 paras. 25-29 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(ii), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

- 30 (1) Section 90 (codes of practice) is amended as follows.
- (2) In subsection (2)(i), for “money purchase schemes” substitute “certain schemes”.
- (3) In subsection (6), in the definition of “the pensions legislation”—
- (a) omit the “or” at the end of paragraph (c);
 - (b) after paragraph (d) insert—
 - “(e) Schedule 18 to the Pensions Act 2014, or
 - (f) the Pension Schemes Act 2015.”

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

PROSPECTIVE

F431

Textual Amendments

F4 Sch. 2 para. 31 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(iii), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

PROSPECTIVE

F532

Textual Amendments

F5 Sch. 2 para. 32 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(iii), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

33 In section 254 (representative of non-European scheme to be treated as trustee), in subsection (3)—
(a) omit the “or” at the end of paragraph (c);
(b) after paragraph (d) insert “, or
(e) the Pension Schemes Act 2015.”

PROSPECTIVE

F634

Textual Amendments

F6 Sch. 2 para. 34 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(iv), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

PROSPECTIVE

F735

Textual Amendments

F7 Sch. 2 para. 35 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(iv), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

36 In section 291 (duty of trustees or managers to act consistently with law of host member state), in subsection (4)—
(a) omit the “or” at the end of paragraph (c);

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- (b) after paragraph (d) insert “, or
- (e) the Pension Schemes Act 2015.”

PROSPECTIVE

F837

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

PROSPECTIVE

F838

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

PROSPECTIVE

Pensions Act 2008 (c. 30)

F839

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F840

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F841

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

F842

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F843

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F844

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F845

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F846

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F847

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F848

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

F849

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

F850

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

PROSPECTIVE

Pensions Act 2014 (c. 19)

F851

Textual Amendments

F8 Sch. 2 paras. 37-51 omitted (1.8.2022) by virtue of Pension Schemes Act 2021 (c. 1), ss. 128(e)(v), 131(1); S.I. 2022/721, regs. 1(2), 3(e)

SCHEDULE 3

Section 47

PENSIONS GUIDANCE

1 The Financial Services and Markets Act 2000 is amended as follows.

F92

Textual Amendments

F9 Sch. 3 paras. 2-5 omitted (1.1.2019) by virtue of Financial Guidance and Claims Act 2018 (c. 10), s. 37(5), Sch. 3 para. 31; S.I. 2018/1330, reg. 2(g)(vii)

F93

Textual Amendments

F9 Sch. 3 paras. 2-5 omitted (1.1.2019) by virtue of Financial Guidance and Claims Act 2018 (c. 10), s. 37(5), Sch. 3 para. 31; S.I. 2018/1330, reg. 2(g)(vii)

F94

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

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Textual Amendments

- F9** Sch. 3 paras. 2-5 omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\)](#), s. 37(5), [Sch. 3 para. 31](#); S.I. 2018/1330, reg. 2(g)(vii)

F9⁵

.....

Textual Amendments

- F9** Sch. 3 paras. 2-5 omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\)](#), s. 37(5), [Sch. 3 para. 31](#); S.I. 2018/1330, reg. 2(g)(vii)

6 After section 137FA insert—

“137FB FCA general rules: disclosure of information about the availability of pensions guidance

- (1) The FCA must make general rules requiring information about the availability of pensions guidance to be given by the trustees or managers of a relevant pension scheme to members of the scheme, and survivors of members of the scheme, with subsisting rights in respect of any flexible benefits.
- (2) Before the FCA publishes a draft of any rules to be made by virtue of this section, it must consult—
 - (a) the Secretary of State, and
 - (b) the Treasury.
- (3) In determining what provision to include in the rules, the FCA must have regard to any regulations that are for the time being in force under section 113 of the Pension Schemes Act 1993 concerning the giving of information about the availability of pensions guidance to members of pension schemes, and survivors of members of pension schemes, with subsisting rights in respect of any flexible benefits.
- (4) In this section—

“flexible benefit” has the meaning given by section 74 of the Pension Schemes Act 2015;

“pensions guidance” means pensions guidance given by virtue of Part 20A;

“relevant pension scheme” means a pension scheme set up by a person with permission under this Act to establish—

 - (a) a personal pension scheme within the meaning of an order under section 22, or
 - (b) a stakeholder pension scheme within the meaning of such an order;

“subsisting right” has the meaning given by section 76 of the Pension Schemes Act 2015;

“survivor” has the meaning given by section 76 of the Pension Schemes Act 2015.”

7 (1) Section 138F (notification of rules) is amended as follows.

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(2) The existing text becomes subsection (1).

(3) After that subsection insert—

“(2) Subsection (1)(b) does not apply to rules made under or by virtue of section 137FB, 333Q or 333R.”

8 In section 138I (rules: consultation by the FCA)—

(a) in subsection (6) (exemption from requirement to carry out a cost benefit analysis), after paragraph (a) insert—

“(aa) section 137FB;”;

^{F10}(b)

(c) in subsection (10) (rules to which requirement to consult the PRA does not apply), after “apply to” insert “—

(a) rules made by the FCA under section 137FB, 333Q or 333R, or

(b)”.

Textual Amendments

F10 Sch. 3 para. 8(b) omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\)](#), s. 37(5), [Sch. 3 para. 31](#); S.I. 2018/1330, reg. 2(g)(vii)

^{F11}9

Textual Amendments

F11 Sch. 3 paras. 9-11 omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\)](#), s. 37(5), [Sch. 3 para. 31](#); S.I. 2018/1330, reg. 2(g)(vii)

^{F11}10

Textual Amendments

F11 Sch. 3 paras. 9-11 omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\)](#), s. 37(5), [Sch. 3 para. 31](#); S.I. 2018/1330, reg. 2(g)(vii)

^{F11}11

Textual Amendments

F11 Sch. 3 paras. 9-11 omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\)](#), s. 37(5), [Sch. 3 para. 31](#); S.I. 2018/1330, reg. 2(g)(vii)

12 In section 429 (Parliamentary control of statutory instruments), in subsection (2) (regulations subject to the affirmative resolution procedure), for “or 262” substitute “, 262, 333C or 333R ”.

^{F12}13

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

Textual Amendments

F12 Sch. 3 paras. 13-15 omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\), s. 37\(5\)](#), [Sch. 3 para. 31](#); S.I. 2018/1330, reg. 2(g)(vii)

^{F12}14

Textual Amendments

F12 Sch. 3 paras. 13-15 omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\), s. 37\(5\)](#), [Sch. 3 para. 31](#); S.I. 2018/1330, reg. 2(g)(vii)

^{F12}15

Textual Amendments

F12 Sch. 3 paras. 13-15 omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\), s. 37\(5\)](#), [Sch. 3 para. 31](#); S.I. 2018/1330, reg. 2(g)(vii)

- 16 In that Schedule, in paragraph 23 (fees)—
- (a) in sub-paragraph (1), in the opening words, after “of this Act” insert “ other than sections 333Q and 333R ”;
 - (b) in sub-paragraph (1)(a), after “functions” insert “ , other than its excepted functions, ”;
 - (c) in sub-paragraph (2)(a), after “(ca)” insert “ but not its excepted functions ”;
 - (d) after sub-paragraph (2) insert—
 - “(2ZA) The “excepted functions” of the FCA are—
 - (a) its functions under sections 333E to 333Q, and
 - (b) its functions under section 333R so far as relating to the collection of payments.”

^{F13}17

Textual Amendments

F13 Sch. 3 para. 17 omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\), s. 37\(5\)](#), [Sch. 3 para. 31](#); S.I. 2018/1330, reg. 2(g)(vii)

- 18 (1) For the purpose of the exercise of a function conferred by a provision listed in the first column of the table, a consultation requirement listed in the corresponding entry in the second column may be satisfied by things done before the day on which this Act is passed.

<i>Provision conferring function</i>	<i>Consultation requirement</i>
Section 137FB of FSMA	Sections 137FB(2) and 138I(1) of FSMA
Section 333E(1)(e) of FSMA	Section 333E(2) of FSMA

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Section 333H(1) of FSMA	Section 138I(1) of FSMA as applied with modifications by section 333H(6) of FSMA
Section 333K(1) of FSMA	Section 333L(1) of FSMA
Section 333P(1) of FSMA	Section 138(1)(b) of FSMA as applied by section 333P(3) of FSMA
Section 333Q(1) of FSMA	Sections 138I(1) and 333Q(2) of FSMA.
Section 333R(2) of FSMA	Sections 138I(1) and 333R(4) of FSMA

- (2) Where before the day on which this Act is passed the Financial Conduct Authority publishes a draft of proposed standards for the giving of pensions guidance by designated guidance providers—
- (a) the consultation requirement in section 138I of FSMA may be treated as satisfied by virtue of sub-paragraph (1) even if the draft is not accompanied by—
 - (i) a cost benefit analysis, or
 - (ii) an explanation of the Financial Conduct Authority's reasons for believing that setting the proposed standards would secure an appropriate degree of protection for recipients of pensions guidance from designated guidance providers, and
 - (b) if it is, any resulting standards published under section 138G(4) of FSMA must be accompanied by—
 - (i) a cost benefit analysis within the meaning of section 138I of that Act even if the conditions in subsection (5) of section 138I are not satisfied, and
 - (ii) an explanation of the Financial Conduct Authority's reasons for believing that setting the standards will secure an appropriate degree of protection for recipients of pensions guidance from designated guidance providers.
- (3) References in sub-paragraph (2) to provisions of sections 138G and 138I of FSMA are to those provisions as applied with modifications by section 333H(6) of that Act.
- (4) Where before the day on which this Act is passed the Financial Conduct Authority publishes a draft of proposed rules requiring information about the availability of pensions guidance to be given by the trustees or managers of a relevant pension scheme to members of the scheme, and survivors of members of the scheme, with subsisting rights in respect of any flexible benefits, the consultation requirement in section 137FB(2) of FSMA may be treated as satisfied by virtue of sub-paragraph (1) even if the only consultation before publication was with the Treasury.
- (5) In this paragraph—
- “consultation requirement” includes—
 - (a) a requirement to publish a draft;
 - (b) a requirement under section 333E(2)(b) or (c) of FSMA;
 - “FSMA” means the Financial Services and Markets Act 2000.

19 Expenses incurred by the Financial Conduct Authority before the day on which this Act is passed in anticipation of the conferral of functions on it by virtue of the

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for the Pension Schemes Act 2015. (See end of Document for details)*

amendments made by this Schedule are to be treated as if they had been incurred on or after that day.

SCHEDULE 4

Section 67

RIGHTS TO TRANSFER BENEFITS

PART 1

GREAT BRITAIN AMENDMENTS

Judicial Pensions Act 1981 (c. 20)

- 1 In Schedule 1A to the Judicial Pensions Act 1981 (transfer of accrued benefits), in paragraph 3, for “Chapter IV of Part IV of the Pension Schemes Act 1993” substitute “ Chapter 1 of Part 4ZA of the Pension Schemes Act 1993 ”.

Judicial Pensions and Retirement Act 1993 (c. 8)

- 2 In Schedule 2 to the Judicial Pensions and Retirement Act 1993 (transfer of accrued benefits), in paragraph 3, for “Chapter IV of Part IV of the Pension Schemes Act 1993” substitute “ Chapter 1 of Part 4ZA of the Pension Schemes Act 1993 ”.

Pension Schemes Act 1993 (c. 48)

- 3 The Pension Schemes Act 1993 is amended as follows.
- 4 (1) Chapters 4 and 5 of Part 4 of the Act become Chapters 1 and 2 of a new Part 4ZA.
- (2) Accordingly—
- (a) before section 93 (and before the Chapter heading above it) insert— “ PART 4ZA TRANSFERS AND CONTRIBUTION REFUNDS ”;
 - (b) for the Chapter heading above section 93 substitute— “ CHAPTER 1 TRANSFER RIGHTS: GENERAL ”;
 - (c) for the Chapter heading above section 101AA substitute— “ CHAPTER 2 EARLY LEAVERS: CASH TRANSFER SUMS AND CONTRIBUTION REFUNDS ”.
- 5 In section 24F (transfers out of GMP-converted schemes), in subsection (3), omit “guaranteed”.
- 6 Until the coming into force of its repeal by Schedule 13 to the Pensions Act 2014, section 56 of the Pension Schemes Act 1993 (payment of state scheme premiums on termination of certified status: supplementary) has effect as if, in subsection (4) (b), for “Chapter 5 of Part 4” there were substituted “ Chapter 2 of Part 4ZA ”.
- 7 In section 73 (form of short service benefit and its alternatives), in subsection (3), for “Chapter IV of this Part” substitute “ Chapter 1 of Part 4ZA ”.
- 8 For sections 93 to 94 substitute—

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“93 Scope of Chapter 1

- (1) This Chapter applies to a member of a pension scheme if all of the following conditions are met.
- (2) Condition 1 is that the member has accrued rights to any category of benefits under the scheme rules.
- (3) Condition 2 is that no crystallisation event has occurred in relation to the member's accrued rights to benefits in that category (see subsection (7)).
- (4) Condition 3 is that—
 - (a) the member is no longer accruing rights to benefits in that category (see subsection (8)), and
 - (b) in the case of benefits that are not flexible benefits, the member stopped accruing those rights at least one year before normal pension age.
- (5) But this Chapter does not apply to—
 - (a) a member of a salary related occupational pension scheme whose pensionable service terminated before 1 January 1986 and in respect of whom prescribed requirements are satisfied;
 - (b) a member of a personal pension scheme which is comprised in an annuity contract made before 4 January 1988.
- (6) In this Chapter a reference to a “category” of benefits is to one of the following three categories—
 - (a) money purchase benefits;
 - (b) flexible benefits other than money purchase benefits;
 - (c) benefits that are not flexible benefits.
- (7) For the purposes of Condition 2 a crystallisation event occurs in relation to a member's accrued rights to benefits in a category when—
 - (a) payment of a pension in respect of any of the benefits has begun,
 - (b) in the case of money purchase benefits, sums or assets held for the purpose of providing any of the benefits are designated as available for the payment of drawdown pension (as defined by paragraph 4 of Schedule 28 to the Finance Act 2004), or
 - (c) in the case of a personal pension scheme, sums or assets held for the purpose of providing any of the benefits are applied for purchasing an annuity or insurance policy.
- (8) For the purposes of Condition 3 a member stops accruing rights to a category of benefits when there are no longer arrangements in place for the accrual of rights to benefits in that category for or in respect of the member.
- (9) In this section a reference to accrued rights does not include pension credit rights.
- (10) Regulations may—
 - (a) provide for this Chapter not to apply in relation to a person of a prescribed description;

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- (b) provide for this Chapter not to apply in prescribed circumstances in relation to a member of a prescribed scheme or schemes of a prescribed description;
 - (c) modify the application of this Chapter in relation to a member who has accrued rights to benefits of a prescribed description.
- (11) In the following provisions of this Chapter—
- (a) a reference to a “member” of a pension scheme is a reference to a member to whom this Chapter applies, and
 - (b) a reference to a member's “transferrable rights” are to any rights in relation to a category of benefits by virtue of which this Chapter applies to the member.

93A Right to statement of entitlement: benefits other than money purchase

- (1) The trustees or managers of a pension scheme must, on the application of any member, provide the member with a statement of entitlement in respect of the member's transferrable rights in relation to categories of benefits other than money purchase benefits.
- (2) In the case of a member with transferrable rights in relation to two categories of benefits other than money purchase benefits, the application may relate to transferrable rights in relation to either or both of those categories.
- (3) For the purposes of this Chapter a member's “statement of entitlement” is a written statement of the amount of the cash equivalent at the guarantee date of the transferrable rights to which the application under subsection (1) relates.
- (4) In this Chapter “the guarantee date” means the date by reference to which the value of the cash equivalent is calculated, and must be—
 - (a) within the prescribed period beginning with the date of the application, and
 - (b) within the prescribed period ending with the date on which the statement of entitlement is provided to the member.
- (5) Regulations may make provision in relation to applications under this section and may, in particular, restrict the making of successive applications.
- (6) If the trustees or managers of a pension scheme fail to comply with subsection (1), section 10 of the Pensions Act 1995 (civil penalties) applies to any trustee or manager who has failed to take all reasonable steps to secure compliance.

94 Right to cash equivalent

- (1) A member of a pension scheme who has received a statement of entitlement under section 93A acquires a right to take the cash equivalent shown in that statement in accordance with this Chapter.
- (2) A member of a pension scheme who has transferrable rights in relation to money purchase benefits acquires a right to take their cash equivalent in accordance with this Chapter.”

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Commencement Information

II Sch. 4 para. 8 wholly in force; Sch. 4 para. 8 in force at Royal Assent for specified purposes; Sch. 4 para. 8 in force in so far as not already in force at 6.4.2015 see s. 89(1)(b)(3)(b)

- 9 (1) Section 95 (ways of taking right to cash equivalent) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) A member of a pension scheme who has acquired a right to take a cash equivalent in accordance with this Chapter may only take it by making an application in writing to the trustees or managers of the scheme requiring them to use the cash equivalent in one of the ways specified below.
- (1A) In the case of a right acquired under section 94(1), the application must be made—
- (a) within the period of 3 months beginning with the guarantee date shown in the relevant statement of entitlement, and
- (b) if the cash equivalent relates to benefits that are not flexible benefits, by no later than the date that falls one year before the member attains normal pension age.”
- (3) In subsections (2)(a)(i) and (b)(i) and (3)(a)(i) and (b)(i), for “accrued rights” substitute “transferrable rights”.
- (4) After subsection (6) insert—
- “(6A) Regulations may extend the period specified in subsection (1A)(a) in prescribed circumstances.”
- (5) Omit subsections (7) and (8).

Commencement Information

I2 Sch. 4 para. 9 wholly in force; Sch. 4 para. 9 in force at Royal Assent for specified purposes; Sch. 4 para. 9 in force in so far as not already in force at 6.4.2015 see s. 89(1)(b)(3)(b)

- 10 (1) Section 96 (further provisions concerning exercise of option under section 95) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) A member who has acquired a right to take a cash equivalent under section 94(1) or (2) may exercise the option conferred by section 95(1) in relation to different portions of that cash equivalent in different ways, but a member who exercises that option must do so—
- (a) in relation to the whole of that cash equivalent, or
- (b) if subsection (2) applies, in relation to the whole of the balance mentioned in subsection (3).”
- (3) In subsection (2), in paragraphs (a) and (b), for each “accrued rights” substitute “transferrable rights”.
- (4) For subsection (4) substitute—

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“(4) Where a member of a pension scheme—

- (a) is entitled to make an application under section 95(1) in relation to any category of benefits, and
- (b) is also entitled to give a transfer notice under section 101F(1) to the trustees or managers of the scheme in relation to benefits in the same category (or would be entitled to do so but for section 101G(2)),

the member may not, if the scheme so provides, make an application under section 95(1) in relation to that category of benefits without also giving a transfer notice under section 101F(1) in relation to that category of benefits.”

11 (1) Section 97 (calculation of cash equivalents) is amended as follows.

(2) After subsection (1) insert—

“(1A) Where a member applies under section 95 to take a cash equivalent that relates to money purchase benefits, the cash equivalent is to be calculated by reference to the date of the application.”

(3) In subsection (2)—

- (a) in paragraph (a), in the opening words, for “except guaranteed cash equivalents” substitute “ that relate to money purchase benefits ”;
- (b) in paragraph (aa), for “, including a guaranteed cash equivalent,” substitute “ that relates to any category of benefits ”.

(4) In subsection (3), omit paragraph (a).

(5) For subsection (3A) substitute—

“(3A) For the purposes of subsection (3), the “appropriate date”—

- (a) in relation to a cash equivalent that relates to benefits other than money purchase benefits, means the guarantee date for the purposes of the relevant statement of entitlement under section 93A, and
- (b) in relation to a cash equivalent that relates to money purchase benefits, means the date on which the trustees or managers receive an application from the member under section 95.

(3B) Where regulations under subsection (2)(b) provide for the cash equivalent shown in a statement of entitlement to be increased or reduced after the member has made an application under section 95, the regulations may provide for the application under section 95 to lapse (but this does not prevent the member making a fresh application in respect of the increased or reduced cash equivalent).”

12 For section 98 substitute—

“98 Loss of right to cash equivalent

- (1) A member of a pension scheme who acquires the right to take a cash equivalent under section 94(1) loses that right if no application to take the cash equivalent is made within the period required by section 95(1A) or (6A).
- (2) A member of a pension scheme loses the right to take a cash equivalent in accordance with this Chapter if, after the member makes an application under section 95, the duty of the trustees or managers to do what is needed to carry out what the member requires is extinguished by section 99(2A).

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- (3) Nothing in subsection (1) or (2) prevents the member from later acquiring a new right to take a cash equivalent in relation to the same benefits.
- (4) A member of a pension scheme loses the right to take a cash equivalent in accordance with this Chapter if the scheme is wound up.”
- 13 (1) Section 99 (trustees' duties after exercise of option) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) Subject to the following provisions of this section, if the trustees or managers of a scheme receive an application under section 95 they must do what is needed to carry out what the member requires—
- (a) in the case of an application that relates to benefits other than money purchase benefits, within 6 months beginning with the guarantee date shown in the relevant statement of entitlement, and
- (b) in the case of an application that relates to money purchase benefits, within 6 months beginning with the date of the application.”
- (3) In subsection (3)(a) omit “at any time before the expiry of the period of 12 months beginning with the termination date”.
- (4) Omit subsection (3A).
- (5) After subsection (4A) insert—
- “(4B) Regulations may extend the period for compliance under subsection (2) or (3) in prescribed circumstances.”

Commencement Information

I3 Sch. 4 para. 13 wholly in force; Sch. 4 para. 13 in force at Royal Assent for specified purposes; Sch. 4 para. 13 in force in so far as not already in force at 6.4.2015 see s. 89(1)(b)(3)(b)

- 14 After section 100 insert—

“100A Prohibition on excluding future accruals etc

Except as mentioned in sections 96(4) and 101G(4), a pension scheme may not contain rules that would have the effect of—

- (a) preventing a member from exercising a right under this Chapter in relation to a category of benefits without also exercising a right under this Chapter or otherwise to require a transfer payment to be made in respect of another category of benefits, or
- (b) preventing a member who exercises a right under this Chapter in relation to a category of benefits from accruing rights to benefits in another category.

100B Meaning of “scheme rules”: occupational pension schemes

- (1) In this Chapter references to the scheme rules, in relation to a pension scheme, are references to—
- (a) the rules of the scheme, except so far as overridden by a relevant legislative provision,

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- (b) the relevant legislative provisions, to the extent that they have effect in relation to the scheme and are not reflected in the rules of the scheme, and
 - (c) any provision which the rules of the scheme do not contain but which the scheme must contain if it is to conform with the requirements of Chapter 1 of Part 4 of this Act.
- (2) For the purposes of subsection (1)—
- (a) “relevant legislative provision” means any provision contained in any of the following provisions—
 - (i) Schedule 5 to the Social Security Act 1989;
 - (ii) Chapter 2 or 3 of Part 4 of this Act or regulations made under either of those Chapters;
 - (iii) this Part of this Act or regulations made under this Part;
 - (iv) Part 4A of this Act or regulations made under that Part;
 - (v) section 110(1) of this Act;
 - (vi) Part 1 of the Pensions Act 1995 or subordinate legislation made or having effect as if made under that Part;
 - (vii) section 31 of the Welfare Reform and Pensions Act 1999;
 - (viii) any provision mentioned in section 306(2) of the Pensions Act 2004;
 - (ix) regulations made under Schedule 17 to the Pensions Act 2014;
 - (x) regulations made under Schedule 18 to the Pensions Act 2014;
 - (xi) regulations made under Part 2 of the Pension Schemes Act 2015;
 - (xii) section 55 of the Pension Schemes Act 2015;
 - (xiii) regulations made under section 56 or 57 of the Pension Schemes Act 2015;
 - (b) a relevant legislative provision is to be taken to override any of the provisions of the scheme if, and only if, it does so by virtue of any of the following provisions—
 - (i) paragraph 3 of Schedule 5 to the Social Security Act 1989;
 - (ii) section 129(1) of this Act;
 - (iii) section 117(1) of the Pensions Act 1995;
 - (iv) section 31(4) of the Welfare Reform and Pensions Act 1999;
 - (v) section 306(1) of the Pensions Act 2004;
 - (vi) regulations made under paragraph 17 of Schedule 17 to the Pensions Act 2014;
 - (vii) regulations made under paragraph 6 of Schedule 18 to the Pensions Act 2014;
 - (viii) regulations made under section 34 of the Pension Schemes Act 2015;
 - (ix) section 55(3) of the Pension Schemes Act 2015;
 - (x) regulations made under section 56(4) or 57(4) of the Pension Schemes Act 2015.

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100C Meaning of “normal pension age” in this Chapter

- (1) In this Chapter “normal pension age”, in relation to a category of benefits under a pension scheme, means—
- (a) in a case where the scheme is an occupational pension scheme and those benefits consist only of a guaranteed minimum pension, the earliest age at which the member is entitled to receive the guaranteed minimum pension on retirement from any employment to which the scheme applies,
 - (b) in any other case where the scheme is an occupational pension scheme and the scheme provides for the member to become entitled to receive any of those benefits at a particular age on retirement from any employment to which the scheme applies, the earliest age at which the member becomes entitled to receive any of the benefits, and
 - (c) in a case not falling within paragraph (a) or (b), normal minimum pension age as defined by section 279(1) of the Finance Act 2004.
- (2) For the purposes of subsection (1) any scheme rule making special provision as to early retirement on grounds of ill-health or otherwise is to be disregarded.

100D Interpretation of Chapter

In this Chapter—

“accrued rights”, in relation to a member of a pension scheme, means rights that have accrued to or in respect of the member to benefits under the scheme;

“category”, in relation to benefits, has the meaning given by section 93(6);

“flexible benefit” has the meaning given by section 74 of the Pension Schemes Act 2015;

“guarantee date”, in relation to a member who has received a statement of entitlement, has the meaning given by section 93A;

“member” is to be read in accordance with section 93(11);

“normal pension age” has the meaning given by section 100C;

“pension credit rights”, in relation to a member of a pension scheme, means rights to benefits under the scheme which are attributable (directly or indirectly) to a pension credit;

“salary related occupational pension scheme”: an occupational pension scheme is “salary related” if—

(a) the scheme is not a scheme under which all the benefits that may be provided are money purchase benefits, and

(b) the scheme does not fall within a prescribed class;

“scheme rules”, in relation to a pension scheme, has the meaning given by section 100B;

“statement of entitlement” has the meaning given by section 93A;

“transferrable rights” is to be read in accordance with section 93(11).”

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- 15 (1) Section 101F (power to give transfer notice) is amended as follows.
- (2) In subsection (1), for “pension credit benefit” substitute “ pension credit rights ”.
- (3) After subsection (3) insert—
- “(3A) An eligible member who has pension credit rights in relation to more than one category of benefits under the scheme may exercise the power to give a transfer notice in relation to the pension credit rights in relation to any one or more of those categories.”
- (4) For subsection (4) substitute—
- “(4) The cash equivalent for the purposes of subsection (1) shall—
- (a) in a case where the pension credit rights relate to a category of benefits other than money purchase benefits, be taken to be the amount shown in the relevant statement under section 101H, and
- (b) in a case where the pension credit rights relate to money purchase benefits, be determined by reference to the date the notice under that subsection is given.”
- (5) For subsection (6A) substitute—
- “(6A) Regulations may—
- (a) provide for this Chapter not to apply in relation to a person of a prescribed description;
- (b) provide for this Chapter not to apply in prescribed circumstances in relation to a member of a prescribed scheme or schemes of a prescribed description;
- (c) modify the application of this Chapter in relation to a member who has accrued rights to benefits of a prescribed description.
- (6B) In this Chapter a reference to a “category” of benefits is to one of the following three categories—
- (a) money purchase benefits;
- (b) flexible benefits other than money purchase benefits;
- (c) benefits that are not flexible benefits.”

Commencement Information

I4 [Sch. 4 para. 15](#) wholly in force; [Sch. 4 para. 15](#) in force at Royal Assent for specified purposes; [Sch. 4 para. 15](#) in force in so far as not already in force at 6.4.2015 see [s. 89\(1\)\(b\)\(3\)\(b\)](#)

- 16 For section 101G (restrictions on power to give transfer notice) substitute—

“101G Restrictions on power to give transfer notice

- (1) An eligible member may not give a transfer notice in relation to a category of benefits if a crystallisation event has occurred in relation to any of the member's pension credit rights to benefits in that category.
- (2) An eligible member may give a transfer notice in relation to a category of benefits other than money purchase benefits only if—

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- (a) the member has been provided with a statement under section 101H in relation to benefits in that category, and
 - (b) not more than 3 months have passed since the date by reference to which the amount shown in the statement is determined.
- (3) An eligible member may not give a transfer notice in relation to benefits other than flexible benefits if there is less than one year to go until the member reaches normal benefit age.
- (4) Where an eligible member of a qualifying scheme—
 - (a) is entitled to give a transfer notice in relation to any category of benefits, and
 - (b) is also entitled to make an application to the trustees or managers of the scheme under section 95(1) in relation to benefits in the same category (or would be entitled to do so but for section 95(1A)(a)), the member may not, if the scheme so provides, give a transfer notice in relation to that category of benefits without also making an application under section 95(1) in relation to that category of benefits.
- (5) A transfer notice may not be given if a previous transfer notice given by the member to the trustees or managers of the scheme is outstanding.
- (6) Regulations may extend the period specified in subsection (2)(b) in prescribed circumstances.
- (7) For the purposes of subsection (1) a crystallisation event occurs in relation to a member's pension credit rights to benefits in a category when—
 - (a) payment of a pension in respect of any of the benefits has begun,
 - (b) in the case of money purchase benefits, sums or assets held for the purpose of providing any of the benefits are designated as available for the payment of drawdown pension (as defined by paragraph 4 of Schedule 28 to the Finance Act 2004), or
 - (c) in the case of a personal pension scheme, sums or assets held for the purpose of providing any of the benefits are applied for purchasing an annuity or insurance policy.”

Commencement Information

I5 Sch. 4 para. 16 wholly in force; Sch. 4 para. 16 in force at Royal Assent for specified purposes; Sch. 4 para. 16 in force in so far as not already in force at 6.4.2015 see s. 89(1)(b)(3)(b)

17 (1) Section 101H (salary related schemes: statements of entitlement) is amended as follows.

(2) For subsection (1) substitute—

“(1) The trustees or managers of a qualifying scheme must, on the application of an eligible member, provide the member with a written statement of the amount of the cash equivalent of the member's pension credit rights in relation to categories of benefits other than money purchase benefits.

(1A) In the case of a member with pension credit rights in relation to two categories of benefits other than money purchase benefits, the application

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may relate to pension credit rights in relation to either or both of those categories.”

- (3) In the heading for “Salary related schemes” substitute “ Benefits other than money purchase ”.
- 18 (1) Section 101J (time for compliance with transfer notice) is amended as follows.
- (2) In subsection (1), for paragraphs (a) and (b) substitute—
- “(a) in the case of an application that relates to benefits other than money purchase benefits, within 6 months beginning with the valuation date, and
- (b) in the case of an application that relates to money purchase benefits, within 6 months of the date on which the notice is given.”
- (3) After subsection (2) insert—
- “(2A) Regulations may extend the period for complying with the notice in prescribed circumstances.”
- (4) For subsection (7) substitute—
- “(7) In subsection (1)(a), “valuation date” means the date by reference to which the amount shown in the relevant statement under section 101H is determined.”

Commencement Information

16 Sch. 4 para. 18 wholly in force; Sch. 4 para. 18 in force at Royal Assent for specified purposes; Sch. 4 para. 18 in force in so far as not already in force at 6.4.2015 see s. 89(1)(b)(3)(b)

- 19 In section 101M (effect of transfer on trustees' duties), for the words from “pension credit benefit” to the end of the section substitute “ benefits to which the transfer notice relates ”.
- 20 After section 101N insert—

“101NA Prohibition on excluding transfers of some rights without others etc

Except as mentioned in sections 96(4) and 101G(4), a pension scheme may not contain rules that would have the effect of—

- (a) preventing a member from exercising a right under this Chapter in relation to a category of benefits without also exercising a right under this Chapter or otherwise to require a transfer payment to be made in respect of another category of benefits, or
- (b) preventing a member who exercises a right under this Chapter in relation to a category of benefits from accruing rights to benefits in another category.”
- 21 (1) Section 101P (interpretation) is amended as follows.
- (2) In subsection (1), at the appropriate places insert—
- ““category”, in relation to benefits, has the meaning given by section 101F(6B);”

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““flexible benefit” has the meaning given by section 74 of the Pension Schemes Act 2015;”.

- (3) In that subsection, omit the definition of “pension credit benefit”.
- (4) Omit subsection (2).
- (5) In subsection (3), for “given to the trustees or managers of a salary related occupational pension scheme” substitute “ in relation to benefits other than money purchase benefits ”.”
- 22 Omit section 101Q.
- 23 In section 129 (overriding requirements), in subsection (1), for “Chapters II, III, IV and V of Part IV” substitute “ Chapters 2 and 3 of Part 4, Chapters 1 and 2 of Part 4ZA ”.
- 24 In section 130 (extra-statutory benefits), in paragraph (b), for “Chapter II, IV or V of Part IV” substitute “ Chapter 2 of Part 4 or Chapter 1 or 2 of Part 4ZA ”.
- 25 In section 153 (power to modify certain provisions), in subsection (1), for “Chapters II, III and IV of Part IV” substitute “ Chapters 2 and 3 of Part 4 and Chapter 1 of Part 4ZA ”.
- 26 In section 179 (linked qualifying service), in subsection (1)(a)—
- (a) in the opening words, for “Chapter 4 or 5 of Part 4” substitute “ Chapter 1 or 2 of Part 4ZA ”;
 - (b) in sub-paragraph (iii)—
 - (i) for “Chapter 4 of Part 4” substitute “ Chapter 1 of Part 4ZA ”;
 - (ii) for “Chapter 5” substitute “ Chapter 2 ”.
- 27 In section 181 (interpretation), in subsection (1), in paragraph (b) of the definition of “transfer credits”, for “Chapter 5 of Part 4” substitute “ Chapter 2 of Part 4ZA ”.

Pensions Act 1995 (c. 26)

- 28 The Pensions Act 1995 is amended as follows.
- 29 In section 67A (the subsisting rights provisions: interpretation), in subsection (9) (a), for sub-paragraph (ii) substitute—
- “(ii) Chapter 2 or 3 of Part 4 of the Pension Schemes Act 1993 (certain protection for early leavers) or regulations made under either of those Chapters;
 - (iia) Chapter 1 or 2 of Part 4ZA of that Act (transfers and contribution refunds) or regulations made under either of those Chapters;”.
- 30 In section 73 (preferential liabilities on winding up), in subsection (9), for “Chapter 5 of Part 4” substitute “ Chapter 2 of Part 4ZA ”.
- 31 In section 73B (sections 73 and 73A: supplementary), in subsection (7), for “Chapter 4 of Part 4” substitute “ Chapter 1 of Part 4ZA ”.
- 32 In section 124 (interpretation of Part 1), in subsection (1), in paragraph (b) of the definition of “transfer credits”, for “Chapter 5 of Part 4 of the Pension Schemes Act 1993 (early leavers)” substitute “ Chapter 2 of Part 4ZA of the Pension Schemes Act 1993 (transfers and contribution refunds) ”.

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Learning and Skills Act 2000 (c. 21)

- 33 In section 135 (pensions: interpretation), in subsection (4), for “section 93(1A)” substitute “ section 100D ”.

Pensions Act 2004 (c. 35)

- 34 The Pensions Act 2004 is amended as follows.
- 35 (1) Section 18 (pension liberation: interpretation) is amended as follows.
- (2) In subsection (2)(a)—
- (a) after “accrued rights” insert “ or an entitlement ”;
- (b) in sub-paragraph (ii), for “the applicable rules” substitute “ the scheme rules ”.
- (3) In subsection (3)—
- (a) for paragraph (a) substitute—
- “(a) section 94 of the Pension Schemes Act 1993 (right to cash equivalent under Chapter 1 of Part 4ZA of that Act);”;
- (b) in paragraph (b), for “Chapter 5 of Part 4” substitute “ Chapter 2 of Part 4ZA ”.
- (4) In subsection (4)(d), for “the applicable rules” substitute “ the scheme rules ”.
- (5) Omit subsection (5).
- 36 In section 23 (freezing orders), in subsection (4)(g), for “salary related schemes” substitute “ benefits other than money purchase ”.
- 37 In section 24 (consequences of freezing order), in subsection (7), for paragraphs (a) and (b) substitute—
- “(a) Chapter 1 of Part 4ZA of the Pension Schemes Act 1993 (transfer rights: general), or
- (b) Chapter 2 of that Part (early leavers: cash transfer sums and contribution refunds),”.
- 38 In section 73 (inspection of premises), in subsection (2)(d)—
- (a) for “Chapter 4 of Part 4” substitute “ Chapter 1 of Part 4ZA ”;
- (b) for “Chapter 5 of Part 4” substitute “ Chapter 2 of Part 4ZA ”.
- 39 In section 135 (restrictions on winding up, discharge of liabilities etc), in subsection (6)(b), for “Chapter 5 of Part 4” substitute “ Chapter 2 of Part 4ZA ”.
- 40 In section 138 (payment of scheme benefits), in subsection (3)(b), for “Chapter 5 of Part 4” substitute “ Chapter 2 of Part 4ZA ”.
- 41 (1) Section 318 (interpretation) is amended as follows.
- (2) In subsection (2), for “an occupational pension scheme” substitute “ a pension scheme ”.
- (3) In subsection (3)(a), for sub-paragraph (ii) substitute—
- “(ii) Chapter 2 or 3 of Part 4 of the Pension Schemes Act 1993 (certain protection for early leavers) or regulations made under either of those Chapters;

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(ia) Chapter 1 or 2 of Part 4ZA of that Act (transfers and contribution refunds) or regulations made under either of those Chapters;”.

- 42 (1) Schedule 7 (pension compensation provisions) is amended as follows.
- (2) In paragraph 20(1)(c), for “Chapter 5 of Part 4” substitute “ Chapter 2 of Part 4ZA ”.
- (3) In paragraph 32(1)(b), for “Chapter 5 of Part 4” substitute “ Chapter 2 of Part 4ZA ”.

Scottish Parliamentary Pensions Act 2009 (asp 1)

- 43 (1) Schedule 1 to the Scottish Parliamentary Pensions Act 2009 (Scottish Parliamentary Pension Scheme) is amended as follows.
- (2) In paragraph 75, in Condition 6, for “section 93A(2)” substitute “ section 93A(4) ”.
- (3) In paragraph 91(2)(g), for “Chapter 4 of Part 4” substitute “ Chapter 1 of Part 4ZA ”.

Pensions Act 2014 (c. 19)

- 44 The Pensions Act 2014 is amended as follows.
- 45 In section 34 (power to prohibit offer of incentives to transfer pension rights), in subsection (7), in the definition of “salary related occupational pension scheme”, for “section 93(1A)” substitute “ section 100D ”.
- 46 In Schedule 17 (automatic transfer of pension benefits etc), in paragraph 1—
- (a) in sub-paragraph (4)(d), for “applicable rules” substitute “ scheme rules ”;
- (b) for sub-paragraph (6) substitute—
- “(6) In sub-paragraph (4)—
- (a) the reference to “scheme rules” is to be read in accordance with section 100B of the Pension Schemes Act 1993;
- (b) “benefits” means—
- (i) money purchase benefits other than money purchase benefits of a prescribed description, or
- (ii) benefits of a prescribed description.”

PART 2

NORTHERN IRELAND AMENDMENTS

Judicial Pensions Act 1981 (c. 20)

- 47 In Schedule 1A to the Judicial Pensions Act 1981 (transfer of accrued benefits), in paragraph 3, for “Chapter IV of Part IV of the Pension Schemes (Northern Ireland) Act 1993” substitute “ Chapter 1 of Part 4ZA of the Pension Schemes (Northern Ireland) Act 1993 ”.

Judicial Pensions and Retirement Act 1993 (c. 8)

- 48 In Schedule 2 to the Judicial Pensions and Retirement Act 1993 (transfer of accrued benefits), in paragraph 3, for “Chapter IV of Part IV of the Pension Schemes

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(Northern Ireland) Act 1993” substitute “ Chapter 1 of Part 4ZA of the Pension Schemes (Northern Ireland) Act 1993 ”.

Pension Schemes (Northern Ireland) Act 1993 (c. 49)

- 49 The Pension Schemes (Northern Ireland) Act 1993 is amended as follows.
- 50 (1) Chapters 4 and 5 of Part 4 of the Act become Chapters 1 and 2 of a new Part 4ZA.
- (2) Accordingly—
- (a) before section 89 (and before the Chapter heading above it) insert— “ PART 4ZA TRANSFERS AND CONTRIBUTION REFUNDS ”;
 - (b) for the Chapter heading above section 89 substitute— “ CHAPTER 1 TRANSFER RIGHTS: GENERAL ”;
 - (c) for the Chapter heading above section 97AA substitute— “ CHAPTER 2 EARLY LEAVERS: CASH TRANSFER SUMS AND CONTRIBUTION REFUNDS ”.
- 51 In section 20F (transfers out of GMP-converted schemes), in subsection (3), omit “guaranteed”.
- 52 In section 52 (payment of state scheme premiums on termination of certified status: supplementary), in subsection (4)(b), for “Chapter 5 of Part IV” substitute “ Chapter 2 of Part 4ZA ”.
- 53 In section 69 (form of short service benefit and its alternatives), in subsection (3), for “Chapter IV of this Part” substitute “ Chapter 1 of Part 4ZA ”.
- 54 For sections 89 to 90 substitute—

“89 Scope of Chapter 1

- (1) This Chapter applies to a member of a pension scheme if all of the following conditions are met.
- (2) Condition 1 is that the member has accrued rights to any category of benefits under the scheme rules.
- (3) Condition 2 is that no crystallisation event has occurred in relation to the member's accrued rights to benefits in that category (see subsection (7)).
- (4) Condition 3 is that—
 - (a) the member is no longer accruing rights to benefits in that category (see subsection (8)), and
 - (b) in the case of benefits that are not flexible benefits, the member stopped accruing those rights at least one year before normal pension age.
- (5) But this Chapter does not apply to—
 - (a) a member of a salary related occupational pension scheme whose pensionable service terminated before 1 January 1986 and in respect of whom prescribed requirements are satisfied;
 - (b) a member of a personal pension scheme which is comprised in an annuity contract made before 4 January 1988.

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- (6) In this Chapter a reference to a “category” of benefits is to one of the following three categories—
 - (a) money purchase benefits;
 - (b) flexible benefits other than money purchase benefits;
 - (c) benefits that are not flexible benefits.
- (7) For the purposes of Condition 2 a crystallisation event occurs in relation to a member's accrued rights to benefits in a category when—
 - (a) payment of a pension in respect of any of the benefits has begun,
 - (b) in the case of money purchase benefits, sums or assets held for the purpose of providing any of the benefits are designated as available for the payment of drawdown pension (as defined by paragraph 4 of Schedule 28 to the Finance Act 2004), or
 - (c) in the case of a personal pension scheme, sums or assets held for the purpose of providing any of the benefits are applied for purchasing an annuity or insurance policy.
- (8) For the purposes of Condition 3 a member stops accruing rights to a category of benefits when there are no longer arrangements in place for the accrual of rights to benefits in that category for or in respect of the member.
- (9) In this section a reference to accrued rights does not include pension credit rights.
- (10) Regulations may—
 - (a) provide for this Chapter not to apply in relation to a person of a prescribed description;
 - (b) provide for this Chapter not to apply in prescribed circumstances in relation to a member of a prescribed scheme or schemes of a prescribed description;
 - (c) modify the application of this Chapter in relation to a member who has accrued rights to benefits of a prescribed description.
- (11) In the following provisions of this Chapter—
 - (a) a reference to a “member” of a pension scheme is a reference to a member to whom this Chapter applies, and
 - (b) a reference to a member's “transferrable rights” are to any rights in relation to a category of benefits by virtue of which this Chapter applies to the member.

89A Right to statement of entitlement: benefits other than money purchase

- (1) The trustees or managers of a pension scheme must, on the application of any member, provide the member with a statement of entitlement in respect of the member's transferrable rights in relation to categories of benefits other than money purchase benefits.
- (2) In the case of a member with transferrable rights in relation to two categories of benefits other than money purchase benefits, the application may relate to transferrable rights in relation to either or both of those categories.
- (3) For the purposes of this Chapter a member's “statement of entitlement” is a written statement of the amount of the cash equivalent at the guarantee

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date of the transferrable rights to which the application under subsection (1) relates.

- (4) In this Chapter “the guarantee date” means the date by reference to which the value of the cash equivalent is calculated, and must be—
- (a) within the prescribed period beginning with the date of the application, and
 - (b) within the prescribed period ending with the date on which the statement of entitlement is provided to the member.
- (5) Regulations may make provision in relation to applications under this section and may, in particular, restrict the making of successive applications.
- (6) If the trustees or managers of a pension scheme fail to comply with subsection (1), Article 10 of the Pensions (Northern Ireland) Order 1995 (civil penalties) applies to any trustee or manager who has failed to take all reasonable steps to secure compliance.

90 Right to cash equivalent

- (1) A member of a pension scheme who has received a statement of entitlement under section 89A acquires a right to take the cash equivalent shown in that statement in accordance with this Chapter.
- (2) A member of a pension scheme who has transferrable rights in relation to money purchase benefits acquires a right to take their cash equivalent in accordance with this Chapter.”

Commencement Information

I7 [Sch. 4 para. 54](#) wholly in force; [Sch. 4 para. 54](#) in force at Royal Assent for specified purposes; [Sch. 4 para. 54](#) in force in so far as not already in force at 6.4.2015 see [s. 89\(1\)\(b\)\(3\)\(b\)](#)

- 55 (1) Section 91 (ways of taking right to cash equivalent) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) A member of a pension scheme who has acquired a right to take a cash equivalent in accordance with this Chapter may only take it by making an application in writing to the trustees or managers of the scheme requiring them to use the cash equivalent in one of the ways specified below.
- (1A) In the case of a right acquired under section 90(1), the application must be made—
- (a) within the period of 3 months beginning with the guarantee date shown in the relevant statement of entitlement, and
 - (b) if the cash equivalent relates to benefits that are not flexible benefits, by no later than the date that falls one year before the member attains normal pension age.”
- (3) In subsections (2)(a)(i) and (b)(i) and (3)(a)(i) and (b)(i), for “accrued rights” substitute “transferrable rights”.
- (4) After subsection (6) insert—

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“(6A) Regulations may extend the period specified in subsection (1A)(a) in prescribed circumstances.”

(5) Omit subsections (7) and (8).

Commencement Information

I8 Sch. 4 para. 55 wholly in force; Sch. 4 para. 55 in force at Royal Assent for specified purposes; Sch. 4 para. 55 in force in so far as not already in force at 6.4.2015 see s. 89(1)(b)(3)(b)

56 (1) Section 92 (further provisions concerning exercise of option under section 91) is amended as follows.

(2) For subsection (1) substitute—

“(1) A member who has acquired a right to take a cash equivalent under section 90(1) or (2) may exercise the option conferred by section 91(1) in relation to different portions of that cash equivalent in different ways, but a member who exercises that option must do so—

- (a) in relation to the whole of that cash equivalent, or
- (b) if subsection (2) applies, in relation to the whole of the balance mentioned in subsection (3).”

(3) In subsection (2), in paragraphs (a) and (b), for each “accrued rights” substitute “transferrable rights”.

(4) For subsection (4) substitute—

“(4) Where a member of a pension scheme—

- (a) is entitled to make an application under section 91(1) in relation to any category of benefits, and
- (b) is also entitled to give a transfer notice under section 97F(1) to the trustees or managers of the scheme in relation to benefits in the same category (or would be entitled to do so but for section 97G(2)),

the member may not, if the scheme so provides, make an application under section 91(1) in relation to that category of benefits without also giving a transfer notice under section 97F(1) in relation to that category of benefits.”

57 (1) Section 93 (calculation of cash equivalents) is amended as follows.

(2) After subsection (1) insert—

“(1A) Where a member applies under section 91 to take a cash equivalent that relates to money purchase benefits, the cash equivalent is to be calculated by reference to the date of the application.”

(3) In subsection (2)—

- (a) in paragraph (a), in the opening words, for “except guaranteed cash equivalents (as defined in section 90(1A))” substitute “that relate to money purchase benefits”;
- (b) in paragraph (aa), for “, including a guaranteed cash equivalent,” substitute “that relates to any category of benefits”.

(4) In subsection (3), omit paragraph (a).

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for the Pension Schemes Act 2015. (See end of Document for details)*

(5) For subsection (3A) substitute—

“(3A) For the purposes of subsection (3), the “appropriate date”—

- (a) in relation to a cash equivalent that relates to benefits other than money purchase benefits, means the guarantee date for the purposes of the relevant statement of entitlement under section 89A, and
- (b) in relation to a cash equivalent that relates to money purchase benefits, means the date on which the trustees or managers receive an application from the member under section 91.

(3B) Where regulations under subsection (2)(b) provide for the cash equivalent shown in a statement of entitlement to be increased or reduced after the member has made an application under section 91, the regulations may provide for the application under section 91 to lapse (but this does not prevent the member making a fresh application in respect of the increased or reduced cash equivalent).”

58 For section 94 substitute—

“94 Loss of right to cash equivalent

- (1) A member of a pension scheme who acquires the right to take a cash equivalent under section 90(1) loses that right if no application to take the cash equivalent is made within the period required by section 91(1A) or (6A).
- (2) A member of a pension scheme loses the right to take a cash equivalent in accordance with this Chapter if, after the member makes an application under section 91, the duty of the trustees or managers to do what is needed to carry out what the member requires is extinguished by section 95(2A).
- (3) Nothing in subsection (1) or (2) prevents the member from later acquiring a new right to take a cash equivalent in relation to the same benefits.
- (4) A member of a pension scheme loses the right to take a cash equivalent in accordance with this Chapter if the scheme is wound up.”

59 (1) Section 95 (trustees' duties after exercise of option) is amended as follows.

(2) For subsection (2) substitute—

“(2) Subject to the following provisions of this section, if the trustees or managers of a scheme receive an application under section 91 they must do what is needed to carry out what the member requires—

- (a) in the case of an application that relates to benefits other than money purchase benefits, within 6 months beginning with the guarantee date shown in the relevant statement of entitlement, and
- (b) in the case of an application that relates to money purchase benefits, within 6 months beginning with the date of the application.”

(3) In subsection (3)(a) omit “at any time before the expiry of the period of 12 months beginning with the termination date”.

(4) Omit subsection (3A).

(5) After subsection (4A) insert—

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“(4B) Regulations may extend the period for compliance under subsection (2) or (3) in prescribed circumstances.”

Commencement Information

19 Sch. 4 para. 59 wholly in force; Sch. 4 para. 59 in force at Royal Assent for specified purposes; Sch. 4 para. 59 in force in so far as not already in force at 6.4.2015 see s. 89(1)(b)(3)(b)

60 After section 96 insert—

“96A Prohibition on excluding future accruals etc

Except as mentioned in sections 92(4) and 97G(4), a pension scheme may not contain rules that would have the effect of—

- (a) preventing a member from exercising a right under this Chapter in relation to a category of benefits without also exercising a right under this Chapter or otherwise to require a transfer payment to be made in respect of another category of benefits, or
- (b) preventing a member who exercises a right under this Chapter in relation to a category of benefits from accruing rights to benefits in another category.

96B Meaning of “scheme rules”: occupational pension schemes

(1) In this Chapter references to the scheme rules, in relation to a pension scheme, are references to—

- (a) the rules of the scheme, except so far as overridden by a relevant legislative provision,
- (b) the relevant legislative provisions, to the extent that they have effect in relation to the scheme and are not reflected in the rules of the scheme, and
- (c) any provision which the rules of the scheme do not contain but which the scheme must contain if it is to conform with the requirements of Chapter 1 of Part 4.

(2) For the purposes of subsection (1)—

- (a) “relevant legislative provision” means any provision contained in any of the following provisions—
 - (i) Schedule 5 to the Social Security (Northern Ireland) Order 1989;
 - (ii) Chapter 2 or 3 of Part 4 or regulations made under either of those Chapters;
 - (iii) this Part or regulations made under this Part;
 - (iv) Part 4A or regulations made under that Part;
 - (v) section 106(1);
 - (vi) Part 2 of the Pensions (Northern Ireland) Order 1995 or orders or regulations made or having effect as if made under that Part;
 - (vii) Article 28 of the Welfare Reform and Pensions (Northern Ireland) Order 1999;

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- (viii) any provision mentioned in Article 279(2) of the Pensions (Northern Ireland) Order 2005;
 - (ix) section 61 of the Pension Schemes Act 2015;
 - (x) regulations made under section 62 or 63 of the Pension Schemes Act 2015;
- (b) a relevant legislative provision is to be taken to override any of the provisions of the scheme if, and only if, it does so by virtue of any of the following provisions—
- (i) paragraph 3 of Schedule 5 to the Social Security (Northern Ireland) Order 1989;
 - (ii) section 125(1);
 - (iii) Article 114(1) of the Pensions (Northern Ireland) Order 1995;
 - (iv) Article 28(4) of the Welfare Reform and Pensions (Northern Ireland) Order 1999;
 - (v) Article 279(1) of the Pensions (Northern Ireland) Order 2005;
 - (vi) section 61(3) of the Pension Schemes Act 2015;
 - (vii) regulations made under section 62(4) or 63(4) of the Pension Schemes Act 2015.

96C Meaning of “normal pension age” in this Chapter

- (1) In this Chapter “normal pension age”, in relation to a category of benefits under a pension scheme, means—
- (a) in a case where the scheme is an occupational pension scheme and those benefits consist only of a guaranteed minimum pension, the earliest age at which the member is entitled to receive the guaranteed minimum pension on retirement from any employment to which the scheme applies,
 - (b) in any other case where the scheme is an occupational pension scheme and the scheme provides for the member to become entitled to receive any of those benefits at a particular age on retirement from any employment to which the scheme applies, the earliest age at which the member becomes entitled to receive any of the benefits, and
 - (c) in a case not falling within paragraph (a) or (b), normal minimum pension age as defined by section 279(1) of the Finance Act 2004.
- (2) For the purposes of subsection (1) any scheme rule making special provision as to early retirement on grounds of ill-health or otherwise is to be disregarded.

96D Interpretation of Chapter

In this Chapter—

“accrued rights”, in relation to a member of a pension scheme, means rights that have accrued to or in respect of the member to benefits under the scheme;

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“category”, in relation to benefits, has the meaning given by section 89(6);

“flexible benefit” has the meaning given by section 74 of the Pension Schemes Act 2015;

“guarantee date”, in relation to a member who has received a statement of entitlement, has the meaning given by section 89A;

“member” is to be read in accordance with section 89(11);

“normal pension age” has the meaning given by section 96C;

“pension credit rights”, in relation to a member of a pension scheme, means rights to benefits under the scheme which are attributable (directly or indirectly) to a pension credit;

“salary related occupational pension scheme”: an occupational pension scheme is “salary related” if—

(a) the scheme is not a scheme under which all the benefits that may be provided are money purchase benefits, and

(b) the scheme does not fall within a prescribed class;

“scheme rules”, in relation to a pension scheme, has the meaning given by section 96B;

“statement of entitlement” has the meaning given by section 89A;

“transferrable rights” is to be read in accordance with section 89(11).”

- 61 (1) Section 97F (power to give transfer notice) is amended as follows.
- (2) In subsection (1), for “pension credit benefit” substitute “ pension credit rights ”.
- (3) After subsection (3) insert—
- “(3A) An eligible member who has pension credit rights in relation to more than one category of benefits under the scheme may exercise the power to give a transfer notice in relation to the pension credit rights in relation to any one or more of those categories.”
- (4) For subsection (4) substitute—
- “(4) The cash equivalent for the purposes of subsection (1) shall—
- (a) in a case where the pension credit rights relate to a category of benefits other than money purchase benefits, be taken to be the amount shown in the relevant statement under section 97H, and
- (b) in a case where the pension credit rights relate to money purchase benefits, be determined by reference to the date the notice under that subsection is given.”
- (5) For subsection (6A) substitute—
- “(6A) Regulations may—
- (a) provide for this Chapter not to apply in relation to a person of a prescribed description;
- (b) provide for this Chapter not to apply in prescribed circumstances in relation to a member of a prescribed scheme or schemes of a prescribed description;
- (c) modify the application of this Chapter in relation to a member who has accrued rights to benefits of a prescribed description.

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for the Pension Schemes Act 2015. (See end of Document for details)*

- (6B) In this Chapter a reference to a “category” of benefits is to one of the following three categories—
- (a) money purchase benefits;
 - (b) flexible benefits other than money purchase benefits;
 - (c) benefits that are not flexible benefits.”

Commencement Information

I10 Sch. 4 para. 61 wholly in force; Sch. 4 para. 61 in force at Royal Assent for specified purposes; Sch. 4 para. 61 in force in so far as not already in force at 6.4.2015 see s. 89(1)(b)(3)(b)

62 For section 97G (restrictions on power to give transfer notice) substitute—

“97G Restrictions on power to give transfer notice

- (1) An eligible member may not give a transfer notice in relation to a category of benefits if a crystallisation event has occurred in relation to any of the member's pension credit rights to benefits in that category.
- (2) An eligible member may give a transfer notice in relation to a category of benefits other than money purchase benefits only if—
 - (a) the member has been provided with a statement under section 97H in relation to benefits in that category, and
 - (b) not more than 3 months have passed since the date by reference to which the amount shown in the statement is determined.
- (3) An eligible member may not give a transfer notice in relation to benefits other than flexible benefits if there is less than one year to go until the member reaches normal benefit age.
- (4) Where an eligible member of a qualifying scheme—
 - (a) is entitled to give a transfer notice in relation to any category of benefits, and
 - (b) is also entitled to make an application to the trustees or managers of the scheme under section 91(1) in relation to benefits in the same category (or would be entitled to do so but for section 91(1A)(a)),
the member may not, if the scheme so provides, give a transfer notice in relation to that category of benefits without also making an application under section 91(1) in relation to that category of benefits.
- (5) A transfer notice may not be given if a previous transfer notice given by the member to the trustees or managers of the scheme is outstanding.
- (6) Regulations may extend the period specified in subsection (2)(b) in prescribed circumstances.
- (7) For the purposes of subsection (1) a crystallisation event occurs in relation to a member's pension credit rights to benefits in a category when—
 - (a) payment of a pension in respect of any of the benefits has begun,
 - (b) in the case of money purchase benefits, sums or assets held for the purpose of providing any of the benefits are designated as available

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- for the payment of drawdown pension (as defined by paragraph 4 of Schedule 28 to the Finance Act 2004), or
- (c) in the case of a personal pension scheme, sums or assets held for the purpose of providing any of the benefits are applied for purchasing an annuity or insurance policy.”

Commencement Information

I11 Sch. 4 para. 62 wholly in force; Sch. 4 para. 62 in force at Royal Assent for specified purposes; Sch. 4 para. 62 in force in so far as not already in force at 6.4.2015 see s. 89(1)(b)(3)(b)

63 (1) Section 97H (salary related schemes: statements of entitlement) is amended as follows.

(2) For subsection (1) substitute—

“(1) The trustees or managers of a qualifying scheme must, on the application of an eligible member, provide the member with a written statement of the amount of the cash equivalent of the member's pension credit rights in relation to categories of benefits other than money purchase benefits.

(1A) In the case of a member with pension credit rights in relation to two categories of benefits other than money purchase benefits, the application may relate to pension credit rights in relation to either or both of those categories.”

(3) In the heading for “Salary related schemes” substitute “ Benefits other than money purchase ”.

64 (1) Section 97J (time for compliance with transfer notice) is amended as follows.

(2) In subsection (1), for paragraphs (a) and (b) substitute—

- “(a) in the case of an application that relates to benefits other than money purchase benefits, within 6 months beginning with the valuation date, and
- (b) in the case of an application that relates to money purchase benefits, within 6 months of the date on which the notice is given.”

(3) After subsection (2) insert—

“(2A) Regulations may extend the period for complying with the notice in prescribed circumstances.”

(4) For subsection (7) substitute—

“(7) In subsection (1)(a), “valuation date” means the date by reference to which the amount shown in the relevant statement under section 97H is determined.”

Commencement Information

I12 Sch. 4 para. 64 wholly in force; Sch. 4 para. 64 in force at Royal Assent for specified purposes; Sch. 4 para. 64 in force in so far as not already in force at 6.4.2015 see s. 89(1)(b)(3)(b)

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65 In section 97M (effect of transfer on trustees' duties), for the words from “pension credit benefit” to the end of the section substitute “ benefits to which the transfer notice relates ”.

66 After section 97N insert—

“97NA Prohibition on excluding transfers of some rights without others etc

Except as mentioned in sections 92(4) and 97G(4), a pension scheme may not contain rules that would have the effect of—

- (a) preventing a member from exercising a right under this Chapter in relation to a category of benefits without also exercising a right under this Chapter or otherwise to require a transfer payment to be made in respect of another category of benefits, or
- (b) preventing a member who exercises a right under this Chapter in relation to a category of benefits from accruing rights to benefits in another category.”

67 (1) Section 97P (interpretation) is amended as follows.

(2) In subsection (1), at the appropriate places insert—

““category”, in relation to benefits, has the meaning given by section 97F(6B);”

““flexible benefit” has the meaning given by section 74 of the Pension Schemes Act 2015;”.

(3) In that subsection, omit the definition of “pension credit benefit”.

(4) Omit subsection (2).

(5) In subsection (3), for “given to the trustees or managers of a salary related occupational pension scheme” substitute “ in relation to benefits other than money purchase benefits ”.”

68 Omit section 97Q.

69 In section 125 (overriding requirements), in subsection (1), for “Chapters II, III, IV and V of Part IV” substitute “ Chapters 2 and 3 of Part 4, Chapters 1 and 2 of Part 4ZA ”.

70 In section 126 (extra-statutory benefits), in paragraph (b), for “Chapter II, IV or V of Part IV” substitute “ Chapter 2 of Part 4 or Chapter 1 or 2 of Part 4ZA ”.

71 In section 149 (power to modify certain provisions), in subsection (1), for “Chapters II, III and IV of Part IV” substitute “ Chapters 2 and 3 of Part 4 and Chapter 1 of Part 4ZA ”.

72 In section 174 (linked qualifying service), in subsection (1)(a)—

- (a) in the opening words, for “Chapter 4 or 5 of Part IV” substitute “ Chapter 1 or 2 of Part 4ZA ”;
- (b) in sub-paragraph (iii)—
 - (i) for “Chapter 4 of Part IV” substitute “ Chapter 1 of Part 4ZA ”;
 - (ii) for “Chapter 5” substitute “ Chapter 2 ”.

73 In section 176 (interpretation), in subsection (1), in paragraph (b) of the definition of “transfer credits”, for “Chapter 5 of Part IV” substitute “ Chapter 2 of Part 4ZA ”.

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Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

- 74 The Pensions (Northern Ireland) Order 1995 is amended as follows.
- 75 In Article 67A (the subsisting rights provisions: interpretation), in paragraph (9)(a), for head (ii) substitute—
- “(ii) Chapter 2 or 3 of Part 4 of the Pension Schemes Act (certain protection for early leavers) or regulations made under either of those Chapters;
 - (iia) Chapter 1 or 2 of Part 4ZA of that Act (transfers and contribution refunds) or regulations made under either of those Chapters;”.
- 76 In Article 73 (preferential liabilities on winding up), in paragraph (9), for “Chapter 5 of Part IV” substitute “ Chapter 2 of Part 4ZA ”.
- 77 In Article 73B (Article 73 and 73A: supplementary), in paragraph (7), for “Chapter 4 of Part IV” substitute “ Chapter 1 of Part 4ZA ”.
- 78 In Article 121 (interpretation of Part 2), in paragraph (1), in paragraph (b) of the definition of “transfer credits”, for “Chapter 5 of Part IV of the Pension Schemes Act (early leavers)” substitute “ Chapter 2 of Part 4ZA of the Pension Schemes Act (transfers and contribution refunds) ”.

Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

- 79 The Pensions (Northern Ireland) Order 2005 is amended as follows.
- 80 (1) Article 2 (interpretation) is amended as follows.
- (2) In paragraph (3), for “an occupational pension scheme” substitute “ a pension scheme ”.
 - (3) In paragraph (4)(a), for head (ii) substitute—
 - “(ii) Chapter 2 or 3 of Part 4 of the Pension Schemes Act (certain protection for early leavers) or regulations made under either of those Chapters;
 - (iia) Chapter 1 or 2 of Part 4ZA of that Act (transfers and contribution refunds) or regulations made under either of those Chapters;”.
- 81 (1) Article 14 (pension liberation: interpretation) is amended as follows.
- (2) In paragraph (2)(a)—
 - (a) after “accrued rights” insert “ or an entitlement ”;
 - (b) in head (ii), for “the applicable rules” substitute “ the scheme rules ”.
 - (3) In paragraph (3)—
 - (a) for sub-paragraph (a) substitute—
 - “(a) section 90 of the Pension Schemes Act (right to cash equivalent under Chapter 1 of Part 4ZA of that Act);”;
 - (b) in sub-paragraph (b), for “Chapter 5 of Part IV” substitute “ Chapter 2 of Part 4ZA ”.
 - (4) In paragraph (4)(d), for “the applicable rules” substitute “ the scheme rules ”.
 - (5) Omit paragraph (5).

*Changes to legislation: There are currently no known outstanding effects
for the Pension Schemes Act 2015. (See end of Document for details)*

- 82 In Article 19 (freezing orders), in paragraph (4)(g), for “salary related schemes” substitute “benefits other than money purchase”.
- 83 In Article 20 (consequences of freezing order), in paragraph (7), for sub-paragraphs (a) and (b) substitute—
- “(a) Chapter 1 of Part 4ZA of the Pension Schemes Act (transfer rights: general), or
- (b) Chapter 2 of that Part (early leavers: cash transfer sums and contribution refunds)”.
- 84 In Article 68 (inspection of premises), in paragraph (2)(d)—
- (a) for “Chapter 4 of Part IV” substitute “Chapter 1 of Part 4ZA”;
- (b) for “Chapter 5 of Part IV” substitute “Chapter 2 of Part 4ZA”.
- 85 In Article 119 (restrictions on winding up, discharge of liabilities etc.), in paragraph (6)(b), for “Chapter 5 of Part IV” substitute “Chapter 2 of Part 4ZA”.
- 86 In Article 122 (payment of scheme benefits), in paragraph (3)(b), for “Chapter 5 of Part IV” substitute “Chapter 2 of Part 4ZA”.
- 87 (1) Schedule 6 (pension compensation provisions) is amended as follows.
- (2) In paragraph 20(1)(c), for “Chapter 5 of Part IV” substitute “Chapter 2 of Part 4ZA”.
- (3) In paragraph 32(1)(b), for “Chapter 5 of Part IV” substitute “Chapter 2 of Part 4ZA”.

SCHEDULE 5

Section 78

PENSION SCHEME FOR FEE-PAID JUDGES: CONSEQUENTIAL AMENDMENTS

Pensions (Increase) Act 1971 (c. 56)

- 1 The Pensions (Increase) Act 1971 is amended as follows.
- 2 In section 19(2)(a) (extent to Northern Ireland)—
- (a) after “or section” insert “18A or”;
- (b) after “section 10 of that Act” insert “or provision made under section 18A of that Act that is corresponding or similar to the provision that may be made by regulations under section 10 of that Act”.
- 3 In Schedule 2 (official pensions), after paragraph 4A insert—
- “4AA A pension payable under a scheme made under section 18A of the Judicial Pensions and Retirement Act 1993, other than a pension payable under or by virtue of provision that is corresponding or similar to the provision that may be made by regulations under section 10 of that Act.”

Judicial Pensions and Retirement Act 1993 (c. 8)

- 4 The Judicial Pensions and Retirement Act 1993 is amended as follows.
- 5 In section 22 (application of the Pensions (Increase) Act 1971 to Northern Ireland), in subsection (2)—
- (a) after “shall include” insert “—
- (a)”;

Changes to legislation: There are currently no known outstanding effects for the Pension Schemes Act 2015. (See end of Document for details)

- (b) at the end insert “; and
 - (b) pensions payable under a scheme made under section 18A above, other than pensions payable under or by virtue of provision that is corresponding or similar to the provision that may be made by regulations under section 10 above.”
- 6 (1) Section 28 (funding arrangements) is amended as follows.
 - (2) In subsection (2) (benefits payable out of money provided by Parliament), after paragraph (a) (but before the “and” at the end) insert—
 - “(aa) any pension or other benefits payable under a scheme made under section 18A above.”
 - (3) In subsection (7), for “section 10 above” substitute “—
 - (a) section 10 above, or
 - (b) provision made under section 18A above that is corresponding or similar to the provision that may be made by regulations under section 10 above.”
- 7 In section 28A (contributions in respect of Northern Ireland judges), at the end insert “ or as a fee-paid judge in Northern Ireland (within the meaning given by section 18A) ”.
- 8 (1) Section 29 (regulations and orders) is amended as follows.
 - (2) In subsection (2), after “other than” insert “ regulations under section 18A above or ”.
 - (3) After subsection (2) insert—
 - “(2A) A statutory instrument which contains regulations under section 18A may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Changes to legislation:

There are currently no known outstanding effects for the Pension Schemes Act 2015.