

2023 No. 1414 (C. 99)

PENSIONS

**The Pensions Dashboards (Prohibition of Indemnification) Act
2023 (Commencement) Regulations 2023**

Made - - - -

18th December 2023

The Secretary of State for Work and Pensions, in exercise of the power conferred by section 2(4) of the Pensions Dashboards (Prohibition of Indemnification) Act 2023(a), makes the following Regulations.

Citation

1. These Regulations may be cited as the Pensions Dashboards (Prohibition of Indemnification) Act 2023 (Commencement) Regulations 2023.

Coming into force of section 1(1) of the Pensions Dashboards (Prohibition of Indemnification) Act 2023

2. The day appointed for the coming into force of section 1(1) of the Pensions Dashboards (Prohibition of Indemnification) Act 2023 (no indemnification for penalties under pensions dashboards regulations) is 1st January 2024.

Signed by authority of the Secretary of State for Work and Pensions

18th December 2023

Paul Maynard
Parliamentary Under-Secretary of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force section 1(1) of the Pensions Dashboards (Prohibition of Indemnification) Act 2023 (no indemnification for penalties under pensions dashboards regulations) (c. 14) (“the 2023 Act”) on 1st January 2024. These Regulations extend to England and Wales and Scotland.

Section 1(1) of the 2023 Act amends section 256(1)(b) of the Pensions Act 2004 (no indemnification for fines or civil penalties) (c. 35) (“the 2004 Act”) by inserting a reference to section 238G of the 2004 Act (compliance) into that section.

This amendment makes it an offence for a trustee or manager of an occupational or personal pension scheme to be reimbursed from scheme funds for a civil penalty imposed by regulations (such as the Pensions Dashboards Regulations 2022 (S.I. 2022/1220)) made under section 238G of the 2004 Act (compliance). The civil penalty regime in section 10 of the Pensions Act 1995 (c. 26) (civil penalties) also applies where trustees or managers do not take all reasonable steps to comply with the provisions prohibiting indemnification in respect of civil penalties under section 238G and reimbursement is paid out of scheme funds.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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