



Pensions Act 2008

2008 CHAPTER 30

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 8

APPLICATION AND INTERPRETATION

General

99 Interpretation of Part

In this Part—

“active member”—

- (a) in relation to an occupational pension scheme, means a person who is in pensionable service under the scheme;
- (b) in relation to a personal pension scheme, means a jobholder in relation to whom there is an agreement within section 26(4) between the provider of the scheme and the employer or (where section 9 applies) a worker in relation to whom there are direct payment arrangements (within the meaning of section 111A of the Pension Schemes Act 1993 (c. 48)) between the worker and the employer;

“automatic enrolment scheme” is to be read in accordance with section 3(8);

“average salary benefits” means benefits the rate or amount of which is calculated by reference to the average salary of a member over the period of service on which the benefits are based;

[^{F1}“collective money purchase benefit” has the meaning given by section 1 of the Pension Schemes Act 2021;]

“contract of employment” has the meaning given by section 88;

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“defined benefits”, in relation to a member of an occupational pension scheme, means benefits which are not money purchase benefits (but the rate or amount of which is calculated by reference to earnings or service of the member or any other factor other than an amount available for their provision);

“defined benefits scheme” means an occupational pension scheme under which all the benefits that may be provided are defined benefits;

“employer”, “employment” and related expressions have the meaning given by section 88;

“enrolment duty” means a duty under section 3(2), 5(2), 7(3) or 9(2);

“hybrid scheme” means an occupational pension scheme which is neither a defined benefits scheme nor a money purchase scheme;

^{F2}
...

“jobholder” has the meaning given by section 1(1);

“money purchase benefits”, in relation to a member of a pension scheme, ^{F3}means—

- (a) benefits] the rate or amount of which is calculated by reference to a payment or payments made by the member or by any other person in respect of the member and [^{F4}which fall within section 99A][^{F5}, and
- (b) collective money purchase benefits;]

“money purchase scheme” means an occupational pension scheme under which all the benefits that may be provided are money purchase benefits;

“occupational pension scheme” has the meaning given by section 18;

“pension scheme” has the meaning given by section 1(5) of the Pension Schemes Act 1993 (c. 48);

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 (c. 26);

“pensionable service”, in relation to a member of an occupational pension scheme, means service in any description of employment to which the scheme relates which qualifies the member (on the assumption that it continues for the appropriate period) for pension or other benefits under the scheme;

“personal pension scheme” has the meaning given by section 19;

“prescribed” means prescribed by regulations;

“provider”—

- (a) in relation to a personal pension scheme to which section 26 applies, means the person referred to in subsection (1)(b) of that section;
- (b) in relation to any other personal pension scheme, has the meaning prescribed;

“qualifying earnings” has the meaning given by section 13;

“qualifying scheme” is to be read in accordance with section 2(5);

“regulations” means regulations made by the Secretary of State;

“the Regulator” means the Pensions Regulator;

“tax year” means the 12 months beginning with 6th April in any year;

“trustee or manager”—

- (a) in relation to England and Wales or Scotland, is to be construed in accordance with section 178 of the Pension Schemes Act 1993 (c. 48) (trustees and managers of schemes: interpretation);

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- (b) in relation to Northern Ireland, is to be construed in accordance with section 173 of the Pension Schemes (Northern Ireland) Act 1993 (c. 49) (trustees or managers of schemes);
“worker” has the meaning given by section 88.

Textual Amendments

- F1** Words in s. 99 inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 1 para. 6(2)**; S.I. 2022/721, regs. 1(2), 3(a)
- F2** Words in s. 99 omitted (31.12.2020) by virtue of The Occupational and Personal Pension Schemes (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/192), regs. 1, **6(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 99 substituted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 1 para. 6(3)(a)**; S.I. 2022/721, regs. 1(2), 3(a)
- F4** Words in s. 99 substituted (retrospective to 5.7.2010) by Pensions Act 2011 (c. 19), s. **29(3)(8)**; S.I. 2010/10, **art. 2(c)**
- F5** Words in s. 99 inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 1 para. 6(3)(b)**; S.I. 2022/721, regs. 1(2), 3(a)

Commencement Information

- I1** S. 99 wholly in force at 5.7.2010; s. 99 in force for certain purposes at Royal Assent see s. 149(2)(k); s. 99 otherwise in force at 5.7.2010 by S.I. 2010/10, **art. 2(c)**

[^{F6}99A Money purchase benefits: supplementary

- (1) This section applies for the purposes of [^{F7}paragraph (a) of the definition] of “money purchase benefits” in section 99.
- (2) A benefit other than a pension in payment falls within this section if its rate or amount is calculated solely by reference to assets which (because of the nature of the calculation) must necessarily suffice for the purposes of its provision to or in respect of the member.
- (3) A benefit which is a pension in payment falls within this section if—
- its provision to or in respect of the member is secured by an annuity contract or insurance policy made or taken out with an insurer, and
 - at all times before coming into payment the pension was a benefit falling within this section by virtue of subsection (2).
- (4) For the purposes of subsection (2) it is immaterial if the calculation of the rate or amount of the benefit includes deductions for administrative expenses or commission.
- (5) In this section references to a pension do not include income withdrawal or dependants' income withdrawal (within the meaning of paragraphs 7 and 21 of Schedule 28 to the Finance Act 2004).]

Textual Amendments

- F6** S. 99A inserted (retrospective to 5.7.2010) by Pensions Act 2011 (c. 19), s. **29(4)(8)**; S.I. 2010/10, **art. 2(c)**

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F7 Words in [s. 99A\(1\)](#) substituted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in force) by [Pension Schemes Act 2021 \(c. 1\)](#), [s. 131\(1\)\(3\)\(a\)](#), [Sch. 1 para. 7](#); [S.I. 2022/721](#), [regs. 1\(2\)](#), [3\(a\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

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