

Status: Point in time view as at 11/02/2021.

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SCHEDULES

SCHEDULE 3

Section 122.

AMENDMENTS CONSEQUENTIAL ON PART I

Extent Information

- E1** The amendment by this Act of an enactment which extends to Northern Ireland extends also to Northern Ireland see s.178(1)(2)(3).

The Employment Protection (Consolidation) Act 1978 (c.44)

F1

Textual Amendments

- F1** Sch. 3 paras. 1-7 repealed (22.8.1996) by [Employment Rights Act 1996 \(c. 18\)](#), s. 243, [Sch. 3 Pt. I](#) (with ss. 191, 192, 194, 195, 202, 241, Sch. 2)

F12

Textual Amendments

- F1** Sch. 3 paras. 1-7 repealed (22.8.1996) by [Employment Rights Act 1996 \(c. 18\)](#), s. 243, [Sch. 3 Pt. I](#) (with ss. 191, 192, 194, 195, 202, 241, Sch. 2)

F13

Textual Amendments

- F1** Sch. 3 paras. 1-7 repealed (22.8.1996) by [Employment Rights Act 1996 \(c. 18\)](#), s. 243, [Sch. 3 Pt. I](#) (with ss. 191, 192, 194, 195, 202, 241, Sch. 2)

F14

Textual Amendments

- F1** Sch. 3 paras. 1-7 repealed (22.8.1996) by [Employment Rights Act 1996 \(c. 18\)](#), s. 243, [Sch. 3 Pt. I](#) (with ss. 191, 192, 194, 195, 202, 241, Sch. 2)

F15

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Textual Amendments

F1 Sch. 3 paras. 1-7 repealed (22.8.1996) by Employment Rights Act 1996 (c. 18), s. 243, **Sch. 3 Pt. I** (with ss. 191, 192, 194, 195, 202, 241, Sch. 2)

^{F1}6

Textual Amendments

F1 Sch. 3 paras. 1-7 repealed (22.8.1996) by Employment Rights Act 1996 (c. 18), s. 243, **Sch. 3 Pt. I** (with ss. 191, 192, 194, 195, 202, 241, Sch. 2)

^{F1}7

Textual Amendments

F1 Sch. 3 paras. 1-7 repealed (22.8.1996) by Employment Rights Act 1996 (c. 18), s. 243, **Sch. 3 Pt. I** (with ss. 191, 192, 194, 195, 202, 241, Sch. 2)

^{F2}8

Textual Amendments

F2 Sch. 3 para. 8 repealed (22.8.1996) by Employment Tribunals Act 1996 (c. 17), s. 46, **Sch. 3 Pt. I** (with s. 38)

^{F3}9

Textual Amendments

F3 Sch. 3 para. 9 repealed (22.8.1996) by Employment Tribunals Act 1996 (c. 17), s. 46, **Sch. 3 Pt. I** (with s. 38)

^{F4}10

Textual Amendments

F4 Sch. 3 para. 10 repealed (22.8.1996) by Employment Rights Act 1996 (c. 18), s. 243, **Sch. 3 Pt. I** (with ss. 191, 192, 194, 195, 202, 241, Sch. 2)

The Insurance Companies Act 1982 (c.50)

^{F5}11

Textual Amendments

F5 Sch. 3 para. 11 repealed (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **149(a)**

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The Companies Act 1985 (c.6)

F⁶12

Textual Amendments

- F6** Sch. 3 para. 12 repealed (6.4.2005) by Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27), s. 65(1), Sch. 8; S.I. 2004/3322, art. 2(2), Sch. 2; and repealed (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), Sch. 13; S.I. 2006/560, art. 2(3), Sch. Pt. 3

The Bankruptcy (Scotland) Act 1985 (c. 66)

F⁷13

Textual Amendments

- F7** Sch. 3 para. 13 repealed (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, Sch. 2 Pt. 1

F⁸14

Textual Amendments

- F8** Sch. 3 para. 14 repealed (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, Sch. 2 Pt. 1

The Insolvency Act 1986 (c.45)

- 15 In section 310 of the Insolvency Act 1986 (income payments orders)—
- (a) in subsection (2), after “income of the bankrupt” there is inserted “ when taken together with any payments to which subsection (8) applies ”, and
 - (b) at the end of subsection (7), there is added—

“and any payment under a pension scheme but excluding any payment to which subsection (8) applies.

(8) This subsection applies to—

- (a) payments by way of guaranteed minimum pension; and
- (b) payments giving effect to the bankrupt’s protected rights as a member of a pension scheme.

(9) In this section, “guaranteed minimum pension” and “protected rights” have the same meaning as in the Pension Schemes Act 1993.”

Commencement Information

- I1** Sch. 3 para. 15 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

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The Building Societies Act 1986 (c.53)

16 In section 53(15) of the Building Societies Act 1986, after paragraph (b) there is added—

“or

- (c) persons involved in the operation of occupational pension schemes (within the meaning of the Pension Schemes Act 1993 or, in Northern Ireland, the Pension Schemes (Northern Ireland) Act 1993), and accordingly the “ or ” after paragraph (a) is omitted.

Commencement Information

I2 Sch. 3 para. 16 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

The Financial Services Act 1986 (c.60)

F9 17

Textual Amendments

F9 Sch. 3 para. 18 repealed (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, 149(a)

The Banking Act 1987 (c.22)

F9 18

Textual Amendments

F9 Sch. 3 para. 18 repealed (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, 149(a)

The Companies Act 1989 (c.40)

F10 19

Textual Amendments

F10 Sch. 3 para. 19 repealed (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, 149(a)

The Friendly Societies Act 1992 (c.40)

20 In the Table in section 64(5) of the Friendly Societies Act 1992, after the entry relating to the Building Societies Commission there is inserted—

“The Occupational Pensions Regulatory Authority Functions under the Pension Schemes Act 1993 or the Pensions Act 1995 or

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any enactment in force in Northern Ireland corresponding to either of them.”

Commencement Information

I3 Sch. 3 para. 20 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

The Tribunals and Inquiries Act 1992 (c. 53)

^{F11}21

Textual Amendments

F11 Sch. 3 para. 21 repealed (6.4.2005) by Pensions Act 2004 (c. 35), s. 322(1), Sch. 13; S.I. 2005/275, art. 2(7), Sch. Pt. 7

The Pension Schemes Act 1993 (c.48)

22 The Pension Schemes Act 1993 is amended as follows.

Commencement Information

I4 Sch. 3 para. 22 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

^{F12}23

Textual Amendments

F12 Sch. 3 para. 23 repealed (6.4.2005) by Pensions Act 2004 (c. 35), s. 322(1), Sch. 13; S.I. 2005/695, art. 2(7), Sch. 1

24 Sections 77 to 80 (assignment, forfeiture etc. of short service benefit) are repealed.

Commencement Information

I5 Sch. 3 para. 24 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

25 Sections 102 to 108 (annual increase in pensions in payment) are repealed.

Commencement Information

I6 Sch. 3 para. 25 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3 (with art. 6)

26 Section 112 (restriction on investment in employer-related assets) is repealed.

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Commencement Information

I7 Sch. 3 para. 26 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

27 Section 114 (documents for members etc.) is repealed.

Commencement Information

I8 Sch. 3 para. 27 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3 (with art. 7)

28 Section 116 (regulations as to auditors) is repealed.

Commencement Information

I9 Sch. 3 para. 28 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

29 Section 118 (equal access) is repealed.

Commencement Information

I10 Sch. 3 para. 29 in force at 1.1.1996 by S.I. 1995/3104, art. 2(3)

30 Sections 119 to 122 (independent trustees) are repealed.

Commencement Information

I11 Sch. 3 para. 30 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

31 In section 129 (overriding requirements)—

- (a) in subsection (1), “ Chapter I of Part V ”, “ sections 119 to 122 ”, “ under Chapter I of Part V or ” and “ or sections 119 to 122 ” are omitted,
- (b) in subsection (2), for the words from “Chapter III” to “section 108)” there is substituted “ and Chapter III of that Part ”, and
- (c) subsection (3)(a) is omitted.

Commencement Information

I12 Sch. 3 para. 31 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

32 In section 132 (conformity of schemes with requirements), “ the equal access requirements ” is omitted.

Commencement Information

I13 Sch. 3 para. 32 in force at 1.1.1996 by S.I. 1995/3104, art. 2(3)

33 In section 133(1) (advice of the Board), “ the equal access requirements ” is omitted.

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Commencement Information

I14 Sch. 3 para. 33 in force at 1.1.1996 by S.I. 1995/3104, art. 2(3)

- 34 In section 134 (determination of questions)—
- (a) in subsection (3), “ the equal access requirements ”, and
 - (b) in subsection (4), “ or the equal access requirements ” and “ or , as the case may be, section 118(1) ”, are omitted.

Commencement Information

I15 Sch. 3 para. 34 in force at 1.1.1996 by S.I. 1995/3104, art. 2(3)

- 35 In section 136(2)(e)(iv) (applications to modify schemes), “ or the equal access requirements ” is omitted.

Commencement Information

I16 Sch. 3 para. 35 in force at 1.1.1996 by S.I. 1995/3104, art. 2(3)

- 36 In section 139(2) (functions of the Board), “ the equal access requirements ” is omitted.

Commencement Information

I17 Sch. 3 para. 36 in force at 1.1.1996 by S.I. 1995/3104, art. 2(3)

- 37 In section 140(4) (effect of orders), paragraph (c) and the “ and ” immediately preceding it are omitted.

Commencement Information

I18 Sch. 3 para. 37 in force at 1.1.1996 by S.I. 1995/3104, art. 2(3)

- 38 Section 144 (deficiencies in assets on winding up) is repealed.

Commencement Information

I19 Sch. 3 para. 38 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

- 39 In section 153 (power to modify Act)—
- (a) in subsection (1), the words from “ and Chapter I ” to “ section 108) ” are omitted,
 - (b) subsections (3) and (4) are omitted,
 - (c) in subsection (5), “ Chapter I of Part VII ” is omitted, at the end of paragraph (b) there is inserted “ or ”, and paragraph (d) and the preceding “ or ” are omitted, and
 - (d) subsections (6) and (7) are omitted.

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Commencement Information

- I20** Sch. 3 para. 39(a)(c)(d) in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3
- I21** Sch. 3 para. 39(b) in force at 1.1.1996 by S.I. 1995/3104, art. 2(3)

40 In section 154(1) (application of provisions to personal pension schemes), after “provision of this Act” there is inserted “ or of sections 22 to 26 and 40 of the Pensions Act 1995 ”.

Commencement Information

- I22** Sch. 3 para. 40 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

41 In section 159 (inalienability of certain pensions), after subsection (4) there is inserted—

“(4A) Where a person—

- (a) is entitled or prospectively entitled as is mentioned in subsection (1), or
- (b) is entitled to such rights or to such a payment as is mentioned in subsection (4),

no order shall be made by any court the effect of which would be that he would be restrained from receiving anything the assignment of which is or would be made void by either of those subsections.

(4B) Subsection (4A) does not prevent the making of an attachment of earnings order under the Attachment of Earnings Act 1971.”

Commencement Information

- I23** Sch. 3 para. 41 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), Sch. Pt. 3

42 In section 170 (determination of questions by Secretary of State), subsections (5) and (6) are omitted.

Commencement Information

- I24** Sch. 3 para. 42 in force at 1.1.1996 by S.I. 1995/3104, art. 2(3)

F13 43

Textual Amendments

- F13** Sch. 3 para. 43 repealed (1.3.2002 for specified purposes, 1.4.2002 in so far as not already in force) by Child Support, Pensions and Social Security Act 2000 (c. 19), Sch. 9 Pt. III(2) (with s. 83(6)); S.I. 2002/437, art. 3(1)(h)(2)

44 In section 181 (general interpretation)—
(a) in subsection (1)—
(i) the definition of “ equal access requirements ” is omitted, and

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- ^{F14}(ii)
- (b) in subsection (2), for the words from “160” to “requirements” there is substituted “ and 160 ”.

Textual Amendments

F14 Sch. 3 para. 44(a)(ii) repealed (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 13**; S.I. 2006/560, art. 2(3), Sch. Pt. 3

Commencement Information

- I25** Sch. 3 para. 44 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**
- I26** Sch. 3 para. 44(a)(i) in force at 1.1.1996 by S.I. 1995/3104, **art. 2(3)**
- I27** Sch. 3 para. 44(a)(ii) in force at 16.10.1996 for specified purposes by S.I. 1996/2637, **art. 3**

- 45 In section 183 (sub-delegation), in subsection (3)—
- ^{F15}(a)
- (b) the words from “or, in the case of” to “determined” are omitted, and
- (c) the words following paragraph (b) are omitted.

Textual Amendments

F15 Sch. 3 para. 45(a) repealed (1.12.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 13 Pt. III**; S.I. 2000/1047, art. 2(2)(d), Sch. Pt. 4

Commencement Information

I28 Sch. 3 para. 45 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

- 46 In section 185(1) (consultation about regulations), “ I or ” is omitted.

Commencement Information

I29 Sch. 3 para. 46 in force at 6.4.1997 by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

- 47 In Schedule 7 (re-enactment or amendment of certain provisions not in force), paragraphs 1 and 3 are omitted.

Commencement Information

I30 Sch. 3 para. 47 in force at 1.1.1996 by S.I. 1995/3104, **art. 2(3)**

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