

*Status: Point in time view as at 01/08/2022.*

**Changes to legislation:** Pensions Act 2004, Part 6 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

#### THE PENSIONS REGULATOR

#### PART 6

#### STATUS AND LIABILITY ETC

##### *Status*

- 29 (1) The Regulator is not to be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, privilege or immunity of the Crown.
- (2) Accordingly, the Regulator’s property is not to be regarded as property of, or held on behalf of, the Crown.

##### **Commencement Information**

**11** Sch. 1 para. 29 in force at 17.12.2004 by [S.I. 2004/3350](#), art. 2, [Sch.](#)

##### *Validity*

- 30 The validity of any proceedings of the Regulator (including any proceedings of any of its committees) is not to be affected by—
- (a) any vacancy among the members of the Regulator or of any of its committees,
  - (b) any defect in the appointment of any member of the Regulator or of any of its committees, or
  - (c) any defect in the appointment of the Chief Executive.

##### **Commencement Information**

**12** Sch. 1 para. 30 in force at 17.12.2004 by [S.I. 2004/3350](#), art. 2, [Sch.](#)

##### *Disqualification*

- 31 Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) is amended as follows—
- (a) in Part 2 (bodies whose members are disqualified) at the appropriate place insert—“ The Pensions Regulator. ”, and

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- (b) in Part 3 (other disqualifying offices) at the appropriate place insert— “ Member of the Determinations Panel established by the Pensions Regulator under section 9 of the Pensions Act 2004. ”

**Commencement Information**

**I3** Sch. 1 para. 31 in force at 17.12.2004 by [S.I. 2004/3350](#), art. 2, [Sch.](#)

- 32 Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) is amended as follows—
- (a) in Part 2 (bodies whose members are disqualified) at the appropriate place insert— “ The Pensions Regulator. ”, and
- (b) in Part 3 (other disqualifying offices) at the appropriate place insert— “ Member of the Determinations Panel established by the Pensions Regulator under section 9 of the Pensions Act 2004. ”

**Commencement Information**

**I4** Sch. 1 para. 32 in force at 17.12.2004 by [S.I. 2004/3350](#), art. 2, [Sch.](#)

*The Parliamentary Commissioner for Administration*

- 33 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13)(departments and authorities subject to investigation), at the appropriate place insert— “ The Pensions Regulator. ”

**Commencement Information**

**I5** Sch. 1 para. 33 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

*The Superannuation Act 1972*

- 34 (1) The persons to whom section 1 of the Superannuation Act 1972 (c. 11) (persons to or in respect of whom benefits may be provided by schemes under that section) applies are to include—
- the chairman of the Regulator  
 the employees of the Regulator.
- (2) The Regulator must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.

**Commencement Information**

**I6** Sch. 1 para. 34 in force at 17.12.2004 by [S.I. 2004/3350](#), art. 2, [Sch.](#)

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### *Exemption from liability in damages*

- 35 (1) Neither the Regulator nor any person who is a member of the Regulator, a member of any of its committees, or a member of its staff is to be liable in damages for anything done or omitted in the exercise or purported exercise of the functions of the Regulator conferred by, or by virtue of, this or any other enactment.
- (2) Any person who is—
- (a) the chairman of the Regulator,
  - (b) the Chief Executive of the Regulator, or
  - (c) the chairman of the Determinations Panel,
- is not to be liable in damages for anything done or omitted in the exercise or purported exercise of any function conferred on the office in question by, or by virtue of, this Act or any provisions in force in Northern Ireland corresponding to this Act.
- (3) Any person who is a member of the committee established under section 8 or of any of its sub-committees is not to be liable in damages for anything done or omitted in the discharge or purported discharge of the duty to prepare a report under subsection (5) of that section on the discharge of the non-executive functions.
- (4) Any person who is a member of the Determinations Panel is not to be liable in damages for anything done or omitted in the exercise or purported exercise of the functions of the Panel under—
- (a) section 93(3) (procedure in relation to regulatory functions) or any corresponding provision in force in Northern Ireland,
  - (b) section 99(11) (procedure in relation to exercise of functions on a compulsory review) or any corresponding provision in force in Northern Ireland, or
  - (c) paragraph 18(2) of this Schedule (general procedure).
- (5) But sub-paragraphs (1) to (4) do not apply—
- (a) if it is shown that the act or omission was in bad faith, or
  - (b) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998 (c. 42).

#### **Commencement Information**

- I7** Sch. 1 para. 35(1)-(3)(4)(c)(5) in force at 17.12.2004 for specified purposes by S.I. 2004/3350, art. 2, **Sch.**
- I8** Sch. 1 para. 35(4)(a)(b) in force at 6.4.2005 by S.I. 2005/275, art. 2(7), **Sch. Pt. 7**
- I9** Sch. 1 para. 35(5) in force at 6.4.2005 for specified purposes in so far as it relates to paragraph 35(4)(a) and (b) by S.I. 2005/275, art. 2(7), **Sch. Pt. 7**

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