

Status: Point in time view as at 21/02/2009.

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SCHEDULES

SCHEDULE 2

Section 10

THE RESERVED REGULATORY FUNCTIONS

PART 1

FUNCTIONS UNDER THE PENSION SCHEMES ACT 1993 (C. 48)

- 1 The power by direction under section 99(4) to grant an extension of the period within which the trustees or managers of a scheme are to carry out certain duties.

Commencement Information

I1 Sch. 2 para. 1 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 2 The power by direction under section 101J(2) to extend the period for compliance with a transfer notice.

Commencement Information

I2 Sch. 2 para. 2 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 3 The power under regulations made by virtue of section 168(4) to require a person to pay a penalty.

Commencement Information

I3 Sch. 2 para. 3 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

PART 2

FUNCTIONS UNDER THE PENSIONS ACT 1995 (C. 26)

- 4 The power to make an order under section 3(1) prohibiting a person from being a trustee.

Commencement Information

I4 Sch. 2 para. 4 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 5 The power to make an order under section 3(3) revoking such an order.

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Commencement Information

I5 Sch. 2 para. 5 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

6 The power to make an order under section 4(1) suspending a trustee.

Commencement Information

I6 Sch. 2 para. 6 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

7 The power to make an order under section 4(2) extending the period for which an order under section 4(1) of that Act has effect.

Commencement Information

I7 Sch. 2 para. 7 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

8 The power to make an order under section 4(5) revoking an order under section 4(1) of that Act suspending a trustee.

Commencement Information

I8 Sch. 2 para. 8 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

9 The power to make an order appointing a trustee under any of the following provisions of section 7—

- (a) subsection (1) where a trustee is removed by an order under section 3 (prohibition orders);
- (b) subsection (3)(a) [^{F1}, (c) or (d)].

Textual Amendments

F1 Words in Sch. 2 para. 9(b) substituted (26.1.2009) by [Pensions Act 2008 \(c. 30\)](#), **ss. 131(2)**, 149(5)

Commencement Information

I9 Sch. 2 para. 9 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

10 The power under section 9 to exercise by order the same jurisdiction and powers as the High Court or the Court of Session for vesting property in, or transferring property to, trustees in consequence of the appointment or removal of a trustee.

Commencement Information

I10 Sch. 2 para. 10 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

11 The power to require a person to pay a penalty under section 10 (including under regulations made by virtue of subsection (3) of that section).

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Commencement Information

I11 Sch. 2 para. 11 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

12 The power to make an order under section 11 directing or authorising an occupational pension scheme to be wound up.

Commencement Information

I12 Sch. 2 para. 12 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

13 The power to give directions to trustees under section 15.

Commencement Information

I13 Sch. 2 para. 13 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

[^{F2}13A The duty under section 23(4), and regulations made thereunder, to compile and maintain a register of persons who satisfy prescribed conditions to act as independent trustees, but only in so far as that duty entails the removal of a person from that register if he does not satisfy, or no longer satisfies, any such prescribed condition.]

Textual Amendments

F2 Sch. 2 para. 13A inserted (11.4.2005) by [The Occupational Pension Schemes \(Independent Trustee\) Regulations 2005 \(S.I. 2005/703\)](#), [regs. 1\(1\)](#), [5](#)

14 The power under section 29(5) to give a notice waiving a disqualification under section 29 of that Act.

Commencement Information

I14 Sch. 2 para. 14 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

15 The power under section 30(2) to exercise by order the same jurisdiction and powers as the High Court or the Court of Session for vesting property in, or transferring property to, the trustees where a trustee becomes disqualified under section 29 of that Act.

Commencement Information

I15 Sch. 2 para. 15 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

[^{F3}15A. The power under section 58(7) to extend or further extend the period referred to in section 58(6) of that Act in relation to a schedule of contributions for an occupational pension scheme.

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Textual Amendments

F3 Sch. 2 paras. 15A, 15B, inserted (19.8.2005) by [The Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/2113\)](#), regs. 1(1), **2(2)** (with reg. 2(3))

15B. The power under section 60(7) to extend or further extend the period applicable under section 60(3) of that Act in relation to securing an increase in the value of the assets of an occupational pension scheme.]

Textual Amendments

F3 Sch. 2 paras. 15A, 15B, inserted (19.8.2005) by [The Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/2113\)](#), regs. 1(1), **2(2)** (with reg. 2(3))

16 The power to make an order under section 67G(2) by virtue of which any modification of, or grant of rights under, an occupational pension scheme is void to any extent.

Commencement Information

I16 Sch. 2 para. 16 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with arts. 4-6, Sch. 2, Sch. 3)

17 The power to make an order under section 67H(2) prohibiting, or specifying steps to be taken in relation to, the exercise of a power to modify an occupational pension scheme.

Commencement Information

I17 Sch. 2 para. 17 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with arts. 4-6, Sch. 2, Sch. 3)

18 The power to make an order under section 69 authorising the modification of an occupational pension scheme or modifying the scheme.

Commencement Information

I18 Sch. 2 para. 18 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with arts. 4-6, Sch. 2, Sch. 3)

19 The power to make an order under section 71A modifying an occupational pension scheme with a view to ensuring that it is properly wound up.

Commencement Information

I19 Sch. 2 para. 19 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with arts. 4-6, Sch. 2, Sch. 3)

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PART 3

FUNCTIONS UNDER THE WELFARE REFORM AND PENSIONS ACT 1999 (C. 30)

- 20 The power by direction under section 2(3)(b) to remove a scheme from the register of stakeholder pension schemes.

Commencement Information

I20 Sch. 2 para. 20 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

PART 4

FUNCTIONS UNDER THIS ACT

- 21 The power to make or extend a restraining order under section 20.

Commencement Information

I21 Sch. 2 para. 21 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 22 The power to make an order under section 20(10) permitting payments out of an account that is subject to a restraining order.

Commencement Information

I22 Sch. 2 para. 22 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 23 The power to make a repatriation order under section 21.

Commencement Information

I23 Sch. 2 para. 23 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 24 The power to make a freezing order under section 23.

Commencement Information

I24 Sch. 2 para. 24 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 25 The power to make an order under section 25(3) extending the period for which a freezing order has effect.

Commencement Information

I25 Sch. 2 para. 25 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 26 The power to make an order under section 26 validating action taken in contravention of a freezing order.

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Commencement Information

I26 Sch. 2 para. 26 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

27 The power to make an order under section 28 directing that specified steps are taken.

Commencement Information

I27 Sch. 2 para. 27 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

28 The power to make an order under section 30 giving a direction where a freezing order ceases to have effect.

Commencement Information

I28 Sch. 2 para. 28 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

29 The power to make an order under section 31(3) directing the notification of members.

Commencement Information

I29 Sch. 2 para. 29 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

30 The power to issue a contribution notice under section 38.

Commencement Information

I30 Sch. 2 para. 30 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

[^{F4}30A The power to issue a direction under section 39A(6) to any person.]

Textual Amendments

F4 [Sch. 2 para. 30A](#) inserted (26.11.2008) by [Pensions Act 2008 \(c. 30\)](#), s. 149(2)(3), **Sch. 9 para. 13(a)**

31 The power to issue a direction under section 41(4) to the trustees or managers of an occupational pension scheme.

Commencement Information

I31 Sch. 2 para. 31 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

32 The power to issue a revised contribution notice under section 41(9).

Commencement Information

I32 Sch. 2 para. 32 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

33 The power to issue a financial support direction under section 43.

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Commencement Information

I33 Sch. 2 para. 33 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

[^{F5}33A The power to issue a direction under section 43A(3) to any person.]

Textual Amendments

F5 [Sch. 2 para. 33A](#) inserted (26.11.2008) by [Pensions Act 2008 \(c. 30\)](#), s. 149(2)(3), [Sch. 9 para. 13\(b\)](#)

34 The power to issue a contribution notice under section 47.

Commencement Information

I34 Sch. 2 para. 34 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

35 The power to issue a direction under section 50(4) to the trustees or managers of an occupational pension scheme.

Commencement Information

I35 Sch. 2 para. 35 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

36 The power to issue a revised contribution notice under section 50(9).

Commencement Information

I36 Sch. 2 para. 36 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

37 The power to make a restoration order under section 52.

Commencement Information

I37 Sch. 2 para. 37 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

38 The power to issue a contribution notice under section 55.

Commencement Information

I38 Sch. 2 para. 38 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

39 The power to issue a notice under section 71 requiring a report to be provided to the Regulator.

Commencement Information

I39 Sch. 2 para. 39 in force at 6.4.2005 by [S.I. 2005/695](#), [art. 2\(1\)](#) (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

40 The power to make a direction under section 76(8) extending the retention period for documents taken into possession under section 75.

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Commencement Information

I40 Sch. 2 para. 40 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 41 The power to make a direction under section 78(10) extending the retention period for documents taken into possession under that section.

Commencement Information

I41 Sch. 2 para. 41 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 42 The power to make an order under section 231 modifying a scheme, giving directions or imposing a schedule of contributions.

Commencement Information

I42 Sch. 2 para. 42 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 43 The power to issue a ring-fencing notice under section 292.

Commencement Information

I43 Sch. 2 para. 43 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

- 44 The power to vary or revoke under section 101—
- (a) a determination made by the Determinations Panel whether to exercise one of the other functions listed in this Schedule, or
 - (b) an order, notice or direction made, issued or given in the exercise of one of those functions—
 - (i) by the Panel, or
 - (ii) by the Regulator in compliance with a direction of the Tribunal under section 103.

Commencement Information

I44 Sch. 2 para. 44 in force at 6.4.2005 by [S.I. 2005/695](#), **art. 2(1)** (with [arts. 4-6](#), [Sch. 2](#), [Sch. 3](#))

[^{F6}PART 5

OTHER FUNCTIONS

Textual Amendments

F6 [Sch. 2 Pt. 5](#) added (6.4.2006) by [The Occupational and Personal Pension Schemes \(Consultation by Employers and Miscellaneous Amendment\) Regulations 2006 \(S.I. 2006/349\)](#), [regs. 1\(2\)](#), [20](#)

- 45 The power to make an order under regulation 19 of the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment)

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Regulations 2006 (S.I. 2006/349) to waive or relax any of the requirements of regulations 6 to 16 of those Regulations.]

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