



# Pensions Act 2004

## 2004 CHAPTER 35

### PART 2

#### THE BOARD OF THE PENSION PROTECTION FUND

### CHAPTER 3

#### PENSION PROTECTION

##### *Reconsideration of closed schemes*

#### **157 Applications and notifications where closed schemes have insufficient assets**

- (1) If at any time the trustees or managers of a closed scheme become aware that the value of the assets of the scheme is less than the amount of the protected liabilities in relation to the scheme, they must, before the end of the prescribed period beginning with that time, make an application to the Board for it to assume responsibility for the scheme.
- (2) Where the Board receives an application under subsection (1), it must give a copy of the application to the Regulator.
- (3) If at any time the Regulator becomes aware that the value of the assets of the scheme is less than the amount of the protected liabilities in relation to the scheme, it must give the Board a notice to that effect.
- (4) Where the Board receives a notice under subsection (3), it must give the trustees or managers of the scheme a notice to that effect.
- (5) The duty imposed by subsection (1) does not apply where the trustees or managers of a closed scheme become aware as mentioned in that subsection by reason of a notice given to them under subsection (4).

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**Status:** Point in time view as at 06/04/2016.

**Changes to legislation:** *Pensions Act 2004, Section 157 is up to date with all changes known to be in force on or before 31 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)*

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- (6) The duty imposed by subsection (3) does not apply where the Regulator becomes aware as mentioned in that subsection by reason of a copy of an application made by the trustees or managers of the closed scheme being given to it under subsection (2).
- (7) Regulations may require notices and applications under this section to be in the prescribed form and contain the prescribed information.
- (8) If the trustees or managers of a closed scheme fail to comply with subsection (1), section 10 of the Pensions Act 1995 (c. 26) (civil penalties) applies to any trustee or manager who has failed to take all reasonable steps to secure compliance.
- (9) In this section—  
    “assets”, in relation to a scheme, do not include assets representing the value of any rights in respect of money purchase benefits under the scheme rules;  
    “closed scheme” has the same meaning as in section 155.

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**Commencement Information**

- I1** S. 157(1)(7)(9) in force at 1.11.2006 for specified purposes and 6.4.2007 in so far as not already in force by [S.I. 2006/2272](#), [art. 2\(5\)](#), [Sch. Pt. 1](#)
- I2** S. 157(2)-(6)(8) in force at 6.4.2007 by [S.I. 2006/2272](#), [art. 2\(7\)](#), [Sch. Pt. 2](#)

**Status:**

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