



Pensions Act 2004

2004 CHAPTER 35

PART 2

THE BOARD OF THE PENSION PROTECTION FUND

CHAPTER 3

PENSION PROTECTION

Assumption of responsibility for a scheme

166 Duty to pay scheme benefits unpaid at assessment date etc

- (1) This section applies where the Board assumes responsibility for a scheme in accordance with this Chapter.
- (2) Subject to subsection (4), the Board must pay any amount by way of pensions or other benefits which a person had become entitled to payment of under the scheme rules before the assessment date but which remained unpaid at the time the transfer notice was received by the trustees or managers of the scheme.
- (3) If, immediately before the assessment date, the person is entitled to the amount but has postponed payment of it, subsection (2) does not apply.
- (4) Subsection (2) does not apply in relation to the amount of—
 - (a) any transfer payment, or
 - (b) any payment in respect of a refund of contributions.
- (5) Regulations may provide that, in prescribed circumstances, where—
 - (a) a member of the scheme died before the commencement of the assessment period, and
 - (b) during the period beginning with the assessment date and ending with the receipt by the trustees or managers of the transfer notice, a person became

Status: Point in time view as at 06/04/2006. This version of this provision has been superseded.

Changes to legislation: Pensions Act 2004, Section 166 is up to date with all changes known to be in force on or before 09 June 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)

entitled under the scheme rules to a benefit of a prescribed description in respect of the member,

that person's entitlement to the benefit, or to any part of it, is, for the purposes of subsection (2), to be treated as having arisen before the assessment date.

- (6) Regulations may make provision requiring the Board, in such circumstances as may be prescribed, to take such steps (including making payments) as may be prescribed in respect of rights of prescribed descriptions to which members of the scheme were entitled immediately before the commencement of the assessment period.
- (7) For the purposes of regulations made under subsection (6)—
- (a) this Chapter (other than this subsection), and
 - (b) the scheme rules (including any relevant legislative provision within the meaning of section 318(3)),
- are to have effect subject to such modifications as may be prescribed.
- (8) In this section “assessment date” is to be construed in accordance with Schedule 7.

Modifications etc. (not altering text)

- C1** Pt. 2 modified (8.3.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pension Protection Fund \(Partially Guaranteed Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/277\)](#), regs. 1(1), **2-11**
- C2** Pt. 2 modified in part (9.3.2005 for specified purposes, 1.4.2005 for specified purposes, 6.4.2005 in so far as not already in force (except ch. 4)) by [The Pension Protection Fund \(Multi-employer Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/441\)](#), regs. 1, **2-60**, 71, 72
- C3** Pt. 2 applied in part (with modifications) (20.7.2005 for specified purposes, 1.9.2005 for specified purposes, 5.12.2005 for specified purposes) by [The Financial Assistance Scheme Regulations 2005 \(S.I. 2005/1986\)](#), regs. 1(1), 4, **Sch. 1**

Commencement Information

- I1** S. 166(1)-(5)(8) in force at 1.1.2006 for specified purposes and 6.4.2006 in so far as not already in force by [S.I. 2005/3331](#), art. 2(5), **Sch. Pt. 5**

Status:

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