



Pensions Act 2004

2004 CHAPTER 35

PART 5

OCCUPATIONAL AND PERSONAL PENSION SCHEMES: MISCELLANEOUS PROVISIONS

Obligations of trustees of occupational pension schemes

[^{F1}249A. Requirement for internal controls

- (1) The trustees or managers of an occupational pension scheme must establish and operate internal controls which are adequate for the purpose of securing that the scheme is administered and managed—
 - (a) in accordance with the scheme rules, and
 - (b) in accordance with the requirements of the law.
- (2) Nothing in this section affects any other obligation of the trustees or managers of an occupational pension scheme to establish or operate internal controls, whether imposed by or by virtue of any enactment, the scheme rules or otherwise.
- (3) This section does not apply in relation to—
 - (a) a scheme which—
 - (i) is established by or under an enactment (including a local Act), and
 - (ii) is guaranteed by a public authority;
 - (b) a pay-as-you-go scheme;
 - (c) a scheme which is made under section 2 of the Parliamentary and other Pensions Act 1987 (c. 45) (power to provide for pensions for Members of the House of Commons etc.).
- (4) But subsection (3) does not disapply this section in relation to any scheme the trustees or managers of which are—
 - (a) authorised under section 288 (general authorisation to accept contributions from European employers), or
 - (b) approved under section 289 in relation to a European employer.

Status: Point in time view as at 30/12/2005. This version of this provision has been superseded.

Changes to legislation: Pensions Act 2004, Section 249A is up to date with all changes known to be in force on or before 27 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)

(5) In this section—

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

“internal controls” means—

- (a) arrangements and procedures to be followed in the administration and management of the scheme,
- (b) systems and arrangements for monitoring that administration and management, and
- (c) arrangements and procedures to be followed for the safe custody and security of the assets of the scheme;

“local authority” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Greater London Authority, the Common Council of the City of London in its capacity as a local authority or the Council of the Isles of Scilly,
- (b) in relation to Wales, a county council or county borough council,
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39) (constitution of councils),
- (d) an administering authority as defined in Schedule 1 to the Local Government Pension Scheme Regulations 1997 (S.I.1997/1612) (interpretation);

“pay-as-you-go scheme” means an occupational pension scheme under which there is no requirement for assets to be set aside in advance for the purpose of providing benefits under the scheme (disregarding any requirements relating to additional voluntary contributions);

“public authority” means—

- (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975 (c. 26)),
- (b) a government department (including any body or authority exercising statutory functions on behalf of the Crown),
- (c) the Scottish Ministers,
- (d) the National Assembly for Wales, or
- (e) a local authority.]

Textual Amendments

F1 S. 249A inserted (30.12.2005) by [The Occupational Pension Schemes \(Internal Controls\) Regulations 2005 \(S.I. 2005/3379\)](#), regs. 1(1), 2

Status:

Point in time view as at 30/12/2005. This version of this provision has been superseded.

Changes to legislation:

Pensions Act 2004, Section 249A is up to date with all changes known to be in force on or before 27 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.