



# Pensions Act 2004

## 2004 CHAPTER 35

### PART 7

#### CROSS-BORDER ACTIVITIES WITHIN EUROPEAN UNION

*UK occupational pension scheme receiving contributions from European employer*

#### **291 Duty of trustees or managers to act consistently with law of host member State**

- (1) Where the trustees or managers of an occupational pension scheme receive contributions to the scheme from a European employer, the trustees or managers must ensure that the scheme, so far as it relates to members who are or have been employed by the employer, is operated in a way which is consistent with the requirements of the social and labour law of the [<sup>F1</sup>host EEA state] .
- (2) Regulations may modify any provision of pensions legislation in its application to members of an occupational pension scheme in respect of which the employer is a European employer.
- (3) If the trustees or managers of a 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.
- (4) In this section “pensions legislation” means—
  - (a) the Pension Schemes Act 1993 (c. 48),
  - (b) Part 1 of the Pensions Act 1995, other than sections 62 to 66A of that Act (equal treatment),
  - (c) Part 1 or section 33 of the Welfare Reform and Pensions Act 1999 (c. 30), <sup>F2</sup>...
  - (d) this Act<sup>F3</sup>, or
  - (e) the Pension Schemes Act 2015.]

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*Status: Point in time view as at 06/04/2015. This version of this provision has been superseded.*

*Changes to legislation: Pensions Act 2004, Section 291 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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#### **Textual Amendments**

- F1** Words in s. 291(1) substituted (26.11.2007) by [The Occupational Pension Schemes \(EEA States\) Regulations 2007 \(S.I. 2007/3014\)](#), regs. 1, **4(f)**
- F2** Word in s. 291(4)(c) omitted (6.4.2015) by virtue of [Pension Schemes Act 2015 \(c. 8\)](#), s. 89(3)(a), **Sch. 2 para. 36(a)** (with s. 87)
- F3** S. 291(4)(e) and word inserted (6.4.2015) by [Pension Schemes Act 2015 \(c. 8\)](#), s. 89(3)(a), **Sch. 2 para. 36(b)** (with s. 87)

#### **Commencement Information**

- I1** S. 291 in force at 4.12.2005 for specified purposes and 30.12.2005 for specified purposes by [S.I. 2005/3331](#), art. 2(1), **Sch. Pt. 1**

**Status:**

Point in time view as at 06/04/2015. This version of this provision has been superseded.

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