



Pensions Act 2008

CHAPTER 30

PENSIONS ACT 2008

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

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Conflicts of interest

- 2 (1) The Secretary of State and, under paragraph 1(1)(b), the...

Disqualification and removal

- 3 (1) A person is disqualified for appointment as a member...
- 4 (1) A person is disqualified for appointment as a member...
- 5 The Secretary of State may remove a member from office...

Tenure of office

- 6 (1) A person holds and vacates office as a member...

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Remuneration etc

- 7 (1) The trustee corporation may— (a) pay to the members...

Staff

- 8 (1) The trustee corporation may appoint employees and make any...
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- 9 (1) The trustee corporation may— (a) establish a committee for...
10 (1) A committee of the trustee corporation may establish a...

Proceedings

- 11 (1) The trustee corporation may, subject to this Schedule—
12 The trustee corporation must make arrangements for the keeping of...

Disqualification for acting in relation to certain matters

- 13 (1) This paragraph applies if at any meeting of—

Delegation

- 14 The trustee corporation may, subject to an order or rules...

Validity of proceedings

- 15 The validity of proceedings of the trustee corporation, a committee...

Authentication of the trustee corporation's seal

- 16 (1) The application of the trustee corporation's seal must be...

Annual report

- 17 (1) As soon as is reasonably practicable after the end...
Part 3 — MONEY

Finance

- 18 (1) The Secretary of State may, with the consent of...
19 The trustee corporation may make charges in connection with the...

Accounts

- 20 (1) The trustee corporation must— (a) keep proper accounting records,...
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Disqualification

- 21 In Part 2 of Schedule 1 to the House of...
22 In Part 2 of Schedule 1 to the Northern Ireland...

Records and freedom of information

- 23 In Schedule 1 to the Public Records Act 1958 (c....

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24 In Part 6 of Schedule 1 to the Freedom of...

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25 The trustee corporation

Interpretation

26 (1) In this Schedule— “financial year” means such period as...

SCHEDULE 2 — Revaluation of accrued benefits etc

Part 1 — REVALUATION OF ACCRUED PENSION BENEFITS

Amendments to Schedule 3 to the 1993 Act

- 1 This Part makes amendments to Schedule 3 to the Pension...
- 2 In paragraph 1 (the final salary method), for sub-paragraphs (1)...
- 3 (1) Paragraph 2 (the revaluation percentage and the appropriate revaluation...

Part 2 — REVALUATION OF ACCRUED AMOUNTS ETC

Amendments to Schedule 7 to the 2004 Act

- 4 This Part makes amendments to Schedule 7 to the Pensions...
 - 5 (1) Paragraph 12 (active members who have not attained normal...
 - 6 (1) Paragraph 17 (deferred members who have not attained normal...
 - 7 In paragraph 29 (Board's powers to alter rates of revaluation...
- Part 3 — CONSEQUENTIAL AMENDMENTS
- 8 (1) Section 51ZA of the Pensions Act 1995 (c. 26)...

SCHEDULE 3 — Consolidation of additional pension

After Schedule 4B to the Social Security Contributions and Benefits...

SCHEDULE 4 — Additional pension etc: minor and consequential amendments

Social Security Contributions and Benefits Act 1992 (c. 4)

- 1 The Social Security Contributions and Benefits Act 1992 is amended...
- 2 In section 21(5A)(c) (contribution conditions), after “5(2)(b) and (4)(a)” insert...
- 3 In section 39(1) (rate of widowed mother's allowance and widow's...
- 4 (1) Section 39C (rate of widowed parent's allowance and bereavement...
- 5 (1) After section 45 (additional pension in Category A retirement...
- 6 (1) Section 46 (modifications of section 45 for calculating the...
- 7 In section 48A(4) (category B retirement pension for married person) —...
- 8 In section 48B(2) (category B retirement pension for widows and...
- 9 (1) Section 48BB (category B retirement pension: entitlement by reference...
- 10 In section 48C(4) (category B retirement pension: general), for “and...
- 11 In section 51(2) and (3) (category B retirement pension for...
- 12 (1) Schedule 4B (additional pension: accrual rates for purposes of...
- 13 In Schedule 7 (industrial injuries benefits) in paragraph 3(3), after...

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Social Security Administration Act 1992 (c. 5)

14 After section 148AA of the Social Security Administration Act 1992...

Pension Schemes Act 1993 (c. 48)

- 15 The Pension Schemes Act 1993 is amended as follows.
 16 (1) Section 46 (effect of entitlement to guaranteed minimum pensions...
 17 (1) Section 47 (further provisions concerning entitlement to guaranteed
 minimum...
 18 In section 48(2) (reduced benefits where minimum payments or
 minimum...
 19 In section 49(b) (women, married women and widows), after “46(1),”...
 20 In section 164(5) (Crown employment), after “46(1),” insert “ 46A(2),...
 21 In section 165(2)(b) (cases with a foreign element), after “those...
 22 (1) In section 167(4) (application of provisions relating to social...

SCHEDULE 5 — Pension compensation payable on discharge of pension
 compensation credit

Part 1 — INTRODUCTORY

Introductory

- 1 This Schedule applies for the purposes of determining the
 compensation...

Interpretation

- 2 In this Schedule— “the initial annual rate of compensation” is...

Pension compensation age

- 3 (1) This paragraph applies for the purpose of determining the...
 Part 2 — TRANSFEREE ATTAINS PENSION COMPENSATION AGE BEFORE OR
 ON TRANSFER DAY

Compensation payable to transferee

- 4 (1) Compensation is payable in accordance with this paragraph where...

Compensation payable to widow, widower or surviving civil partner

- 5 (1) This paragraph applies where — (a) the transferee dies...
 Part 3 — TRANSFEREE ATTAINS PENSION COMPENSATION AGE AFTER
 TRANSFER DAY

Compensation payable to transferee

- 6 (1) Compensation is payable in accordance with this paragraph where...

Compensation payable to widow, widower or surviving civil partner

- 7 (1) This paragraph applies where— (a) the transferee dies after...

Revaluation

- 8 (1) This paragraph applies for the purpose of calculating the...

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Commutation of periodic compensation

- 9 (1) A transferee who is entitled to periodic compensation under...

Early payment of compensation

- 10 (1) Regulations may prescribe circumstances in which, and conditions subject...

Deferral of compensation

- 11 (1) Regulations may prescribe circumstances in which, and conditions subject...

Terminal illness lump sum: eligibility

- 12 (1) This paragraph applies where all of the following conditions...

Terminal illness lump sum: application and evidence

- 13 An application for a terminal illness lump sum—

Terminal illness lump sum: determination of application

- 14 (1) The Board must determine an application for a terminal...

Terminal illness lump sum: effect of successful application

- 15 (1) If the Board grants an application for a terminal...

Terminal illness lump sum: information

- 16 (1) Relevant information held by the Secretary of State about...
Part 4 — PROVISIONS APPLICABLE IRRESPECTIVE OF AGE OF TRANSFEEE
ON TRANSFER DAY

Postponement of compensation

- 16A (1) Regulations may prescribe circumstances in which, and conditions subject...

Annual increase in periodic compensation

- 17 (1) This paragraph provides for annual increases to compensation payable...

Compensation cap

- 18 (1) The Secretary of State may by regulations make provision...

Compensation in form of dependant's benefits

- 19 (1) The Secretary of State may by regulations make provision...

Board's power to alter rates of revaluation and indexation

- 20 (1) The Board may determine the percentage that is to...

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Part 1 — AMENDMENTS OF THE MATRIMONIAL CAUSES ACT 1973

- 1 The Matrimonial Causes Act 1973 (c. 18) is amended as...
- 2 After section 21A (pension sharing orders) insert— Pension compensation sharing...
- 3 After section 24D (pension sharing orders: apportionment of charges) insert—...
- 4 (1) Section 25 (matters to which court is to have...
- 5 In section 25A(1) (exercise of court's powers in favour of...
- 6 In section 25E(9) (the Pension Protection Fund), omit the definition...
- 7 After section 25E insert— Attachment of pension compensation (1)
This section applies where, having regard to any PPF...
- 8 (1) Section 31 (variation, discharge etc of certain orders for...
- 9 After section 40A (appeals relating to pension sharing orders which...

Part 2 — AMENDMENTS OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984

- 10 The Matrimonial and Family Proceedings Act 1984 (c. 42) is...
- 11 In section 17 (orders for financial provision and property adjustment),...
- 12 In section 18(7) (matters to which court to have regard),...
- 13 (1) Section 21 (application of certain provisions of Part 2...

Part 3 — AMENDMENTS OF THE CIVIL PARTNERSHIP ACT 2004

- 14 The Civil Partnership Act 2004 (c. 33) is amended as...
- 15 After Part 4 of Schedule 5 (pension sharing orders on...
- 16 (1) Part 5 of Schedule 5 (matters to which court...
- 17 (1) Part 7 of Schedule 5 (pension protection fund compensation...
- 18 (1) Part 11 of Schedule 5 (variation, discharge etc of...
- 19 In Part 14 of Schedule 5 (miscellaneous and supplementary) after...
- 20 (1) In Schedule 7 (financial relief in England and Wales...

SCHEDULE 7 — Pension compensation on divorce etc: Scotland

- 1 The Family Law (Scotland) Act 1985 (c. 37) is amended...
- 2 In section 8 (orders for financial provision)—
- 3 After section 8A insert— Pension compensation sharing orders: apportionment of...
- 4 In section 10 (sharing of value of matrimonial property or...
- 5 In section 12A (orders for payment of capital sum: pensions...
- 6 After section 12A insert— Order for payment of capital sum:...
- 7 In section 13 (order for periodical allowance), in subsection (2)(b),...
- 8 In section 16 (agreements on financial provision)—
- 9 In section 27 (interpretation)— (a) in subsection (1), before the...

SCHEDULE 8 — Amendments of Schedule 7 to the Pensions Act 2004

- 1 Schedule 7 to the Pensions Act 2004 (c. 35) (pension...
- 2 In paragraph 3(6), at the end, add “ to the...
- 3 In paragraph 5(5), at the end, add “ to the...
- 4 In paragraph 11(8), after “paragraph 24 (commutation),” insert— “ paragraph...
- 5 In paragraph 13, after sub-paragraph (3) insert—
- 6 In paragraph 14(9), after “paragraph 20 (compensation in respect of...
- 7 In paragraph 15(6), after “paragraph 24 (commutation),” insert— “ paragraph...
- 8 In paragraph 18, after sub-paragraph (3) insert—
- 9 In paragraph 19(8), after “This paragraph is subject to—” insert—...
- 10 Amendments of Schedule 7 to the Pensions Act 2004

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- 11 Amendments of Schedule 7 to the Pensions Act 2004
- 12 In paragraph 25(3), after “before that person attains normal pension...
- 13 After paragraph 25 insert— Deferral of compensation (1) Regulations may prescribe circumstances in which, and conditions subject...
- 14 After paragraph 25A (inserted by paragraph 13 above) insert— Terminal...
- 15 In paragraph 33, make the existing provision sub-paragraph (1) and...
- 16 In paragraph 34(1), after “ill health” insert “ or otherwise...
- 17 For paragraph 35(2)(a) substitute— (a) in the case of a...
- 18 For paragraph 35(3) substitute— (3) This sub-paragraph applies to a...

SCHEDULE 9 — Contribution notices and financial support directions under Pensions Act 2004

Introduction

- 1 The Pensions Act 2004 (c. 35) is amended as follows....

Contribution notices: material detriment test

- 2 (1) In section 38(5)(a) (main purpose or one of main...
- 3 In section 90(2) (the matters in relation to which the...
- 4 In section 96 (standard procedure), after subsection (1) insert—
- 5 In section 316(2) (subordinate legislation that is subject to affirmative...

Contribution notices: acting or failing to act otherwise than in good faith

- 6 In section 38(5) (acts or failures to act in relation...

Whether reasonable for Pensions Regulator to issue contribution notice

- 7 (1) Section 38 (contribution notices where avoidance of employer debt)...

Contribution notices: series of acts or failures to act

- 8 (1) In section 38 (contribution notices where avoidance of employer...

Contribution notices and financial support directions: bulk transfers

- 9 After section 39 (the sum specified in a section 38...
- 10 After section 43 (financial support directions) insert— Financial support directions:...
- 11 In section 306(2) (overriding requirements)— (a) after paragraph (d) insert—...
- 12 In section 316(2) (subordinate legislation that is subject to affirmative...
- 13 In Part 4 of Schedule 2 (the reserved regulatory functions...

Financial support directions: meaning of “insufficiently resourced”

- 14 (1) In section 44(3) (meaning of “insufficiently resourced”), for paragraph...

Effect of amendments made by this Schedule

- 15 (1) The amendments made by paragraphs 2, 6 and 7...

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Transitional provision

16 (1) In the case of the first set of regulations...

SCHEDULE 10 — Interest on late payment of levies

Pension Schemes Act 1993 (c. 48)

1 After section 175 of the Pension Schemes Act 1993 (levies...

Pensions Act 2004 (c. 35)

2 The Pensions Act 2004 is amended as follows.

3 After section 117 (PPF administration levy) insert— Administration
levy: interest...

4 In section 173 (Pension Protection Fund), after subsection (1)(b) insert
—...

5 After section 181 (calculation, collection and recovery of levies) insert
—...

6 In section 188 (Fraud Compensation Fund), after subsection (1)(b)
insert—...

7 After section 189 (fraud compensation levy) insert— Fraud
compensation levy:...

8 In section 209 (Ombudsman for the Board of the Pension...

9 In section 323(2)(b)(i) (provisions extending to Northern Ireland), for
“subsections...

SCHEDULE 11 — Repeals

Part 1 — PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

Part 2 — SAFEGUARDED RIGHTS

Part 3 — CONTRACTING-OUT: ABOLITION OF ALL PROTECTED RIGHTS

Part 4 — PENSION COMPENSATION

Part 5 — FINANCIAL ASSISTANCE SCHEME

Part 6 — MISCELLANEOUS

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