



# Pensions Act 2014

## 2014 CHAPTER 19

### PART 6

#### PRIVATE PENSIONS

##### *Transfer of pension benefits*

### 33 Automatic transfer of pension benefits etc

Schedule 17—

- (a) requires the Secretary of State to make regulations under which, in certain circumstances, the cash equivalent of a person's accrued rights to benefits under a pension scheme must be transferred to another scheme of which the person is an active member;
- (b) permits the Secretary of State to make regulations requiring accounts relating to a person's accrued rights to benefits under a pension scheme to be merged in certain circumstances.

#### Commencement Information

- II [S. 33](#) in force at 11.9.2014 for specified purposes by [S.I. 2014/2377](#), [art. 2\(1\)\(a\)\(i\)\(2\)\(a\)](#)

### 34 Power to prohibit offer of incentives to transfer pension rights

- (1) The Secretary of State may by regulations make provision prohibiting a person from offering an incentive to another person with the intention of inducing a member of a salary related occupational pension scheme to—
  - (a) exercise a right to require a pensions transfer, or
  - (b) agree to a pensions transfer.
- (2) “Pensions transfer” means a transfer of sums or assets representing any of the member's pension rights to be used for one or more of the following—

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- (a) acquiring rights (whether to present or future benefit) for the member under the rules of another occupational pension scheme or a personal pension scheme;
  - (b) purchasing one or more annuities for the member;
  - (c) subscribing to other pension arrangements for the member.
- (3) “Pension right” means, at any time—
- (a) any right which at that time has accrued to or in respect of the member to future benefits under the scheme rules, or
  - (b) any entitlement to the present payment of a pension or other benefit which the member has at that time, under the scheme rules;
- and for this purpose “right” includes a pension credit right.
- (4) Regulations under this section may in particular—
- (a) provide for the prohibition to apply whether the incentive offered is to be provided by the person making the offer or another person;
  - (b) create exceptions to the prohibition;
  - (c) provide for section 10 of the Pensions Act 1995 (civil penalties) to apply to a person who contravenes the regulations.
- (5) Regulations made by virtue of subsection (4)(c) may in particular provide that for the purposes of section 10 of the Pensions Act 1995 the offer of an incentive is to be regarded as a separate act in relation to each member of a scheme to whom the incentive relates.
- (6) Nothing in any regulations made under this section affects the validity of a pensions transfer (or of the exercise of a right to require a transfer or of an agreement to a transfer).
- (7) In this section—
- “incentive” means a financial or other advantage;
  - “member” has the meaning given by section 124(1) of the Pensions Act 1995;
  - “occupational pension scheme” and “personal pension scheme” have the meanings given by section 1 of the Pension Schemes Act 1993;
  - “pension credit right” has the meaning given by section 124(1) of the Pensions Act 1995;
  - “salary related occupational pension scheme” has the meaning given by section 93(1A) of the Pension Schemes Act 1993;
  - “scheme rules” has the meaning given by section 67A(8) of the Pensions Act 1995.
- (8) This section binds the Crown.

### **35 Expiry of power in section 34**

If no regulations have been made under section 34 by the end of the period of 7 years beginning with the day on which it comes into force, that section is repealed at the end of that period.

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VALID FROM 01/10/2015

### **36 Short service benefit for scheme member with money purchase benefits**

- (1) Section 71 of the Pension Schemes Act 1993 (basic principle as to short service benefit) is amended as follows.
- (2) In subsection (1)(a), after “service,” insert—
  - “(aa) he has at least 30 days' qualifying service and, if he were entitled to benefit because of this paragraph, all of it would necessarily be money purchase benefit.”.
- (3) After subsection (9) insert—
  - “(10) Subsections (7) to (9) apply, with the substitution for references to 2 years of references to 30 days, for determining whether a person has at least 30 days' qualifying service for the purposes of subsection (1).
  - (11) Subsection (1)(aa) does not apply in relation to a person's membership of a scheme if any period of relevant service began before the day on which section 36 of the Pensions Act 2014 came into force (whether or not it also ended before that date).“Relevant service” means service that counts towards the 30 days' qualifying service for the purposes of subsection (1).”
- (4) In section 101AA of the 1993 Act (early leavers: cash transfer sums and contribution refunds), in subsection (4)(b), after “(a)” insert “, (aa)”.

#### *Automatic enrolment*

### **37 Automatic re-enrolment: exceptions where automatic enrolment deferred**

- (1) The Pensions Act 2008 is amended as follows.
- (2) In section 5 (automatic re-enrolment), after subsection (3) insert—
  - “(3A) Subsection (2) does not apply if the jobholder's automatic enrolment date is deferred under section 4 from a date before the automatic re-enrolment date to a date after the automatic re-enrolment date.”
- (3) In section 30(7) (transitional period for defined benefits and hybrid schemes), at the end insert—
  - “(c) section 5(2) does not apply in relation to an automatic re-enrolment date that falls before the day with effect from which arrangements would by virtue of this section fall to be made in respect of the jobholder.”

#### **Commencement Information**

**I2** S. 37 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(b)

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*Changes to legislation: There are currently no known outstanding effects for the Pensions Act 2014, Part 6. (See end of Document for details)*

### 38 Automatic enrolment: powers to create general exceptions

- (1) In section 10 of the Pensions Act 2008 (information to be given to workers)—
  - (a) in subsection (1)—
    - (i) for “must” substitute “ may ”;
    - (ii) in paragraphs (a) and (b), omit “all”;
  - (b) in subsection (2) for “must state” substitute “ may in particular make provision about ”.
- (2) In Chapter 8 of Part 1 of the Pensions Act 2008, before section 88 (and the heading “Workers” above it) insert—

#### *“Exceptions*

#### 87A Power to create exceptions from the employer duties etc

- (1) The Secretary of State may by regulations provide for exceptions to the employer duties; and an exception may in particular—
    - (a) turn an employer duty into a power;
    - (b) be framed by reference to a description of worker, particular circumstances or in some other way.
  - (2) But the regulations may not provide for an exception for employers of a particular size.
  - (3) Regulations which make provision under subsection (1)(a) may make provision modifying this Part or regulations made under it in connection with that provision.
  - (4) The regulations may make provision in connection with the coming to an end of the state of affairs that caused an exception to apply, including provision—
    - (a) modifying this Part or regulations made under it in relation to a person;
    - (b) for the purpose of putting a person, wholly or partly, in the position he or she would have been in if the exception had never applied.
  - (5) In this section “employer duties” means any duty of an employer under any provision of sections 2 to 11 and 54 or of regulations made under those sections.”
- (3) In consequence of subsection (2), the following are repealed—
- (a) section 292A of the Pensions Act 2004;
  - (b) section 5(4) of the Pensions Act 2008;
  - (c) section 18 of the Pensions Act 2011.

#### Commencement Information

**I3** S. 38 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(c)

### 39 Alternative quality requirements for UK defined benefits schemes

- (1) The Pensions Act 2008 is amended as follows.

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(2) After section 23 insert—

**“23A Alternative quality requirements for UK defined benefits schemes**

- (1) The Secretary of State may by regulations provide that a defined benefits scheme that has its main administration in the United Kingdom satisfies the quality requirement in relation to a jobholder if any one or more of the following is satisfied—
  - (a) the scheme is of a prescribed description and satisfies the quality requirement under section 20 in relation to that jobholder;
  - (b) the cost of providing the benefits accruing for or in respect of the relevant members over a relevant period would require contributions to be made of a total amount equal to at least a prescribed percentage of the members' total relevant earnings over that period;
  - (c) in the case of each of at least 90% of the relevant members, the cost of providing the benefits accruing for or in respect of the member over a relevant period would require contributions to be made of a total amount equal to at least a prescribed percentage of the member's total relevant earnings over that period.
- (2) For this purpose—
  - “contributions” means contributions to the scheme by, or on behalf or in respect of, a relevant member;
  - “relevant earnings” means earnings of a prescribed description;
  - “relevant members” means members of the scheme of a prescribed description;
  - “relevant period” means a period specified in or determined in accordance with the regulations.
- (3) A percentage prescribed under subsection (1)(b) or (c) must be at least 8%.
- (4) Regulations under subsection (1)(b) or (c) may make provision—
  - (a) about how to calculate whether the requirement is satisfied, including provision requiring the calculation to be made in accordance with prescribed methods or assumptions;
  - (b) requiring benefits of a prescribed description to be disregarded in determining whether the requirement is satisfied;
  - (c) that a scheme only satisfies the requirement if the scheme actuary certifies that it does; and for this purpose “scheme actuary” has the prescribed meaning.
- (5) Section 13(3) (meaning of “earnings”) applies for the purposes of this section as it applies for the purposes of that section.
- (6) The Secretary of State must from time to time review any regulations in force under subsection (1).
- (7) A review must be carried out—
  - (a) during 2017, and
  - (b) after that, no more than three years after the completion of the previous review.”

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- (3) In section 24 (quality requirement: UK hybrid schemes), in subsection (1)(b), for “23” substitute “ 23A ”.
- (4) In section 28 (certification that quality requirement or alternative requirement is satisfied)—
- (a) after subsection (3A) insert—
- “(3B) This section also applies to a defined benefits scheme that has its main administration in the United Kingdom and is of a description prescribed under section 23A(1)(a).”;
- (b) in subsection (4), after paragraph (d) insert—
- “(e) for a scheme within subsection (3B), means the quality requirement under section 23A(1)(a).”
- (5) In section 29 (transitional periods for money purchase and personal pension schemes), in subsections (1) and (3) omit “for money purchase and personal pension schemes”.
- (6) Section 30 (transitional period for defined benefits and hybrid schemes) is amended as follows.
- (7) In subsection (3), at the end of the substituted subsection (2) insert—
- “A reference in this subsection to a scheme does not include a scheme to which section 30(11)(a) or (b) applies.”
- (8) In subsection (5), in the substituted subsection (2)—
- (a) in paragraph (a), after “defined benefits scheme” insert “ other than a scheme to which section 30(11)(a) applies ”;
- (b) in paragraph (aa) (inserted by section 40 of this Act), after “a hybrid scheme” insert “ other than a scheme to which section 30(11)(b) applies ”;
- (c) after paragraph (c) (inserted by section 40 of this Act), insert—
- “(d) becomes an active member, with effect from the automatic enrolment date, of an automatic enrolment scheme which is a defined benefits scheme to which section 30(11)(a) applies, or
- (e) becomes a defined benefits member , with effect from the automatic enrolment date, of an automatic enrolment scheme which is a hybrid scheme to which section 30(11)(b) applies.”
- (9) After subsection (10) (inserted by section 40 of this Act) insert—
- “(11) In subsection (2) references to a scheme do not include—
- (a) a defined benefits scheme that satisfies the quality requirement in relation to the jobholder by reason only of section 23A(1)(a), or
- (b) a hybrid scheme if—
- (i) the appropriate paragraph of section 24(1) for any provisions of the scheme is paragraph (b) (those provisions are referred to below as “the defined benefits section”),
- (ii) the defined benefits section satisfies section 23A(1)(a) as applied by section 24(1)(b), and
- (iii) the defined benefits section does not satisfy any of the other requirements mentioned in section 24(1)(b).”

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### Commencement Information

**I4** S. 39 in force at 12.9.2014 by S.I. 2014/2377, art. 2(1)(b)

## 40 Automatic enrolment: transitional period for hybrid schemes

- (1) Section 30 of the Pensions Act 2008 (transitional period for defined benefits and hybrid schemes) is amended as follows.
- (2) In subsection (2)(b) and (c), for “a hybrid scheme” substitute “ a defined benefits member of a hybrid scheme ”.
- (3) In subsection (3), in the substituted subsection (2)—
  - (a) after “becomes” insert “ (a) ”;
  - (b) for “or a hybrid scheme” substitute “, or
    - (b) a defined benefits member, with effect from the end of that period, of an automatic enrolment scheme which is a hybrid scheme.”
- (4) In subsection (5), in the substituted subsection (2)—
  - (a) in paragraph (a), for “or a hybrid scheme, or” substitute—
    - “(aa) becomes a defined benefits member, with effect from the closure date, of an automatic enrolment scheme which is a hybrid scheme,”;
  - (b) after paragraph (b) insert—
    - “(c) becomes a money purchase member, with effect from the automatic enrolment date, of an automatic enrolment scheme which is a hybrid scheme,”.
- (5) After subsection (9) insert—
  - “(10) For the purposes of this section—
    - (a) a person is a “money purchase member” of a hybrid scheme if—
      - (i) the person is an active member of the scheme, and
      - (ii) all the benefits accruing in respect of his or her membership are money purchase benefits, and
    - (b) a person is a “defined benefits member” of a hybrid scheme if the person is an active member of the scheme other than a money purchase member.”
- (6) Subsection (7) applies if—
  - (a) an employer whose first enrolment date is before the date on which the amendments made by this section come into force (“the commencement date”) has given a jobholder notice under section 30(3) of the 2008 Act,
  - (b) the conditions in section 30(2) of that Act have continued to be satisfied during the period beginning with the employer's first enrolment date and ending with the day before the commencement date, and
  - (c) had the amendments made by this section come into force on 19 December 2012, the condition in section 30(2)(c) of that Act would not have been satisfied at a time during that period.

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- (7) Section 30(5) to (7) of the 2008 Act (as amended by this section) applies in relation to the jobholder with the following modifications—
- (a) references in section 30(5) and (6) of that Act to the closure date are to be read as references to the commencement date, and
  - (b) references in section 30(5) and (6) of that Act to the automatic enrolment date are to be read as references to—
    - (i) 19 December 2012, or
    - (ii) if later, the employer's first enrolment date;
 and section 30(3) and (4) of that Act does not apply.
- (8) Expressions used in this section and in section 30 of the 2008 Act have the same meaning in this section as in that section.

#### Commencement Information

**I5** S. 40 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(d)

#### 41 Penalty notices under sections 40 and 41 of the Pensions Act 2008 etc

- (1) In sections 40(1)(d) and 41(1)(d) of the Pensions Act 2008 (fixed and escalating penalty notices), at the end insert “, so far as relevant to the exercise of any of its functions under or by virtue of this Part”.
- (2) In section 72 of the Pensions Act 2004 (powers to require information), in subsection (1A), for “Chapter 2 of Part 1 of the Pensions Act 2008 or section 51 of that Act” substitute “or by virtue of Part 1 of the Pensions Act 2008”.

#### 42 Unpaid scheme contributions

- (1) The Pension Schemes Act 1993 is amended as follows.
- (2) In section 123 (payment by Secretary of State of unpaid scheme contributions on employer insolvency: interpretation)—
  - (a) in subsection (3), for the definition of “contract of employment” and related expressions substitute—
 

““employer”, “employment”, “worker” and “worker's contract” and other expressions which are defined in the Employment Rights Act 1996 have the same meaning as in that Act (see further subsections (3A) and (3B));”;
  - (b) in subsection (3), in paragraph (b) of the definition of “holiday pay”, for “the employee's contract of employment” substitute “the worker's contract”;
  - (c) after subsection (3) insert—
 

“(3A) Section 89 of the Pensions Act 2008 (agency workers) applies for the purposes of this Chapter as it applies for the purposes of Part 1 of that Act.

(3B) References in this Chapter to a worker include references to an individual to whom Part 1 of the Pensions Act 2008 applies as if the individual were a worker because of regulations made under



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section 98 of that Act; and related expressions are to be read accordingly.”

- (3) In section 124 (Secretary of State's duty to pay unpaid contributions)—
- (a) for “an employee”, in each place, substitute “ a worker ”;
  - (b) for “the employee”, in each place, substitute “ the worker ”;
  - (c) for “the employee's” substitute “the worker's”;
  - (d) for “employees”, in each place, substitute “ workers ”.
- (4) In section 161, for “contract of employment” substitute “ worker's contract ”.
- (5) In section 165(7)—
- (a) in paragraph (a), for “contract of employment the employee” substitute “ worker's contract the worker ”;
  - (b) in paragraph (b), for “employee” substitute “ worker ”.

#### Commencement Information

**I6** S. 42 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(e)

#### Other

### 43 Power to restrict charges or impose requirements in relation to schemes

Schedule 18 permits the Secretary of State to make regulations—

- (a) restricting the charges that may be imposed on members of certain pension schemes;
- (b) imposing requirements relating to administration or governance that must be satisfied in relation to certain pension schemes.

#### Commencement Information

**I7** S. 43 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(f)

VALID FROM 18/09/2017

### 44 Disclosure of information about transaction costs to members etc

- (1) In section 113 of the Pension Schemes Act 1993 (disclosure of information about schemes to members etc), after subsection (4) insert—

“(5) The Secretary of State must make regulations under subsection (1) requiring information about some or all of the transaction costs of a relevant scheme to be given to some or all of the persons mentioned in subsection (2).

- (6) The Secretary of State must by regulations make provision requiring the publication of information about—

(a) some or all of the transaction costs of a relevant scheme, and

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- (b) some or all of the administration charges imposed on members of a relevant scheme.
- (7) Regulations under subsection (6) may require other relevant information to be published along with information about transaction costs or administration charges in relation to a scheme.
- (8) “Other relevant information” means other information which would or may assist in making comparisons between those costs or charges and costs or charges in relation to other schemes.
- (9) Before making regulations by virtue of subsection (5) or (6), the Secretary of State must consult—
- (a) the Financial Conduct Authority, and
  - (b) the Treasury;
- (in addition to any other persons consulted in accordance with section 185(1)).
- (10) In this section—
- “administration charge” has the meaning given by paragraph 1(5) of Schedule 18 to the Pensions Act 2014;
- “relevant scheme” means a money purchase scheme that is an occupational pension scheme.”
- (2) In the Financial Services and Markets Act 2000, after section 137F insert—
- “137FA FCA general rules: disclosure of information about pension scheme transaction costs etc**
- (1) The FCA must make general rules requiring information about some or all of the transaction costs of a relevant scheme to be given to some or all of the persons mentioned in subsection (2).
- (2) Those persons are—
- (a) members of the scheme,
  - (b) spouses or civil partners of members, and
  - (c) persons within the application of the scheme and qualifying or prospectively qualifying for its benefits.
- (3) The FCA must make general rules requiring the publication of information about—
- (a) some or all of the transaction costs of a relevant scheme, and
  - (b) some or all of the administration charges imposed on members of a relevant scheme.
- (4) Rules made by virtue of subsection (3) may require other relevant information to be published along with information about transaction costs or administration charges in relation to a scheme.
- (5) “Other relevant information” means other information which would or may assist in making comparisons between those costs or charges and costs or charges in relation to other schemes.

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- (6) Before the FCA publishes a draft of any rules to be made by virtue of this section, it must consult—
- (a) the Secretary of State, and
  - (b) the Treasury.
- (7) In determining what provision to include in the rules, the FCA must have regard to any regulations about the disclosure or publication of transaction costs or administration charges that are for the time being in force under section 113 of the Pension Schemes Act 1993.
- (8) In this section—
- “administration charge” has the meaning given by paragraph 1(5) of Schedule 18 to the Pensions Act 2014;
  - “money purchase scheme” has the meaning given by section 181(1) of the Pension Schemes Act 1993;
  - “personal pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993;
  - “relevant scheme” means a money purchase scheme that is—
    - (a) a personal pension scheme where direct payment arrangements (within the meaning of section 111A of the Pension Schemes Act 1993) exist in respect of one or more members of the scheme who are workers, or
    - (b) a personal pension scheme which is or has been registered under section 2 of the Welfare Reform and Pensions Act 1999 (stakeholder pension schemes);
  - “worker” means a person—
    - (a) who is a worker for the purposes of Part 1 of the Pensions Act 2008, or
    - (b) to whom a provision of Part 1 of that Act applies as if the person were a worker because of a provision of Chapter 8 of that Part;
- but for the purposes of paragraph (b), ignore section 92 of that Act.”

#### **45 Power to require pension levies to be paid in respect of past periods**

- (1) The Secretary of State may by regulations provide for the Pensions Act 2004, and regulations made under it, to have effect, so far as relating to the requirement to pay pension levy, as if the amendments made by the 2010 regulations had always had effect.
- (2) Regulations under this section may in particular—
- (a) modify the application of the Pensions Act 2004, or regulations made under it, in relation to amounts of pension levy required to be paid because of regulations under this section;
  - (b) provide for interest to be charged at a specified rate on such amounts (including in respect of periods before the coming into force of regulations under this section).
- (3) In this section—

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“the 2010 regulations” means—

- (a) regulations 2, 3 and 8 of the Pension Protection Fund and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/196), and
- (b) regulation 2 of the Occupational Pension Schemes (Levies) (Amendment) Regulations 2010 (S.I. 2010/1930);

“pension levy” means—

- (a) a levy under regulations made under section 117 of the Pensions Act 2004 (administration levy),
- (b) a levy under regulations made under section 174 of that Act (initial levy), or
- (c) a levy under section 175 of that Act (pension protection levies).

#### Commencement Information

**I8** S. 45 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(g)

#### 46 Prohibition and suspension orders: directors of corporate trustees

- (1) The Pensions Act 1995 is amended as follows.
- (2) After section 3 insert—

##### “3A Prohibition orders: directors of corporate trustees etc

- (1) A company or Scottish partnership is prohibited from being a trustee of a trust scheme at any time when an individual who is a director of the company or a partner in the partnership is prohibited from being a trustee of the scheme by an order under section 3.
- (2) Where a company or partnership which is a trustee of a trust scheme becomes prohibited under subsection (1) in relation to the scheme, that subsection has the effect of removing the company or partnership as a trustee.
- (3) The Authority may, on the application of a company or Scottish partnership, give notice in writing to the applicant waiving the prohibition under subsection (1)—
  - (a) in relation to an individual against whom an order under section 3 has been made, and
  - (b) either generally or in relation to a particular scheme or particular description of schemes.
- (4) A notice may be given under subsection (3) only if the Authority is satisfied that the applicant would be a fit and proper person to be a trustee of the scheme or schemes to which the notice relates despite the individual being, or even if the individual were to become, a director of or partner in the applicant.
- (5) A notice given at any time under subsection (3) cannot affect anything done before that time.
- (6) An application under subsection (3) may not be made—

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- (a) during the period within which the determination to exercise the power to make the order against the individual may be referred to the Tribunal under section 96(3) or 99(7) of the Pensions Act 2004 (whether by a company or partnership which became prohibited under subsection (1) on the making of the order or by another person), and
  - (b) if the determination is so referred, until the reference, and any appeal against the Tribunal's determination, has been finally disposed of.
- (7) The Authority must prepare and publish a statement of the policies they intend to adopt in relation to the exercise of their powers under this section.
- (8) The Authority may revise any statement published under subsection (7) and must publish any revised statement.
- (9) References in this section to an order under section 3 are to an order under that section made on or after the date on which section 46(2) of the Pensions Act 2014 comes fully into force.”
- (3) Section 4 (Pensions Regulator's power to suspend trustee of occupational pension scheme) is amended as follows.
- (4) In subsection (1)(f), after “paragraph” insert “ (aa), ”.
- (5) In subsection (2)(a), after “or (aa)” insert “ or, in a case where the Authority would have power to suspend a director or partner under paragraph (aa), by virtue of paragraph (f) ”.
- (6) Schedule 19 contains consequential amendments.

#### **Commencement Information**

**19** S. 46 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(h)

#### **47 Preparation of guidance for pensions illustrations**

In section 16 of the Companies (Audit, Investigations and Community Enterprise) Act 2004 (grants to bodies concerned with accounting standards etc), in subsection (2), after paragraph (o) insert—

“(oa) exercising functions under regulations made under section 113(3A) of the Pension Schemes Act 1993 or section 109(3A) of the Pension Schemes (Northern Ireland) Act 1993 (preparing guidance for pensions illustrations);”.

#### **48 Pensions Regulator's objectives**

In section 5(1) of the Pensions Act 2004, after paragraph (c) insert—

“(cza) in relation to the exercise of its functions under Part 3 only, to minimise any adverse impact on the sustainable growth of an employer.”.

#### **49 Maximum period between scheme returns to be 5 years for micro schemes**

(1) Section 63 of the Pensions Act 2004 is amended as follows.

*Status: Point in time view as at 12/09/2014. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Pensions Act 2014, Part 6. (See end of Document for details)*

(2) After subsection (3) insert—

“(3A) But subsection (3)(a) has effect as if the reference to three years were a reference to five years if—

- (a) the trustees or managers have complied with paragraph (b) of section 62(2),
- (b) the information they provided under that paragraph included the number of members of the scheme, and
- (c) that number was no more than 4.”

(3) After subsection (4) insert—

“(4A) But subsection (4)(a) has effect as if the reference to three years were a reference to five years if—

- (a) on the date on which the previous scheme return notice was issued, the number of members of the scheme was recorded in the register, and
- (b) that number was no more than 4.”

#### Commencement Information

**110** S. 49 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(i)

VALID FROM 07/03/2017

#### **50 Pension Protection Fund: increased compensation cap for long service**

See Schedule 20 for amendments increasing the Pension Protection Fund compensation cap for people with long pensionable service.

#### **51 Pension Protection Fund: compensation cap to apply separately to certain benefits**

(1) Paragraph 26 of Schedule 7 to the Pensions Act 2004 (Pension Protection Fund: compensation cap) is amended as follows.

(2) In sub-paragraph (1)(b), for “sub-paragraph (2)(a) or (b)” substitute “ sub-paragraph (2)(a), (b) or (c) ”.

(3) In sub-paragraph (2)(a)(ii), for “paragraph (b)(i) does not apply” substitute “ neither of paragraphs (b) and (c) applies ”.

(4) In sub-paragraph (2)(b)—

(a) before paragraph (i) insert—

“(zi) benefit A is attributable to the person's pensionable service,”;

(b) in paragraph (i), after “one or more other benefits” insert “ that are attributable to his pensionable service ”.

(5) In sub-paragraph (2), after paragraph (b) insert “, and

(c) this paragraph applies if—

*Status: Point in time view as at 12/09/2014. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Pensions Act 2014, Part 6. (See end of Document for details)*

- (i) benefit A is attributable to a pension credit from a transferor,
  - (ii) at the same time as the person becomes entitled to relevant compensation in respect of benefit A he also becomes entitled to relevant compensation in respect of one or more other benefits that are—
    - (ia) under the scheme or a connected occupational pension scheme, and
    - (ib) attributable to a pension credit from the same transferor,
  - (“benefit or benefits B”), and
  - (iii) the aggregate of the annual values of benefit A and benefit or benefits B exceeds the compensation cap.”
- (6) In sub-paragraph (5), after “sub-paragraph (2)(b)” insert “ or (c) ”.
- (7) The amendments made by this section are to be treated as always having had effect.
- (8) Regulations under paragraph 26(9) of Schedule 7 to the Pensions Act 2004 (modifications for cases where compensation becomes payable on different occasions) made in consequence of this section may be made with retrospective effect.

## 52 Public service pension schemes: transitional arrangements

- (1) Section 18 of the Public Service Pensions Act 2013 (restriction of existing pension schemes) is amended as follows.
- (2) After subsection (5) insert—
- “(5A) Scheme regulations may also provide for exceptions to subsection (1) in the case of—
- (a) persons who were members of a public body pension scheme specified in the regulations, or who were eligible to be members of such a scheme, immediately before 1 April 2012, and
  - (b) such other persons as the regulations may specify, being persons who before that date had ceased to be members of a scheme referred to in paragraph (a) or to be eligible for membership of such a scheme.”
- (3) In each of subsections (6) and (8), after “(5)” insert “ or (5A) ”.

### Commencement Information

**III** S. 52 in force at 23.7.2014 by S.I. 2014/1965, art. 2

**Status:**

Point in time view as at 12/09/2014. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Pensions Act 2014, Part 6.