

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

SCHEDULES

VALID FROM 06/04/2016

SCHEDULE 1

Section 5

TRANSITIONAL RATE OF STATE PENSION: CALCULATING THE AMOUNT

PART 1

INTRODUCTION

- 1 (1) This Schedule sets out how to calculate the amounts used to work out the transitional rate of a person's state pension.
- (2) Part 2 of the Schedule sets out how to calculate the amount for a person's pre-commencement qualifying years.
- (3) Part 3 of the Schedule sets out how to calculate the amount for a person's post-commencement qualifying years (if any).

PART 2

AMOUNT FOR PRE-COMMENCEMENT QUALIFYING YEARS

How to calculate the amount for pre-commencement qualifying years

- 2 A person's amount for pre-commencement qualifying years is calculated as follows.

Step 1 - calculate the person's pension under the old system Calculate the weekly rate based on the old state pension and graduated retirement benefit (see paragraph 3 for more about this).

Step 2 - calculate a pension based on the new system Calculate the weekly rate based on the new state pension (see paragraph 4 for more about this).

Step 3 - take whichever rate is higher (the foundation amount) Take whichever of the rates found under Steps 1 and 2 is higher.

Step 4 - revalue to date when the person reached pensionable age Revalue the amount of that rate in accordance with paragraph 6.

The amount for the person's pre-commencement qualifying years is the amount as revalued under Step 4.

Step 1: calculation of the person's pension under the old system

- 3 (1) For the purposes of Step 1 of the calculation in paragraph 2, the weekly rate based on the old state pension and graduated retirement benefit is—

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (a) the rate of any Category A retirement pension and graduated retirement benefit to which the person would have been entitled if the person had reached pensionable age on 6 April 2016, or
- (b) the rate of any graduated retirement benefit to which the person would have been entitled under section 36(7) of the National Insurance Act 1965 (persons not entitled to retirement pension) if the person had reached pensionable age on that date.

- (2) The following rules apply for the purposes of calculating that rate.
- (3) Calculate the rate that would have had effect on 6 April 2016 (but see subparagraph (6)).
- (4) Ignore—
 - (a) the amendments made by paragraphs 53 and 55 of Schedule 12 (which limit Category A retirement pensions and graduated retirement benefit to people who reach pensionable age before 6 April 2016);
 - (b) any requirement to make a claim;
 - (c) any provision suspending payment of, or disqualifying a person from receiving, any amount;
 - (d) section 45B of the Contributions and Benefits Act (reduction of additional pension because of pension sharing);
 - (e) section 37 of the National Insurance Act 1965 (graduated retirement benefit for widows etc).
- (5) Read the reference in section 45(4)(b) of the Contributions and Benefits Act (additional pension) to a person's working life as a reference to the period—
 - (a) beginning with the tax year in which the person reached 16, and
 - (b) ending with the tax year before the one in which the person actually reached pensionable age.
- (6) If an order under section 150 or 150A of the Administration Act (up-rating) is made before 6 April 2016 and it provides for an increase to come into force after that date, it is to be treated for the purposes of calculating the rate under this paragraph as having already come into force.
- (7) Where regulations under section 22(5ZA) of the Contributions and Benefits Act have the effect that a person is credited, on or after 6 April 2016, with earnings or contributions for a tax year starting before that date, the earnings or contributions are to be treated for the purposes of calculating the rate under this paragraph as having been credited before 6 April 2016.
- (8) A determination under section 48A(2) of the Pension Schemes Act 1993 (contracting-out: reinstatement in state scheme following payment of contributions equivalent premium) made on or after 6 April 2016 is to be treated for the purposes of calculating the rate under this paragraph as having been made before 6 April 2016.

Step 2: calculation of a pension based on the new system

- 4 (1) For the purposes of Step 2 of the calculation in paragraph 2, the weekly rate based on the new state pension is as follows.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (2) If the person has 35 or more pre-commencement qualifying years, the rate is equal to—
- (a) the full rate of the state pension on 6 April 2016, less
 - (b) any amount to reflect contracting out under the old system (see paragraph 5).
- (3) If the person has fewer than 35 pre-commencement qualifying years, the rate is equal to—
- (a) the appropriate proportion of the full rate of the state pension on 6 April 2016, less
 - (b) any amount to reflect contracting out under the old system (see paragraph 5).
- (4) The “appropriate proportion”, in relation to a person, is—

$$\frac{1}{35} \times \text{the person's number of pre-commencement qualifying years}$$

- 5 (1) In paragraph 4(2) and (3) references to an “amount to reflect contracting out under the old system” are to an amount equal to any difference between—
- (a) the amount of any additional pension included in the Category A retirement pension calculated for the purposes of Step 1 of the calculation in paragraph 2, and
 - (b) the amount of any additional pension that would have been included if—
 - (i) sections 46 and 48A of the Pension Schemes Act 1993 were ignored, and
 - (ii) for the purposes of calculating the amounts referred to in section 45(2)(c) and (d) of the Contributions and Benefits Act any earnings paid to or for the benefit of the person in respect of contracted-out employment were treated as if they were not in respect of contracted-out employment.
- (2) “Contracted-out employment” means employment qualifying a person for a pension provided by a salary related contracted-out scheme, a money purchase contracted-out scheme or an appropriate personal pension scheme (and expressions used in this definition have the same meaning as in the Pension Schemes Act 1993).

Step 4: revaluation

- 6 (1) This paragraph determines how the amount mentioned in Step 4 of the calculation in paragraph 2 is to be revalued for the purposes of that Step.
- (2) If the amount is equal to or less than the full rate of the state pension on 6 April 2016, the amount is to be revalued in accordance with increases in the full rate of the state pension (see sub-paragraph (4)).
- (3) If the amount is greater than the full rate of the state pension on 6 April 2016—
- (a) so much of the amount as is equal to the full rate of the state pension on 6 April 2016 is to be revalued in accordance with increases in the full rate of the state pension (see sub-paragraph (4)), and

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

(b) so much of the amount as exceeds the full rate of the state pension on that date is to be revalued in accordance with increases in the general level of prices (see sub-paragraph (5)).

(4) For the purposes of sub-paragraphs (2) and (3)(a), an amount is revalued in accordance with increases in the full rate of the state pension by increasing it by the same percentage as any increase in the full rate of the state pension in the period—

- (a) beginning with 6 April 2016, and
- (b) ending with the day on which the person reached pensionable age.

(5) For the purposes of sub-paragraph (3)(b), an amount is revalued in accordance with increases in the general level of prices by adding—

- (a) the amount, and
- (b) the amount multiplied by the revaluing percentage specified in the last order under section 148AC(3) of the Administration Act to come into force before the person reached pensionable age.

PART 3

AMOUNT FOR POST-COMMENCEMENT QUALIFYING YEARS

- 7 (1) A person's amount for post-commencement qualifying years (if any) is calculated as follows.
- (2) If the person has 35 or more post-commencement qualifying years, the amount is equal to the full rate of the state pension on the day on which the person reached pensionable age.
- (3) If the person has fewer than 35 post-commencement qualifying years, the amount is equal to the following proportion of the full rate of the state pension on the day on which the person reached pensionable age—

$$\frac{1}{35} \times \text{the person's number of post-commencement qualifying years}$$

VALID FROM 06/04/2016

SCHEDULE 2

Section 5

TRANSITIONAL RATE OF STATE PENSION: UP-RATING

.....

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

VALID FROM 06/04/2016

SCHEDULE 3

Section 7

SURVIVOR'S PENSION UNDER SECTION 7: INHERITED AMOUNT

Introduction

- 1 This Schedule—
- (a) sets out the circumstances in which a person (the “pensioner”) is entitled to an inherited amount for the purpose of section 7, and
 - (b) determines that amount.

Dead spouse or civil partner in old state pension system etc

- 2 (1) A pensioner whose spouse or civil partner has died is entitled to an inherited amount under this paragraph if—
- (a) the marriage took place or the civil partnership was formed before 6 April 2016,
 - (b) the spouse or civil partner died before 6 April 2016,
 - (c) the pensioner was under pensionable age when the spouse or civil partner died, and
 - (d) the pensioner would, on reaching pensionable age, have been entitled to a Category B retirement pension under section 48B(4) or (4A) or 48BB of the Contributions and Benefits Act if the words “before 6 April 2016” were omitted.
- (2) The inherited amount is equal to the weekly rate at which that Category B retirement pension would have been payable on the day on which the pensioner reached pensionable age if any element of the rate attributable to the basic pension were ignored.

- 3 (1) A pensioner whose spouse or civil partner has died is entitled to an inherited amount under this paragraph if—
- (a) the marriage took place or the civil partnership was formed before 6 April 2016,
 - (b) the spouse or civil partner reached pensionable age before 6 April 2016 but died on or after that date,
 - (c) the pensioner was under pensionable age when the spouse or civil partner died, and
 - (d) the pensioner would, on reaching pensionable age, have been entitled to a Category B retirement pension under section 48BB of the Contributions and Benefits Act if in subsection (3) of that section: (i) the words “before 6 April 2016” were omitted, and (ii) the reference to a bereavement allowance were a reference to bereavement support payment under section 30 of this Act.
- (2) The inherited amount is equal to the weekly rate at which that Category B retirement pension would have been payable on the day on which the pensioner reached

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

pensionable age if section 48BB(8) and (9) of the Contributions and Benefits Act were ignored.

- 4 (1) A pensioner whose spouse or civil partner has died is entitled to an inherited amount under this paragraph if—
- (a) the marriage took place or the civil partnership was formed before 6 April 2016,
 - (b) the spouse or civil partner reached pensionable age before 6 April 2016 but died on or after that date,
 - (c) the pensioner was over pensionable age when the spouse or civil partner died, and
 - (d) the pensioner would, when the spouse or civil partner died, have been entitled to a Category B retirement pension under section 48B(1) or (1A) of the Contributions and Benefits Act if the words “before 6 April 2016” were omitted.
- (2) The inherited amount is equal to the weekly rate at which that Category B retirement pension would have been payable on the day on which the spouse or civil partner died if any element of the rate attributable to the basic pension were ignored.

Dead spouse or civil partner in new state pension system

- 5 (1) A pensioner whose spouse or civil partner has died is entitled to an inherited amount under this paragraph if—
- (a) the marriage took place or the civil partnership was formed before 6 April 2016,
 - (b) the pensioner was over pensionable age when the spouse or civil partner died,
 - (c) the spouse or civil partner was, immediately before his or her death, entitled to a state pension payable at the transitional rate, and
 - (d) that transitional rate exceeded the full rate of the state pension.
- (2) The inherited amount is half of the amount by which the transitional rate of the state pension for the spouse or civil partner exceeded the full rate of the state pension immediately before the death.
- 6 (1) A pensioner whose spouse or civil partner has died is entitled to an inherited amount under this paragraph if—
- (a) the marriage took place or the civil partnership was formed before 6 April 2016,
 - (b) the pensioner was under pensionable age when the spouse or civil partner died,
 - (c) the spouse or civil partner was, immediately before his or her death, entitled to a state pension payable at the transitional rate,
 - (d) that transitional rate exceeded the full rate of the state pension, and
 - (e) the pensioner did not marry or form a civil partnership after the death and before reaching pensionable age.
- (2) The inherited amount is half of the amount by which the transitional rate of the state pension for the spouse or civil partner would have exceeded the full rate of the state pension if he or she had been alive on the day on which the pensioner reached pensionable age.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- 7 (1) A pensioner whose spouse or civil partner has died is entitled to an inherited amount under this paragraph if—
- (a) the marriage took place or the civil partnership was formed before 6 April 2016,
 - (b) the pensioner was over pensionable age when the spouse or civil partner died,
 - (c) the spouse or civil partner was under pensionable age when he or she died but would have been entitled to a state pension payable at the transitional rate if he or she had reached pensionable age on the day of the death, and
 - (d) that transitional rate would have exceeded the full rate of the state pension.
- (2) The inherited amount is half of the amount by which the transitional rate of the state pension for the spouse or civil partner would have exceeded the full rate of the state pension if he or she had reached pensionable age on the day of the death.
- 8 (1) A pensioner whose spouse or civil partner has died is entitled to an inherited amount under this paragraph if—
- (a) the marriage took place or the civil partnership was formed before 6 April 2016,
 - (b) the pensioner was under pensionable age when the spouse or civil partner died,
 - (c) the spouse or civil partner died on or after 6 April 2016,
 - (d) the spouse or civil partner was under pensionable age when he or she died,
 - (e) the spouse or civil partner would have been entitled to a state pension payable at the transitional rate if he or she had reached pensionable age on the same day as the pensioner,
 - (f) that transitional rate would have exceeded the full rate of the state pension, and
 - (g) the pensioner did not marry or form a civil partnership after the death and before reaching pensionable age.
- (2) The inherited amount is half of the amount by which the transitional rate of the state pension for the spouse or civil partner would have exceeded the full rate of the state pension if he or she had reached pensionable age on the same day as the pensioner.

Supplementary

- 9 When determining entitlement to, or calculating, an inherited amount under this Schedule based on entitlement to an old state pension or a state pension under this Part of this Act ignore—
- (a) any requirement to make a claim for that pension;
 - (b) any provision suspending payment of, or disqualifying a person from receiving, any amount of that pension.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

VALID FROM 06/04/2016

SCHEDULE 4

Section 7

SURVIVOR'S PENSION UNDER SECTION 7: UP-RATING

.....

VALID FROM 06/04/2016

SCHEDULE 5

Section 9

SURVIVOR'S PENSION UNDER SECTION 9: INHERITED DEFERRAL AMOUNT

Introduction

- 1 This Schedule—
- (a) sets out the circumstances in which a person (the “pensioner”) is entitled to an inherited deferral amount for the purpose of section 9, and
 - (b) determines that amount.

Dead spouse or civil partner entitled to old state pension with deferral increase

- 2 (1) A pensioner whose spouse or civil partner has died is entitled to an inherited deferral amount under this paragraph if—
- (a) the spouse or civil partner was entitled to an old state pension with an increase under paragraph 1 or 2A of Schedule 5 to the Contributions and Benefits Act, and
 - (b) the pensioner would, on reaching pensionable age or on the death of the spouse or civil partner, have been entitled to an old state pension if in the relevant provisions of the Contributions and Benefits Act: (i) the words “before 6 April 2016” were omitted, and (ii) any reference to a bereavement allowance included a reference to bereavement support payment under section 30 of this Act.
- (2) The inherited deferral amount is equal to the amount by which the weekly rate of the old state pension for the pensioner would have been increased under paragraph 4 of Schedule 5 to the Contributions and Benefits Act on the day on which the pensioner became entitled to the inherited deferral amount.
- (3) For the purposes of calculating the amount of that increase, paragraph 4(1A) of Schedule 5 to the Contributions and Benefits Act has effect as if after the words “apart from” (in each place) there were inserted “ this paragraph and ”.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

Dead spouse or civil partner's entitlement to old state pension deferred at time of death

- 3 (1) A pensioner whose spouse or civil partner has died is entitled to an inherited deferral amount under this paragraph if—
- (a) the spouse or civil partner's entitlement to an old state pension was deferred when he or she died, and
 - (b) the pensioner would, on reaching pensionable age or on the death of the spouse or civil partner, have been entitled to an old state pension if in the relevant provisions of the Contributions and Benefits Act: (i) the words “before 6 April 2016” were omitted, and (ii) any reference to a bereavement allowance included a reference to bereavement support payment under section 30 of this Act.
- (2) The inherited deferral amount is equal to the amount by which the weekly rate of the old state pension for the pensioner would have been increased under paragraph 4 of Schedule 5 to the Contributions and Benefits Act on the day on which the pensioner became entitled to the inherited deferral amount.
- (3) For the purposes of calculating the amount of that increase—
- (a) a pensioner who is not entitled to a choice under section 8 is to be treated as having met the condition in paragraph 4(1)(c) of Schedule 5 to the Contributions and Benefits Act,
 - (b) a pensioner who has chosen under section 8 to be paid a state pension under section 9 is to be treated as having met the condition in paragraph 4(1)(b) of Schedule 5 to the Contributions and Benefits Act, and
 - (c) paragraph 4(1A) of Schedule 5 to the Contributions and Benefits Act has effect as if after the words “apart from” (in each place) there were inserted “this paragraph and”.
- (4) In this paragraph “deferred” has the meaning given by section 55(3) of the Contributions and Benefits Act.

“The relevant provisions” of the Contributions and Benefits Act

- 4 For the purposes of this Schedule “the relevant provisions” of the Contributions and Benefits Act are those mentioned in section 8(9)(b).

Supplementary

- 5 When determining entitlement to, or calculating, an inherited deferral amount under this Schedule based on entitlement to an old state pension ignore—
- (a) any requirement to make a claim for that pension;
 - (b) any provision suspending payment of, or disqualifying a person from receiving, any amount of that pension.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

VALID FROM 06/04/2016

SCHEDULE 6

Section 11

REDUCED RATE ELECTIONS: EFFECT ON RATE OF SECTION 4 PENSION

.....

VALID FROM 06/04/2016

SCHEDULE 7

Section 12

REDUCED RATE ELECTIONS: BASIC AMOUNT OF STATE PENSION UNDER SECTION 12

- 1 This Schedule—
- (a) sets out the circumstances in which a woman is entitled to a basic amount for the purpose of section 12, and
- (b) determines that basic amount.
- 2 (1) A woman is entitled to a basic amount under this paragraph if she has reached pensionable age and—
- (a) she is married to a person who has reached pensionable age, or
- (b) she is in a civil partnership with a person who has reached that age.
- (2) The basic amount is the amount specified in paragraph 5 of Part 1 of Schedule 4 to the Contributions and Benefits Act on the day on which the woman became entitled under this paragraph.
- 3 (1) A woman is entitled to a basic amount under this paragraph if—
- (a) on reaching pensionable age she is not married or in a civil partnership but she has been married or in a civil partnership before, or
- (b) on reaching pensionable age she was married or in a civil partnership and the marriage or civil partnership has come to an end (because of the death of her spouse or civil partner or otherwise).
- (2) The basic amount is the amount of the basic pension specified in section 44(4) of the Contributions and Benefits Act on the day on which the woman became entitled under this paragraph.
- 4 A woman who is entitled to a basic amount under paragraph 3 is not entitled to a basic amount under paragraph 2.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

VALID FROM 05/02/2015

SCHEDULE 8

Section 13

PENSION SHARING: APPROPRIATE WEEKLY RATE UNDER SECTION 13

.....

VALID FROM 06/04/2016

SCHEDULE 9

Section 13

PENSION SHARING: UP-RATING STATE PENSION UNDER SECTION 13

.....

VALID FROM 05/02/2015

SCHEDULE 10

Section 14

PENSION SHARING: APPROPRIATE WEEKLY REDUCTION UNDER SECTION 14

.....

VALID FROM 05/02/2015

SCHEDULE 11

Section 15

PENSION SHARING: AMENDMENTS

.....

VALID FROM 01/10/2014

SCHEDULE 12

Section 23

STATE PENSION: AMENDMENTS

.....

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

VALID FROM 07/07/2015
<p style="margin: 0;">SCHEDULE 13 Section 24</p> <p style="margin: 10px 0 0 0;">ABOLITION OF CONTRACTING-OUT FOR SALARY RELATED SCHEMES</p> <p style="margin: 0;">.....</p>

VALID FROM 23/02/2015
<p style="margin: 0;">SCHEDULE 14 Section 24</p> <p style="margin: 10px 0 0 0;">POWER TO AMEND SCHEMES TO REFLECT ABOLITION OF CONTRACTING-OUT</p> <p style="margin: 0;">.....</p>

VALID FROM 01/10/2014
<p style="margin: 0;">SCHEDULE 15 Section 25</p> <p style="margin: 10px 0 0 0;">OPTION TO BOOST OLD RETIREMENT PENSIONS</p> <p style="margin: 20px 0 0 0;">PART 1</p> <p style="margin: 0 0 0 40px;">GREAT BRITAIN</p> <p style="margin: 20px 0 0 0;"><i>Social Security Contributions and Benefits Act 1992 (c. 4)</i></p>

VALID FROM 12/10/2015
<p style="margin: 0;">1 The Social Security Contributions and Benefits Act 1992 is amended as follows.</p>

VALID FROM 12/10/2015
<p style="margin: 0;">2 (1) Section 1 (outline of contributory system) is amended as follows.</p> <p style="margin: 0;"> (2) In subsection (2)—</p> <p style="margin: 0;"> (a) omit “six”;</p> <p style="margin: 0;"> (b) in paragraph (d), after “making up entitlement;” insert—</p>

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

“(da) Class 3A, payable by eligible people voluntarily under section 14A with a view to obtaining units of additional pension;”.

(3) In subsection (4)(a), for “and 3” substitute “, 3 and 3A”.

3 After section 14 insert—

“Class 3A contributions

14A Class 3A contributions in return for units of additional pension

- (1) An eligible person is entitled to pay a Class 3A contribution in return for a unit of additional pension.
- (2) A person is eligible to pay a Class 3A contribution if the person—
 - (a) is entitled to a Category A, Category B or Category D retirement pension or graduated retirement benefit, or
 - (b) has deferred entitlement to a Category A or Category B retirement pension or graduated retirement benefit.
- (3) The amount of a Class 3A contribution needed to obtain a unit of additional pension is to be determined in accordance with regulations made by the Treasury.
- (4) Before making those regulations the Treasury must consult the Government Actuary or the Deputy Government Actuary.
- (5) A person—
 - (a) may pay Class 3A contributions on more than one occasion, but
 - (b) may not obtain more than the maximum number of units of additional pension.
- (6) The maximum number of units of additional pension that a person may obtain is to be specified by the Treasury in regulations.
- (7) In this section “deferred”, in relation to graduated retirement benefit, has the meaning given by section 36(4A) of the National Insurance Act 1965.
- (8) For the meaning of “deferred” in relation to a Category A or Category B retirement pension, see section 55(3) of this Act.

14B Class 3A contributions: repayment

- (1) The Treasury may by regulations provide for a Class 3A contribution to be repaid in specified circumstances.
- (2) Regulations under subsection (1) may, in particular, make provision about applications for repayments and other procedural matters.
- (3) A person is to be treated as never having had a unit of additional pension if the Class 3A contribution paid in respect of it is repaid.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (4) Regulations under subsection (1) may provide for benefits paid to a person because of the unit of additional pension to be recovered by deducting them from the repayment.

14C Class 3A contributions: power to change eligibility or remove the option to pay

- (1) The Treasury may by regulations change who is eligible to pay Class 3A contributions.
- (2) The Treasury may by regulations remove the option for people to pay Class 3A contributions.
- (3) Regulations under this section may, in particular, amend an Act.”

VALID FROM 12/10/2015

4 If paragraph 3 comes into force before the day mentioned in section 56(4) of this Act, section 14A(2) as inserted by that paragraph has effect as if the reference to entitlement included the prospective entitlement of a person who—

- (a) has not yet reached pensionable age, but
- (b) will reach pensionable age before that day (assuming that the person lives until pensionable age).

VALID FROM 12/10/2015

5 In section 43 (persons entitled to more than one retirement pension), in subsection (1), after “subsection (2) below” insert “ and section 61ZC below (which deals with unusual cases involving units of additional pension) ”.

VALID FROM 12/10/2015

6 In section 44 (Category A retirement pension), in subsection (3)—

(a) in paragraph (b), at the end insert “ or where the pensioner has one or more units of additional pension ”;

(b) after paragraph (b) insert—

“For units of additional pension, see section 14A.”

7 (1) Section 45 (rate of additional pension in a Category A retirement pension) is amended as follows.

- (2) In subsection (1)—
- (a) after “shall be” insert “the sum of the following—
- (a) in relation to any surpluses in the pensioner's earnings factors,”;
- (b) at the end insert “; and

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

(b) if the pensioner has one or more units of additional pension, a specified amount for each of those units.”

(3) In subsection (2), at the end of paragraph (d) insert “; and

(e) if the pensioner has one or more units of additional pension, a specified amount for each of those units.”

(4) After subsection (2) insert—

“(2A) For the purposes of subsections (1)(b) and (2)(e) the “specified amount” is an amount to be specified by the Secretary of State in regulations.”

VALID FROM 12/10/2015

8 In section 52 (special provision for surviving spouses), after subsection (3) insert—

“(3A) In subsection (3) the references to additional pension in a Category A or Category B retirement pension do not include any amount of additional pension attributable to units of additional pension.

(3B) If an amount of additional pension in the Category B retirement pension is attributable to units of additional pension, the additional pension in the Category A retirement pension is increased by that amount (in addition to any increase under subsection (3)).”

VALID FROM 12/10/2015

9 After section 61 insert—

“61ZA Shortfall in contributions: people with units of additional pension

(1) This section applies to a person who has one or more units of additional pension if the person—

- (a) is not entitled to a Category A retirement pension, but
- (b) would be entitled to a Category A retirement pension if the relevant contribution conditions were satisfied.

(2) The relevant contribution conditions are to be taken to be satisfied for the purposes of the person's entitlement to a Category A retirement pension.

(3) But where a person is entitled to a Category A retirement pension because of this section, the only element of that pension to which the person is so entitled is the additional pension attributable to the units of additional pension.

(4) For units of additional pension, see section 14A.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

61ZB Shortfall in contributions: people whose dead spouse had units of additional pension

- (1) This section applies to a person whose spouse or civil partner died with one or more units of additional pension if the person—
 - (a) is not entitled to a Category B retirement pension as a result of the death, but
 - (b) would be entitled to a Category B retirement pension as a result of the death if the relevant contribution conditions were satisfied.
- (2) The relevant contribution conditions are to be taken to be satisfied for the purposes of the person's entitlement to that Category B retirement pension.
- (3) But where a person is entitled to a Category B retirement pension because of this section, the only element of that pension to which the person is so entitled is the additional pension attributable to the units of additional pension.
- (4) For units of additional pension, see section 14A.

61ZC Entitlement to more than one pension: sections 61ZA and 61ZB

- (1) Section 43 does not prevent a person from being entitled for the same period to both—
 - (a) a Category A retirement pension because of section 61ZA, and
 - (b) one Category B retirement pension.
- (2) Section 43 does not prevent a person from being entitled for the same period to both—
 - (a) a Category A retirement pension, and
 - (b) one Category B retirement pension because of section 61ZB (or, if there is more than one such Category B retirement pension, the most favourable of them).
- (3) Accordingly—
 - (a) in section 43(2)(a) the reference to “a Category A or a Category B retirement pension”, in a case in which subsection (1) or (2) of this section applies, includes “a Category A and a Category B retirement pension”,
 - (b) in sections 43(3)(a) and (aa), 51A and 52 “Category A retirement pension” does not include a pension to which a person is entitled because of section 61ZA, and
 - (c) in sections 43(3)(a) and 52 “Category B retirement pension” does not include a pension to which a person is entitled because of section 61ZB.”

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

		VALID FROM 12/10/2015
10	In section 122 (interpretation), in subsection (1), at the appropriate place insert— ““unit of additional pension” means a unit of additional pension for which a person has paid a Class 3A contribution under section 14A;”.	
		VALID FROM 13/10/2014
11	In section 176 (parliamentary control), in subsection (1)(a), at the appropriate places insert— “ section 14A; ”“ section 45(2A); ”.	
		VALID FROM 12/10/2015
12	In the heading to Schedule 1, for “and 3” substitute “ , 3 and 3A ”.	
		VALID FROM 12/10/2015
	<i>Social Security Administration Act 1992 (c. 5)</i>	
13	(1) Section 162 of the Social Security Administration Act 1992 (destination of contributions) is amended as follows. (2) In subsection (5)(e), after “those contributions;” insert— “(ea) in the case of Class 3A contributions, 15.5 per cent of the amount estimated to be the total of those contributions;”. (3) In subsection (8)(c), for “or (e)” substitute “ , (e) or (ea) ”.	
		VALID FROM 12/10/2015
	<i>Welfare Reform and Pensions Act 1999 (c. 30)</i>	
14	In section 47 of the Welfare Reform and Pensions Act 1999 (shareable state scheme rights), in subsection (2)(a), omit “earnings-related”.	

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

PART 2

NORTHERN IRELAND

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

VALID FROM 12/10/2015

15 The Social Security Contributions and Benefits (Northern Ireland) Act 1992 is amended as follows.

VALID FROM 12/10/2015

- 16 (1) Section 1 (outline of contributory system) is amended as follows.
- (2) In subsection (2)—
- (a) omit “six”;
 - (b) in paragraph (d), after “making up entitlement;” insert—
 - “(da) Class 3A, payable by eligible people voluntarily under section 14A with a view to obtaining units of additional pension;”.
- (3) In subsection (4)(a), for “and 3” substitute “, 3 and 3A”.

17 After section 14 insert—

“Class 3A contributions

14A Class 3A contributions in return for units of additional pension

- (1) An eligible person is entitled to pay a Class 3A contribution in return for a unit of additional pension.
- (2) A person is eligible to pay a Class 3A contribution if the person—
 - (a) is entitled to a Category A, Category B or Category D retirement pension or graduated retirement benefit, or
 - (b) has deferred entitlement to a Category A or Category B retirement pension or graduated retirement benefit.
- (3) The amount of a Class 3A contribution needed to obtain a unit of additional pension is to be determined in accordance with regulations made by the Treasury.
- (4) Before making those regulations the Treasury must consult the Government Actuary or the Deputy Government Actuary.
- (5) A person—
 - (a) may pay Class 3A contributions on more than one occasion, but
 - (b) may not obtain more than the maximum number of units of additional pension.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (6) The maximum number of units of additional pension that a person may obtain is to be specified by the Treasury in regulations.
- (7) In this section “deferred”, in relation to graduated retirement benefit, has the meaning given by section 35(4A) of the National Insurance Act (Northern Ireland) 1966.
- (8) For the meaning of “deferred” in relation to a Category A or Category B retirement pension, see section 55(3) of this Act.

14B Class 3A contributions: repayment

- (1) The Treasury may by regulations provide for a Class 3A contribution to be repaid in specified circumstances.
- (2) Regulations under subsection (1) may, in particular, make provision about applications for repayments and other procedural matters.
- (3) A person is to be treated as never having had a unit of additional pension if the Class 3A contribution paid in respect of it is repaid.
- (4) Regulations under subsection (1) may provide for benefits paid to a person because of the unit of additional pension to be recovered by deducting them from the repayment.

14C Class 3A contributions: power to change eligibility or remove the option to pay

- (1) The Treasury may by regulations change who is eligible to pay Class 3A contributions.
- (2) The Treasury may by regulations remove the option for people to pay Class 3A contributions.
- (3) Regulations under this section may, in particular, amend an Act.”

VALID FROM 12/10/2015

- 18
- (1) If paragraph 17 comes into force before the new state pension commencement date for Northern Ireland, section 14A(2) as inserted by that paragraph has effect as if the reference to entitlement included the prospective entitlement of a person who—
 - (a) has not yet reached pensionable age, but
 - (b) will reach pensionable age before that day (assuming that the person lives until pensionable age).
 - (2) In this paragraph “the new state pension commencement date for Northern Ireland” means the date on which legislation in Northern Ireland corresponding to section 2 of this Act comes fully into force.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

VALID FROM 12/10/2015

- 19 In section 121 (interpretation), in subsection (1), at the appropriate place insert—
- ““unit of additional pension” means a unit of additional pension for which a person has paid a Class 3A contribution under section 14A;”.

VALID FROM 13/10/2014

- 20 In section 172 (procedure for regulations etc), in subsection (11A), after “11(3)” insert “, 14A ”.

VALID FROM 12/10/2015

- 21 In the heading to Schedule 1, for “and 3” substitute “, 3 and 3A ”.

VALID FROM 12/10/2015

- Social Security Administration (Northern Ireland) Act 1992 (c. 8)*
- 22 (1) Section 142 of the Social Security Administration (Northern Ireland) Act 1992 (destination of contributions) is amended as follows.
- (2) In subsection (5)(e), after “those contributions;” insert—
- “(ea) in the case of Class 3A contributions, 15.5 per cent of the amount estimated to be the total of those contributions;”.
- (3) In subsection (8)(c), for “or (e)” substitute “, (e) or (ea) ”.

VALID FROM 08/02/2017

SCHEDULE 16

Section 31

BEREAVEMENT SUPPORT PAYMENT: AMENDMENTS

VALID FROM 06/04/2017

- Forfeiture Act 1982 (c. 34)*
- 1 In section 4 of the Forfeiture Act 1982 (Upper Tribunal to decide whether forfeiture rule applies to social security benefits), in the definition of “relevant

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

enactment” in subsection (5), after the entry relating to Part 1 of this Act (inserted by Schedule 12 to this Act) insert— “ section 30 of that Act, ”.

VALID FROM 06/04/2017

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

The Social Security Contributions and Benefits Act 1992 is amended as follows.

(1) Section 20 (descriptions of contributory benefits) is amended as follows.

(2) In subsection (1), for paragraph (ea) substitute—
“(ea) widowed parent's allowance;”.

(3) In subsection (2), in the definition of “long-term benefit” omit paragraph (bb).

(1) Section 21 (contribution conditions) is amended as follows.

(2) In the table in subsection (2) omit the entries for bereavement payment and bereavement allowance.

(3) Omit subsection (4).

In section 22 (earnings factors), in subsection (2), after paragraph (c) (inserted by Schedule 12 to this Act) insert “and

(d) establishing entitlement to bereavement support payment under section 30 of the Pensions Act 2014.”

(1) Section 23A (contributions credits for relevant parents and carers) is amended as follows.

(2) In subsection (1) omit paragraph (e).

(3) In subsection (6)(b) omit “or (e)”.

For the italic heading above section 36 substitute “ Bereavement benefits: deaths before the day on which section 30 of the Pensions Act 2014 comes into force ”.

Section 36 (bereavement payment) is repealed.

Section 36A (cases in which sections 37 to 41 apply) is repealed.

(1) Section 37 (widowed mother's allowance) is amended as follows.

(2) Before subsection (1) insert—

“(A1) This section applies only in cases where a woman's husband has died before 9 April 2001.”

(3) At the end of the heading insert “ : deaths before 9 April 2001 ”.

(1) Section 38 (widow's pension) is amended as follows.

(2) Before subsection (1) insert—

“(A1) This section applies only in cases where a woman's husband has died before 9 April 2001.”

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (3) At the end of the heading insert “ : deaths before 9 April 2001 ”.
- 12 In section 39A (widowed parent's allowance), for subsection (1) substitute—
- “(1) This section applies where—
- (a) a person's spouse or civil partner has died before the day on which section 30 of the Pensions Act 2014 comes into force (but see subsection (1A)),
- (b) the person has not married or formed a civil partnership after the death but before that day, and
- (c) the person is under pensionable age on that day.
- (1A) This section does not apply in cases where a woman's husband has died before 9 April 2001.”
- 13 Section 39B (bereavement allowance where no dependent children) is repealed.
- 14 (1) Section 39C (rate of widowed parent's allowance and bereavement allowance) is amended as follows.
- (2) Omit subsection (2).
- (3) Omit subsection (5).
- (4) In the heading omit “and bereavement allowance”.
- 15 In section 48B (Category B retirement pension for widows and widowers), in subsection (8), for “the appointed day (as defined by section 36A(3))” substitute “ 9 April 2001 ”.
- 16 In section 48BB (Category B retirement pension: entitlement by reference to benefits under section 39A or 39B), in subsection (3)(a)(i), after “bereavement allowance” insert “ under section 39B (before that section was repealed) ”.
- 17 (1) Section 60 (complete or partial failure to satisfy contribution condition) is amended as follows.
- (2) In subsection (1) omit paragraph (ab).
- (3) In subsection (3) omit paragraphs (a) and (bb).
- 18 (1) Schedule 3 (contribution conditions for entitlement to benefit) is amended as follows.
- (2) Omit paragraph 4 and the italic heading above it.
- (3) Omit paragraphs 7 and 9.
- 19 In Schedule 4 (rates of benefits etc) omit Part 2.

Social Security Administration Act 1992 (c. 5)

- 20 The Social Security Administration Act 1992 is amended as follows.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

VALID FROM 06/04/2017

- 21 (1) Section 1 (entitlement to benefit dependent on claim) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) Where under subsection (1) a person is required to make a claim or to be treated as making a claim for a benefit in order to be entitled to it, the person is not entitled to it in respect of any period more than 12 months before the date on which the claim is made or treated as made.
- (2A) But subsection (2) does not apply—
- (a) to disablement benefit or reduced earnings allowance, or
- (b) in a case where a claim for the benefit is made or treated as made by virtue of section 3(2).”
- (3) In subsection (4), after paragraph (zb) (inserted by Schedule 12 to this Act) insert—
- “(zc) bereavement support payment under section 30 of the Pensions Act 2014;”.

VALID FROM 06/04/2017

- 22 In section 2A (claim or full entitlement to certain benefits conditional on work-focused interview), in subsection (2)(d), omit “(other than a bereavement payment)”.

VALID FROM 06/04/2017

- 23 (1) Section 3 (late claims for bereavement benefit where death is difficult to establish) is amended as follows.
- (2) Subsection (3) is repealed.
- (3) After subsection (4) insert—
- “(5) In subsection (2) “bereavement benefit” means—
- (a) bereavement support payment, or
- (b) widowed parent's allowance.”

VALID FROM 06/04/2017

- 24 In section 5 (regulations about claims for and payments of benefits), in subsection (2), after paragraph (zb) (inserted by Schedule 12 to this Act) insert—
- “(zc) bereavement support payment under section 30 of the Pensions Act 2014;”.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

VALID FROM 06/04/2017

- 25 In section 71 (overpayments - general), in subsection (11), after paragraph (ad) insert—
“(ae) bereavement support payment under section 30 of the Pensions Act 2014;”.

VALID FROM 06/04/2017

- 26 In section 121DA (interpretation of Part 6), in subsection (1), after paragraph (hl) (inserted by Schedule 12 to this Act) insert—
“(hm) Part 5 of the Pensions Act 2014;”.

VALID FROM 06/04/2017

- 27 In section 122B (supply of other government information for fraud prevention and verification), in subsection (3)(b), after “, Part 1 of the Pensions Act 2014” (inserted by Schedule 12 to this Act) insert “, section 30 of that Act ”.

VALID FROM 06/04/2017

- 28 In section 124 (age, death and marriage), in subsection (1), after paragraph (af) (inserted by Schedule 12 to this Act) insert—
“(ag) of section 30 of the Pensions Act 2014; and”.

VALID FROM 06/04/2017

- 29 In section 125 (regulations as to notification of deaths), in subsection (1), after “, Part 1 of the Pensions Act 2014” (inserted by Schedule 12 to this Act) insert “, section 30 of that Act ”.

VALID FROM 06/04/2017

- 30 In section 150 (annual up-rating of benefits), in subsection (1), after paragraph (p) (inserted by Schedule 12 to this Act) insert—
“(q) specified in regulations under section 30 of the Pensions Act 2014 (bereavement support payment).”

VALID FROM 06/04/2017

- 31 (1) Section 163 (general financial arrangements) is amended as follows.
(2) In subsection (1), after paragraph (za) (inserted by Schedule 12 to this Act) insert—

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

“(zb) bereavement support payment under section 30 of the Pensions Act 2014;”.

(3) In subsection (2)(a), after “, Part 1 of the Pensions Act 2014” (inserted by Schedule 12 to this Act) insert “, section 30 of that Act”.

(4) In subsection (3)(b), after “or Part 1 of the Pensions Act 2014” (inserted by Schedule 12 to this Act) insert “ or section 30 of that Act”.

VALID FROM 06/04/2017

32 In section 170 (Social Security Advisory Committee), in subsection (5)—
(a) in the definition of “the relevant enactments”, after paragraph (am) (inserted by Schedule 12 to this Act) insert—

“(an) section 30 of the Pensions Act 2014;”;

(b) in the definition of “the relevant Northern Ireland enactments”, after paragraph (am) (inserted by Schedule 12 to this Act) insert—

“(an) any provisions in Northern Ireland which correspond to section 30 of the Pensions Act 2014;”.

33 (1) Section 179 (reciprocal agreements) is amended as follows.

(2) In subsection (3)(a), after “Pensions Act 2014” (inserted by Schedule 12 to this Act) insert “, Part 5 of that Act”.

(3) In subsection (4), after paragraph (ai) (inserted by Schedule 12 to this Act) insert—
“(aj) to Part 5 of the Pensions Act 2014;”.

(4) In subsection (5)—

(a) after “Pensions Act 2014” (inserted by Schedule 12 to this Act) insert “ or section 30 of that Act”;

(b) after paragraph (ad) (inserted by Schedule 12 to this Act) insert—
“(ae) bereavement support payment;”.

VALID FROM 06/04/2017

34 In section 187 (inalienability), in subsection (1), after paragraph (ad) insert—
“(ae) bereavement support payment under section 30 of the Pensions Act 2014;”.

VALID FROM 06/04/2017

35 In section 191 (interpretation), in the definition of “benefit”, for “and personal independence payment” substitute “, personal independence payment and bereavement support payment under section 30 of the Pensions Act 2014”.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

VALID FROM 06/04/2017

Social Security Act 1993 (c. 3)

- 36 In section 2 of the Social Security Act 1993 (payments into National Insurance Fund out of money provided by Parliament), in subsection (4)(a), after “(za),” (inserted by Schedule 12 to this Act) insert “(zb),”.

VALID FROM 06/04/2017

Social Security Act 1998 (c. 14)

- 37 The Social Security Act 1998 is amended as follows.
- 38 In section 2 (use of computers), in subsection (2), after paragraph (m) (inserted by Schedule 12 to this Act) insert “or
(n) section 30 of the Pensions Act 2014;”.
- 39 (1) Section 8 (decisions by Secretary of State) is amended as follows.
- (2) In subsection (3), after paragraph (ab) (inserted by Schedule 12 to this Act) insert—
“(ac) bereavement support payment under section 30 of the Pensions Act 2014;”.
- (3) In subsection (4), after “Part 1 of the Pensions Act 2014” (inserted by Schedule 12 to this Act) insert “ or section 30 of that Act ”.
- 40 In section 11 (regulations with respect to decisions), in subsection (3), in the definition of “the current legislation”, after “Part 1 of the Pensions Act 2014” (inserted by Schedule 12 to this Act) insert “ and section 30 of that Act ”.
- 41 In section 27 (restriction on entitlement in cases of error), in subsection (7), in the definition of “benefit”—
(a) after paragraph (df) insert—
“(dg) bereavement support payment under section 30 of the Pensions Act 2014;”;
(b) in paragraph (e), for “to (df)” substitute “ to (dg) ”.
- 42 In section 28 (correction of errors in decisions etc), in subsection (3)(j), after “Part 1 of the Pensions Act 2014” (inserted by Schedule 12 to this Act) insert “ or section 30 of that Act ”.

VALID FROM 06/04/2017

Social Security Fraud Act 2001 (c. 11)

- 43 The Social Security Fraud Act 2001 is amended as follows.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- 44 In section 6A (definitions), in subsection (1), in the definition of “disqualifying benefit”, after paragraph (ca) insert—
- “(cb) bereavement support payment under section 30 of the Pensions Act 2014 or under any provision in Northern Ireland which corresponds to that section;”.
- 45 In section 10 (power to supplement and mitigate loss of benefit provisions), in subsection (3), after paragraph (bf) (inserted by Schedule 12 to this Act) insert—
- “(bg) bereavement support payment under section 30 of the Pensions Act 2014 or under any provision in Northern Ireland which corresponds to that section;”.

VALID FROM 06/04/2017

Income Tax (Earnings and Pensions) Act 2003 (c. 1)

- 46 The Income Tax (Earnings and Pensions) Act 2003 is amended as follows.
- 47 In section 660 (taxable benefits: UK benefits - Table A), in the table in subsection (1), in the entry relating to bereavement allowance, omit the words “SSCBA 1992 Section 39B” (in the second column).
- 48 In section 677 (UK social security benefits wholly exempt from tax), in Part 1 of Table B in subsection (1), in the entry relating to bereavement payments, omit the words “SSCBA 1992 Section 36” (in the second column).

SCHEDULE 17

Section 33

AUTOMATIC TRANSFER OF PENSION BENEFITS ETC

PROSPECTIVE

PART 1

AUTOMATIC TRANSFER OF PENSION BENEFITS

Regulations providing for transfer of cash equivalent of transferable benefits

- 1 (1) The Secretary of State must make regulations with a view to ensuring that, where a qualifying member of an automatic transfer scheme has transferable benefits under another pension scheme, the cash equivalent of the transferable benefits—
- (a) is transferred to the automatic transfer scheme, and
- (b) is used to provide rights for the member under it.
- (2) In this Schedule “automatic transfer scheme” means—

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (a) a work-based pension scheme, other than a scheme of a prescribed description, which is registered under Chapter 2 of Part 4 of the Finance Act 2004 and is a money purchase scheme, or
 - (b) a pension scheme of a prescribed description.
- (3) In this Schedule “qualifying member”, in relation to an automatic transfer scheme, means an active member of the scheme of a prescribed description.
- (4) For the purposes of this Schedule a person has transferable benefits under a pension scheme if—
- (a) the scheme is a transferable benefits scheme,
 - (b) the person is a member of the scheme,
 - (c) contributions to the scheme by, or on behalf or in respect of, the member have ceased,
 - (d) the member has accrued rights to benefits under the [F²scheme rules] ,
 - (e) all of those rights accrued on or after the prescribed date (which may be a date before the coming into force of this paragraph),
 - (f) the cash equivalent of those benefits is less than the prescribed amount (but not nil), and
 - (g) any other prescribed conditions are met.
- (5) In this Schedule “transferable benefits scheme” means—
- (a) a work-based pension scheme, other than a scheme of a prescribed description, which is registered under Chapter 2 of Part 4 of the Finance Act 2004 and is a money purchase scheme, or
 - (b) a pension scheme of a prescribed description.
- [F³(6) In sub-paragraph (4)—
- (a) the reference to “scheme rules” is to be read in accordance with section 100B of the Pension Schemes Act 1993;
 - (b) “benefits” means—
 - (i) money purchase benefits other than money purchase benefits of a prescribed description, or
 - (ii) benefits of a prescribed description.]

Textual Amendments

- F2** Words in *Sch. 17 para. 1(4)(d)* substituted (6.4.2015) by *Pension Schemes Act 2015 (c. 8), s. 89(3)(b), Sch. 4 para. 46(a)* (with s. 87)
- F3** *Sch. 17 para. 1(6)* substituted (6.4.2015) by *Pension Schemes Act 2015 (c. 8), s. 89(3)(b), Sch. 4 para. 46(b)* (with s. 87)

Automatic transfer scheme to find out whether members have transferable benefits

- 2 (1) The regulations must require the trustees or managers of an automatic transfer scheme to take steps to find out whether a qualifying member of the scheme has transferable benefits under another pension scheme.
- (2) The regulations may make provision—
- (a) about when a step is to be taken (for example, within a prescribed period after a person becomes a qualifying member or at prescribed intervals);

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (b) for the steps to be taken at any particular time to relate to a particular qualifying member, or to some or all qualifying members.

Automatic transfer scheme to request transfer of cash equivalent

- 3 (1) The regulations must require the trustees or managers of an automatic transfer scheme to give a transfer notice if—
 - (a) they find out that a qualifying member of the scheme has transferable benefits under another pension scheme, and
 - (b) any other prescribed conditions are met.
- (2) A “transfer notice” is a notice given to the trustees or managers of the other pension scheme requesting the transfer of the cash equivalent of the transferable benefits to the automatic transfer scheme.
- (3) The conditions that may be prescribed because of sub-paragraph (1)(b) include a condition that the trustees or managers must not give a transfer notice unless the qualifying member consents in accordance with the regulations.

Right to opt out of automatic transfer

- 4 (1) If the regulations do not include the condition mentioned in paragraph 3(3), they must ensure that where the duty to give a transfer notice has arisen in relation to transferable benefits of a qualifying member of an automatic transfer scheme, the member can opt out of the transfer in accordance with the regulations.
- (2) The regulations must provide that, where the member does opt out—
 - (a) the duty to give the transfer notice is not to be complied with, and
 - (b) the cash equivalent of the member's transferable benefits is not to be transferred.

Information to be given to qualifying members of automatic transfer schemes

- 5 (1) The regulations must require a prescribed person to give information to a qualifying member of an automatic transfer scheme who has transferable benefits under another scheme for the purpose of helping the member to decide whether (as applicable)—
 - (a) to consent to the giving of a transfer notice in relation to the transferable benefits, or
 - (b) to opt out of the transfer of the cash equivalent of the transferable benefits.
- (2) The information to be given—
 - (a) must include information about the effect of the regulations, and in particular the member's power to consent or right to opt out (as applicable);
 - (b) may include other information, for example information about the schemes.

Transferable benefits scheme to comply with request

- 6 (1) The regulations must require the trustees or managers of a pension scheme who receive a transfer notice requesting the transfer of the cash equivalent of a person's transferable benefits to do what is needed to carry out the request.
- (2) The regulations may in particular—

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (a) require the trustees or managers of the scheme to take particular steps to carry out the request;
 - (b) provide for the discharge, in prescribed circumstances, of any obligation to provide the transferable benefits.
- (3) The regulations may provide for circumstances in which the duty to carry out the request does not apply.

Automatic transfer scheme to use cash equivalent to provide rights under the scheme

- 7 (1) The regulations must require the trustees or managers of an automatic transfer scheme to whom the cash equivalent of a person's transferable benefits is transferred to use the cash equivalent to provide rights for the person under the scheme.
- (2) The regulations may make provision about how that is to be done and in particular about—
- (a) the nature and value of the rights to be provided;
 - (b) calculating and verifying the value of the rights to be provided.

Cash equivalents: calculation and verification

- 8 (1) The regulations may provide for the manner in which cash equivalents are to be calculated and verified.
- (2) The regulations may in particular—
- (a) provide that a cash equivalent is to be increased or reduced in prescribed circumstances;
 - (b) make provision about the time by reference to which a cash equivalent is to be calculated for the purposes of a provision of the regulations.
- (3) Regulations made because of sub-paragraph (2)(a) may provide for a cash equivalent to be reduced to nil.

Disclosure of information and establishment of database

- 9 (1) The regulations must make provision about disclosure of information.
- (2) The regulations may in particular require a person to disclose information to another person—
- (a) for the purposes of helping a person to comply with a duty imposed on the person by the regulations, or
 - (b) otherwise for the purposes of a provision of the regulations.
- (3) The regulations may require the Secretary of State or the Regulator to establish and operate a database containing information relating to people who have or had transferable benefits for the purposes of helping the trustees or managers of an automatic transfer scheme to comply with their duties under the regulations.

Compliance

- 10 (1) The regulations may make provision with a view to ensuring compliance with any provision of the regulations.
- (2) For this purpose the regulations may in particular—

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (a) provide for the Regulator to issue a notice (a “compliance notice”) to a person with a view to ensuring the person's compliance with a provision of the regulations;
 - (b) provide for the Regulator to issue a notice (a “third party compliance notice”) to a person with a view to ensuring another person's compliance with a provision of the regulations;
 - (c) provide for the Regulator to issue a notice (a “penalty notice”) imposing a penalty on a person where the Regulator is of the opinion that the person has failed to comply with a compliance notice or third party compliance notice or has contravened a provision of the regulations;
 - (d) provide for the making of a reference to the First-tier Tribunal or Upper Tribunal in respect of the issue of a penalty notice or the amount of a penalty;
 - (e) confer other functions on the Regulator.
- (3) The regulations may make provision for determining the amount, or the maximum amount, of a penalty in respect of a failure or contravention.
- (4) But the amount of a penalty imposed under the regulations in respect of a failure or contravention must not exceed—
- (a) £5,000, in the case of an individual, and
 - (b) £50,000, in any other case.

Record keeping

- 11 (1) The regulations may require any person—
- (a) to make records;
 - (b) to preserve records for a prescribed period;
 - (c) to provide records to the Regulator on request.
- (2) The regulations may provide that section 10 of the Pensions Act 1995 (civil penalties) applies to a person who fails to comply with those requirements.

Further provision about the regulations

- 12 The regulations may—
- (a) impose or confer other functions on the trustees or managers of an automatic transfer scheme or transferable benefits scheme;
 - (b) confer a discretion on a person.

Review of limit on value of cash equivalent

- 13 (1) The regulations must require the Secretary of State to review from time to time the amount for the time being prescribed under paragraph 1(4)(f).
- (2) The regulations must provide—
- (a) for the first review to be conducted no later than 5 years after the date on which regulations under this Schedule first come into force;
 - (b) for subsequent reviews to be conducted no later than 5 years after the previous review.
- (3) The regulations must require the Secretary of State, in conducting a review, to have regard to—

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (a) changes in the general level of prices in Great Britain;
 - (b) changes in the general level of earnings in Great Britain;
 - (c) any other factors the Secretary of State considers relevant.
- (4) The regulations must authorise the Secretary of State to estimate the general level of prices or earnings for the purposes of the review in the manner the Secretary of State thinks fit.

PROSPECTIVE

PART 2

MERGER OF PENSION ACCOUNTS

- 14 (1) The Secretary of State may by regulations make provision for the purposes of requiring dormant pension accounts of a qualifying member of an automatic transfer scheme to be merged into a current pension account of the member.
- (2) The regulations may not require a dormant pension account to be merged unless the accrued rights to benefits to which the account relates would be transferable benefits of the member if—
- (a) all other accrued rights to benefits of the member, and any relevant contributions, were ignored, and
 - (b) any other prescribed matter were ignored.
- (3) The regulations may in particular—
- (a) make provision for determining into which current pension account (if the member has more than one) a dormant pension account is to be merged;
 - (b) provide that the rules of the scheme that are to apply to a merged pension account are those that apply to the current pension account into which a dormant pension account is being merged;
 - (c) require the trustees or managers of the scheme to make a transfer of assets representing the accrued rights to benefits to which a dormant pension account relates;
 - (d) include provision corresponding or similar to any provision which may be made by regulations under Part 1 of this Schedule.
- (4) In this paragraph “pension account”, in relation to a member of a scheme, means an account relating to the member's accrued rights to benefits in respect of a particular period of employment; and a pension account—
- (a) is “dormant” if relevant contributions in relation to the period of employment to which the account relates have ceased; and
 - (b) is “current” if such contributions have not ceased.
- (5) In this paragraph—
- (a) references to “accrued rights to benefits”, in relation to a member of a scheme, are to accrued rights to benefits under the applicable rules (within the meaning given by paragraph 1(6));
 - (b) “employment” has the prescribed meaning;

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (c) “relevant contributions”, in relation to a member of a scheme, means contributions to the scheme by, or on behalf or in respect of, the member.

PART 3

INTERPRETATION ETC

Interpretation etc

- 15 (1) In this Schedule—
- “active member”—
 - (a) in relation to an occupational pension scheme, has the meaning given by section 124(1) of the Pensions Act 1995, and
 - (b) in relation to a personal pension scheme, means a member of the scheme in respect of whom contributions are being paid into the scheme;
 - “automatic transfer scheme” has the meaning given by paragraph 1(2);
 - “managers”, in relation to a pension scheme (other than a scheme established under a trust), means the persons responsible for the management of the scheme;
 - “money purchase benefits” has the meaning given by section 181(1) of the Pension Schemes Act 1993;
 - “money purchase scheme” has the meaning given by section 181(1) of the Pension Schemes Act 1993;
 - “occupational pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993;
 - “pension scheme” means—
 - (a) an occupational pension scheme, or
 - (b) a personal pension scheme;
 - “personal pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993;
 - “prescribed” means prescribed by regulations made by the Secretary of State;
 - “qualifying member” has the meaning given by paragraph 1(3);
 - “the Regulator” means the Pensions Regulator;
 - “transferable benefits”, and references to a person having transferable benefits, are to be read in accordance with paragraph 1(4);
 - “transferable benefits scheme” has the meaning given by paragraph 1(5);
 - “transfer notice” means a notice given under regulations made because of paragraph 3;
 - “work-based pension scheme” means—
 - (a) an occupational pension scheme,
 - (b) 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
 - (c) a personal pension scheme which is or has been registered under section 2 of the Welfare Reform and Pensions Act 1999 (stakeholder pension schemes);

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

“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.

- (2) The Secretary of State may by regulations make provision about when contributions to a pension scheme are to be regarded as having ceased for the purposes of paragraph 1(4)(c) or 14(4).

Commencement Information

I2 Sch. 17 para. 15(1) in force at 11.9.2014 for specified purposes by S.I. 2014/2377, art. 2(1)(a)(i)(2)(j)

PROSPECTIVE

Crown application

- 16 (1) This Schedule applies to a pension scheme managed by or on behalf of the Crown as it applies to other pension schemes.
- (2) Accordingly, references in this Schedule to a person in the person's capacity as a trustee or manager of a pension scheme include the Crown, or a person acting on behalf of the Crown, in that capacity.
- (3) This Schedule applies to persons employed by or under the Crown as it applies to persons employed by a private person.

PROSPECTIVE

Overriding provision

- 17 (1) Regulations under this Schedule may provide that specified provisions override any provision of an automatic transfer scheme or transferable benefits scheme to the extent that it conflicts with them.
- (2) A “specified provision” is a provision of regulations under this Schedule specified in the regulations for the purposes of this paragraph.

PROSPECTIVE

Other provision relating to regulations under this Schedule

- 18 (1) Regulations under this Schedule may amend or otherwise modify any enactment (whenever passed or made).
- (2) Regulations made because of sub-paragraph (1) may in particular amend section 175(1) of the Pension Schemes Act 1993 (levies towards certain expenditure)

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

so as to include expenditure of the Secretary of State or the Commissioners for Her Majesty's Revenue and Customs under the regulations.

(3) In this paragraph “enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978.

19 Before making any regulations under this Schedule, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

PROSPECTIVE

Amendments

20 (1) The Pension Schemes Act 1993 is amended as follows.

(2) In section 94(2A) (right to cash equivalent)—

(a) in paragraph (a), after sub-paragraph (vii) insert—

“(viii) regulations made under Schedule 17 to the Pensions Act 2014;”;

(b) in paragraph (b), after sub-paragraph (v) insert—

“(vi) regulations made under paragraph 17 of Schedule 17 to the Pensions Act 2014;”.

(3) In section 101AI(8) (rights to cash transfer sum and contribution refund: further provisions)—

(a) in paragraph (a), after sub-paragraph (vii) insert—

“(viii) regulations made under Schedule 17 to the Pensions Act 2014;”;

(b) in paragraph (b), after sub-paragraph (v) insert—

“(vi) regulations made under paragraph 17 of Schedule 17 to the Pensions Act 2014;”.

21 In section 256 of the Pensions Act 2004 (no indemnification for fines or civil penalties), in subsection (1)(b)—

(a) for “or section” substitute “, section ”;

(b) after “2008” insert “ or paragraph 10 of Schedule 17 to the Pensions Act 2014 ”.

SCHEDULE 18

Section 43

POWER TO RESTRICT CHARGES OR IMPOSE REQUIREMENTS IN RELATION TO SCHEMES

Power to restrict charges

1 (1) The Secretary of State may by regulations make provision—

(a) prohibiting administration charges which are of a specified class or description, or which exceed specified limits, from being imposed on a member of a relevant scheme;

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (b) prohibiting a relevant scheme from containing provision under which administration charges which are of a specified class or description, or which exceed specified limits, will or may be imposed on a member of the scheme.

“Specified” means specified in the regulations.

- (2) The regulations—
- (a) may make provision for the manner of, and criteria for, determining whether an administration charge is of a specified class or description or exceeds specified limits;
- (b) may provide for the determination to be made in accordance with guidance issued from time to time by the Secretary of State.
- (3) The regulations may impose duties on the trustees or managers of a relevant scheme or others.
- (4) The regulations may provide that a scheme is not a qualifying scheme in relation to a jobholder for the purposes of Part 1 of the Pensions Act 2008 if a provision of the regulations—
- (a) is contravened, or
- (b) is contravened in a way specified in the regulations.
- (5) In this paragraph—
- “administration charge”, in relation to a member of a pension scheme, means any of the following to the extent that they may be used to meet the administrative expenses of the scheme, to pay commission or in any other way that does not result in the provision of pension benefits for or in respect of members—
- (a) any payments made to the scheme by, or on behalf or in respect of, the member,
- (b) any income or capital gain arising from the investment of such payments, or
- (c) the value of the member's rights under the scheme;
- “relevant scheme” means a pension scheme of a description specified in the regulations.

Commencement Information

I3 Sch. 18 para. 1 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

Power to impose requirements relating to administration or governance

- 2 (1) The Secretary of State may by regulations impose requirements relating to the administration or governance of a relevant scheme that must be satisfied in relation to the scheme.
- (2) The regulations—
- (a) may make provision for the manner of, and criteria for, determining whether a requirement is satisfied;
- (b) may provide for the determination to be made in accordance with guidance issued from time to time by the Secretary of State.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- (3) The regulations may impose duties on the trustees or managers of a relevant scheme or others.
- (4) The regulations may provide that a scheme is not a qualifying scheme in relation to a jobholder for the purposes of Part 1 of the Pensions Act 2008 if a provision of the regulations—
 - (a) is contravened, or
 - (b) is contravened in a way specified in the regulations.
- (5) In this paragraph “relevant scheme” means a pension scheme of a description specified in the regulations.

Commencement Information

I4 Sch. 18 para. 2 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

Compliance

- 3 (1) The Secretary of State may by regulations make provision with a view to ensuring compliance with a provision of regulations under paragraph 1 or 2.
- (2) The regulations may in particular—
 - (a) provide for the Regulator to issue a notice (a “compliance notice”) to a person with a view to ensuring the person's compliance with a provision of regulations under paragraph 1 or 2;
 - (b) provide for the Regulator to issue a notice (a “third party compliance notice”) to a person with a view to ensuring another person's compliance with a provision of regulations under paragraph 1 or 2;
 - (c) provide for the Regulator to issue a notice (a “penalty notice”) imposing a penalty on a person where the Regulator is of the opinion that the person has failed to comply with a compliance notice or third party compliance notice or has contravened a provision of regulations under paragraph 1 or 2;
 - (d) provide for the making of a reference to the First-tier Tribunal or Upper Tribunal in respect of the issue of a penalty notice or the amount of a penalty;
 - (e) confer other functions on the Regulator.
- (3) The regulations may make provision for determining the amount, or the maximum amount, of a penalty in respect of a failure or contravention.
- (4) But the amount of a penalty imposed under the regulations in respect of a failure or contravention must not exceed—
 - (a) £5,000, in the case of an individual, and
 - (b) £50,000, in any other case.

Commencement Information

I5 Sch. 18 para. 3 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

Interpretation

- 4 (1) Expressions used in this Schedule and in Schedule 17 have the same meaning in this Schedule as in that Schedule (see paragraph 15 of that Schedule).
- (2) In this Schedule “relevant scheme” is to be construed in accordance with paragraphs 1(5) and 2(5).

Commencement Information

I6 Sch. 18 para. 4 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

Crown application

- 5 (1) This Schedule applies to a pension scheme managed by or on behalf of the Crown as it applies to other pension schemes.
- (2) Accordingly, a reference in this Schedule to a person in the person's capacity as a trustee or manager of a pension scheme include the Crown, or a person acting on behalf of the Crown, in that capacity.
- (3) This Schedule applies to persons employed by or under the Crown as it applies to persons employed by a private person.

Commencement Information

I7 Sch. 18 para. 5 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

Overriding provision

- 6 (1) The Secretary of State may by regulations provide that specified provisions override any provision of a relevant scheme to the extent that it conflicts with them.
- (2) A “specified provision” is a provision of regulations under this Schedule specified in regulations made under sub-paragraph (1).

Commencement Information

I8 Sch. 18 para. 6 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

Other provision relating to regulations under this Schedule

- 7 (1) The Secretary of State may by regulations amend or otherwise modify any enactment (whenever passed or made) in connection with any provision made by regulations under the preceding provisions of this Schedule.
- (2) In this paragraph “enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978.

Commencement Information

I9 Sch. 18 para. 7 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- 8 Before making any regulations under this Schedule, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

Commencement Information

I10 Sch. 18 para. 8 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

Amendments

- 9 (1) The Pension Schemes Act 1993 is amended as follows.
- (2) In section 94(2A) (right to cash equivalent)—
- (a) in paragraph (a), after sub-paragraph (viii) (inserted by Schedule 17 to this Act) insert—
- “(ix) regulations made under Schedule 18 to the Pensions Act 2014;”;
- (b) in paragraph (b), after sub-paragraph (vi) (inserted by Schedule 17 to this Act) insert—
- “(vii) regulations made under paragraph 6 of Schedule 18 to the Pensions Act 2014.”
- (3) In section 101AI(8) (rights to cash transfer sum and contribution refund: further provisions)—
- (a) in paragraph (a), after sub-paragraph (viii) (inserted by Schedule 17 to this Act) insert—
- “(ix) regulations made under Schedule 18 to the Pensions Act 2014;”;
- (b) in paragraph (b), after sub-paragraph (vi) (inserted by Schedule 17 to this Act) insert—
- “(vii) regulations made under paragraph 6 of Schedule 18 to the Pensions Act 2014.”

Commencement Information

I11 Sch. 18 para. 9 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

- 10 In section 256 of the Pensions Act 2004 (no indemnification for fines or civil penalties), in subsection (1)(b), after “or paragraph 10 of Schedule 17 to the Pensions Act 2014” (inserted by Schedule 17 to this Act) insert “ or paragraph 3 of Schedule 18 to that Act ”.

Commencement Information

I12 Sch. 18 para. 10 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

- 11 (1) Section 16 of the Pensions Act 2008 (automatic enrolment: qualifying schemes) is amended as follows.
- (2) In subsection (3), omit paragraphs (a), (aa) and (ab).
- (3) After subsection (3) insert—

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

“(3A) See also paragraphs 1(4) and 2(4) of Schedule 18 to the Pensions Act 2014, which confer power to make regulations providing for a scheme not to be a qualifying scheme in relation to a jobholder in certain circumstances.”

(4) Omit subsections (4) and (5).

Commencement Information

I13 Sch. 18 para. 11 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

12 In consequence of the amendments made by paragraph 11, section 10 of the Pensions Act 2011 (qualifying schemes: administration charges) is repealed.

Commencement Information

I14 Sch. 18 para. 12 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

SCHEDULE 19

Section 46

PROHIBITION ORDERS: CONSEQUENTIAL AMENDMENTS

Pensions Act 1995 (c. 26)

1 The Pensions Act 1995 is amended as follows.

Commencement Information

I15 Sch. 19 para. 1 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(l)

2 In section 6 (removal or suspension of trustees: consequences)—
 (a) in subsections (1) and (3), after “section 3” insert “ or 3A ”;
 (b) in subsection (4), after “section 3” insert “ , 3A ”.

Commencement Information

I16 Sch. 19 para. 2 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(l)

3 In section 7 (appointment of trustees), in subsection (1), after “section 3,” insert “ by section 3A ”.

Commencement Information

I17 Sch. 19 para. 3 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(l)

4 In section 9 (removal and appointment of trustees: property), after “a trustee” insert “ or a trustee is removed under section 3A ”.

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

Commencement Information

I18 Sch. 19 para. 4 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(l)

Pensions Act 2004 (c. 35)

5 The Pensions Act 2004 is amended as follows.

Commencement Information

I19 Sch. 19 para. 5 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(l)

6 In section 10 (functions exercisable by the Determinations Panel), in subsection (6), after paragraph (e) insert—
“(ea) section 3A(3) of that Act (application for waiver of prohibition);”.

Commencement Information

I20 Sch. 19 para. 6 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(l)

7 In section 66 (register of prohibited trustees), in subsection (1), for the words from “of all” to the end substitute “(“the prohibition register”) of—
“(a) all persons who are prohibited under section 3 of the Pensions Act 1995, and
(b) all persons appearing to the Regulator to be prohibited under section 3A of that Act.”

Commencement Information

I21 Sch. 19 para. 7 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(l)

8 In section 96 (Pensions Regulator's regulatory functions: standard procedure), in subsection (6), after paragraph (i) insert—
“(ia) the power under section 3A(3) of that Act to give a notice waiving a prohibition;”.

Commencement Information

I22 Sch. 19 para. 8 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(l)

9 In section 97 (Pensions Regulator's regulatory functions: special procedure), in subsection (5), after paragraph (j) insert—
“(ja) the power under section 3A(3) of that Act to give a notice waiving a prohibition;”.

Commencement Information

I23 Sch. 19 para. 9 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(l)

Status: Point in time view as at 11/09/2014.

Changes to legislation: Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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)

- 10 (1) Schedule 2 (Pensions Regulator's reserved regulatory functions) is amended as follows.
- (2) After paragraph 5 insert—
“5A The power under section 3A(3) to give a notice waiving a prohibition.”
- (3) In paragraph 9(a), after “orders)” insert “ or by section 3A ”.

Commencement Information

I24 Sch. 19 para. 10 in force at 11.9.2014 by S.I. 2014/2377, art. 2(1)(a)(i)(2)(l)

VALID FROM 07/03/2017

SCHEDULE 20

Section 50

PENSION PROTECTION FUND: INCREASED COMPENSATION CAP FOR LONG SERVICE

Status:

Point in time view as at 11/09/2014.

Changes to legislation:

Pensions Act 2014 is up to date with all changes known to be in force on or before 05 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.