

2014 No. 10

PENSIONS

The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order 2014

Made - - - - - 8th January 2014

Laid before Parliament 14th January 2014

Coming into force in accordance with article 1(2)

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 178(1) and (6) and 315(2) and (5) of, and paragraphs 26(7) and 27(2) and (3) of Schedule 7 to, the Pensions Act 2004(a).

In accordance with section 178(5) of that Act, the Secretary of State has reviewed the general level of earnings obtaining in Great Britain during the period of 12 months ending with 31st July 2013. It appears to the Secretary of State that the general level of earnings has increased by 0.9% during that period.

On a review under section 148(2) of the Social Security Administration Act 1992(b), the Secretary of State concluded that the general level of earnings obtaining in Great Britain exceeds by 4.4% the general level at the end of the period taken into account for the last such review under that section.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order 2014.

(2) This Order comes into force—

- (a) for the purposes of this article and article 2, on 14th March 2014,
- (b) for the purposes of article 3, on 31st March 2014, and
- (c) for the purposes of articles 4 and 5, on 1st April 2014.

(3) In this Order, “the Act” means the Pensions Act 2004.

2. ▶¹◀

3. ▶¹◀

Arts. 2 & 3 are revoked by reg. 4 of S.I. 2015/66. See art. 1(2) of this S.I. for commencement dates.

(a) 2004 c. 35. See also S.I. 2013/105 which sets the levy ceiling for the financial year beginning on 1st April 2013.

(b) 1992 c. 5. Section 148(2) was amended by section 37 of the Child Support, Pensions and Social Security Act 2000 (c. 19).

(c) See section 178(4) of the Pensions Act 2004 and regulation 3 of S.I. 2006/2692 which provide that the review period is the period of 12 months ending with 31st July 2013.

The compensation cap

4. The amount specified for the purposes of paragraph (a) of the definition of “the compensation cap” in paragraph 26(7) of Schedule 7 to the Act (pension compensation provisions - compensation cap) is £36,401.19.

Revocation of the Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order 2013

5. The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order 2013(a) is revoked.

Signed by authority of the Secretary of State for Work and Pensions.

8th January 2014

Steve Webb
Minister of State,
Department for Work and Pensions

(a) S.I. 2013/105.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the levy ceiling (articles 2 and 3) and the amount of the compensation cap (article 4) for use in relation to the Pension Protection Fund in the financial year beginning on 1st April 2014.

The Board of the Pension Protection Fund (“the Board”) is established by section 107 of the Pensions Act 2004 (c. 35) (“the Act”) to provide compensation for members of certain occupational pension schemes which are under-funded at a certain level and whose sponsoring employer has become insolvent.

Section 175 of the Act requires that the Board must impose pension protection levies for each financial year. Section 177(2) provides that the amount of the levies for a financial year must not exceed the levy ceiling for that financial year. The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order 2013 (S.I. 2013/105) (“the 2013 Order”) specified that the levy ceiling for the financial year beginning on 1st April 2013 is £933,556,533. Section 178(3)(a) of the Act provides that the levy ceiling must increase in line with any increase in the general level of earnings obtaining in Great Britain.

Article 2 of this Order specifies that the increase in the general level of earnings for the period from 1st August 2012 to 31st July 2013 is 0.9%. Accordingly, article 3 of this Order specifies that the levy ceiling for the financial year beginning on 1st April 2014 is £941,958,542.

The compensation cap is used by the Board to determine the amount of compensation payable to a person who is under normal pension age on the assessment date (as described in paragraphs 2 and 34 of Schedule 7 to the Act) and whose compensation is not derived from a survivor’s pension or a pension payable on the grounds of ill health. Paragraph 26 of Schedule 7 to the Act can restrict the amount of compensation payable. When it does so, the Board uses the compensation cap to determine the amount of compensation payable.

Article 4 of this Order increases the amount of the compensation cap from 1st April 2014 to £36,401.19 to reflect a higher general level of earnings.

Article 5 revokes the 2013 Order.

This Order amends an existing regulatory regime by a pre-determined formula and the associated administrative costs or savings for the private sector and civil society organisations are negligible. A full Impact Assessment is not necessary for this Order.

