

Changes to legislation: There are currently no known outstanding effects for the Pensions Act 2007, Part 1. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 6

Textual Amendments

- F1** Sch 6 repealed (5.7.2010) by [The Personal Accounts Delivery Authority Winding Up Order 2010 \(S.I. 2010/911\)](#), [art. 8\(1\)\(b\)](#) (with [art. 8\(b\)\(c\)](#))

PART 1

MEMBERS AND EMPLOYEES ETC.

Members

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- 1 (1) The following are to be the members of the Authority—
- (a) a chairman appointed by the Secretary of State,
 - (b) other non-executive members appointed in accordance with sub-paragraph (2) or (3), and
 - (c) the executive members (see paragraph 6).
- (2) The first non-executive members appointed for the purposes of sub-paragraph (1)(b) are to be appointed by the Secretary of State.
- (3) Any subsequent appointment for the purposes of sub-paragraph (1)(b) is to be made by the Authority with the approval of the Secretary of State.
- (4) Both the Secretary of State and the Authority must aim to ensure that the Authority has neither less than 3 nor more than 9 members at any time.

Qualifications for non-executive members

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- 2 (1) Before appointing a person to be the chairman or another non-executive member, the Secretary of State must satisfy himself that the person does not have a conflict of interest.
- (2) The Secretary of State must also satisfy himself from time to time that the chairman and every other non-executive member does not have a conflict of interest.
- (3) Any of the persons mentioned in sub-paragraph (4) must, if so requested by the Secretary of State, provide the Secretary of State with such information as he considers necessary for the purpose of discharging his duties under this paragraph.

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- (4) The persons are—
- (a) a person whom the Secretary of State proposes to appoint to be the chairman or another non-executive member, and
 - (b) the chairman and other non-executive members.
- (5) Sub-paragraphs (1) to (4) apply in connection with the approval by the Secretary of State of an appointment by the Authority as they apply in connection with an appointment by him.
- (6) In this paragraph and paragraph 3 “conflict of interest”, in relation to a person, means a financial or other interest which is likely to affect prejudicially the discharge by him of his functions as a member of the Authority.
- (7) But for the purposes of this paragraph and paragraph 3 a person is not to be taken to have a conflict of interest by reason only—
- (a) that he is or has previously been engaged, on behalf of the relevant authority, in activities connected with the discharge of the authority's functions relating to occupational pension schemes or personal pension schemes, or
 - (b) that he has previously been a trustee or manager of such a scheme or an employee of such a trustee or manager.

Tenure of office of non-executive members

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- 3 (1) The chairman and each other non-executive member holds and vacates office in accordance with the terms of his appointment (subject to this Schedule).
- (2) A person's appointment as the chairman or other non-executive member must state the period for which the appointment is made.
- (3) A person is eligible for re-appointment at the end of any such period.
- (4) The chairman and each other non-executive member may resign by notice in writing to the Secretary of State.
- (5) If the Secretary of State is satisfied that the chairman or another non-executive member—
- (a) has at any time had a bankruptcy order made against him or had his estate sequestrated,
 - (b) has at any time made a composition or arrangement with, or granted a trust deed for, his creditors,
 - (c) has a conflict of interest,
 - (d) is unfit for office by reason of misconduct,
 - (e) has failed to comply with the terms of his appointment,
 - (f) has without reasonable excuse failed to discharge the functions of his office, or
 - (g) is otherwise incapable of discharging, or unfit or unwilling to discharge, the functions of his office,
- the Secretary of State may by notice in writing remove him from office.

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Remuneration etc. of non-executive members

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- 4 (1) The Authority may—
- (a) pay to the chairman and other non-executive members such remuneration, and
 - (b) pay to or in respect of the chairman and other non-executive members such sums by way of or in respect of allowances and gratuities,
- as the Secretary of State may determine.
- (2) Where—
- (a) otherwise than on the expiry of his term of office, a person ceases to be the chairman or another non-executive member, and
 - (b) the Secretary of State thinks there are special circumstances that make it right for the person to receive compensation,
- the Authority may make a payment to the person of such amount as the Secretary of State may determine.

Deputy chairman

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- 5 (1) The Secretary of State may appoint a non-executive member to be the deputy chairman.
- (2) A person appointed to be the deputy chairman—
- (a) ceases to be the deputy chairman if he ceases to be a member of the Authority, but
 - (b) otherwise holds and vacates office in accordance with the terms of his appointment.
- (3) During any vacancy in the office of chairman, or at any time when the chairman is absent or otherwise unable to act, any of his functions may be discharged by the deputy chairman.
- (4) In discharging any function of the chairman under sub-paragraph (3), the deputy chairman must have regard to any guidance given by the chairman as to the discharge of that function by the deputy chairman.

[^{F1}Executive members and employees]

Textual Amendments

F1 Sch. 6 para. 6 cross-heading substituted (26.11.2008) by Pensions Act 2008 (c. 30), ss. 85(2), 149(2)(b)

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- 6 (1) The following are to be the executive members of the Authority—
- (a) the chief executive of the Authority, and

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- (b) such other persons (if any) as are appointed in accordance with sub-paragraph (4) or (5).
- (2) The first chief executive is to be appointed by the Secretary of State, and until he makes such an appointment the membership of the Authority is not required by virtue of paragraph 1(1)(c) to include any executive member.
- (3) Any subsequent chief executive is to be appointed by the non-executive committee with the approval of the Secretary of State.
- (4) The first executive members (if any) appointed for the purposes of sub-paragraph (1) (b) are to be appointed by the Secretary of State.
- (5) Any subsequent appointment for the purposes of sub-paragraph (1)(b) is to be made by the non-executive committee with the approval of the Secretary of State.
- (6) The chief executive is to be an employee of the Authority.
- (6A) The Authority may appoint any other executive members as employees.
- (7) The Authority may appoint other employees, and may make such other arrangements for the staffing of the Authority as it thinks fit.

Terms and conditions of executive members

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- 7 (1) The first chief executive is to be appointed to hold his office, and any executive members appointed in accordance with paragraph 6(4) are to be appointed as such members and , if appointed as employees under paragraph 6(6A), are to be employed by the Authority, on such terms and conditions, including those as to remuneration, as the Secretary of State may determine.
 - (2) Any subsequent chief executive is to be appointed to hold his office, and any executive members appointed in accordance with paragraph 6(5) are to be appointed as such members and , if appointed as employees under paragraph 6(6A), are to be employed by the Authority, on such terms and conditions, including those as to remuneration, as the non-executive committee may determine with the approval of the Secretary of State.
 - (3) The Authority must—
 - (a) pay to or in respect of . . . executive members such pensions, allowances or gratuities, or
 - (b) provide and maintain for them such pension schemes (whether contributory or not),
 as the non-executive committee may determine.
 - (4) If an employee of the Authority who is an executive member—
 - (a) is a participant in a pension scheme applicable to his membership of the Authority, and
 - (b) ceases to be an executive member without ceasing to be an employee,
 his service (after ceasing to be an executive member) as an employee may, if the Secretary of State so determines, be treated for the purposes of the pension scheme as if it were service as an executive member.

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Terms and conditions of other employees

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- 8 (1) The employees of the Authority who are not executive members are to be appointed to and hold their employments on such terms and conditions, including those as to remuneration, as the Authority may determine.
- (2) The Authority must—
- (a) pay to or in respect of employees who are not executive members such pensions, allowances or gratuities, or
 - (b) provide and maintain for them such pension schemes (whether contributory or not),
- as the Authority may determine.
- (3) If an employee of the Authority—
- (a) is a participant in a pension scheme applicable to his employment, and
 - (b) becomes an executive member,
- his service as a member may, if the Secretary of State so determines, be treated for the purposes of the pension scheme as if it were service as an employee.

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