

## SCHEDULES

### SCHEDULE 3

Section 122.

#### AMENDMENTS CONSEQUENTIAL ON PART I

##### *The Employment Protection (Consolidation) Act 1978 (c. 44)*

- 1 The Employment Protection (Consolidation) Act 1978 is amended as follows.
- 2 In section 60A(4) (dismissal on grounds of assertion of statutory right), after paragraph (c) there is added—
- “(d) the rights conferred by sections 42, 43 and 46 of the Pensions Act 1995.”
- 3 In section 71(2B) (compensation award for failure to comply with section 69 not to be made), at the end there is added “of this Act or section 46 of the Pensions Act 1995.”
- 4 In section 72(2) (special award), at the end there is added “of this Act or section 46 of the Pensions Act 1995.”
- 5 In section 73(6B) (calculation of basic award), at the end there is added “of this Act or section 46 of the Pensions Act 1995.”
- 6 In section 77(1) (interim relief), after “57A (1)(a) and (b)” there is inserted “of this Act or section 46 of the Pensions Act 1995”.
- 7 In section 77A(1) (procedure on application for interim relief), after “57A (1)(a) and (b)” there is inserted “of this Act or section 46 of the Pensions Act 1995”.
- 8 In section 133(1) (conciliation officers), after paragraph (e) there is added—
- “or
- (ea) arising out of a contravention, or alleged contravention, of section 42, 43 or 46 of the Pensions Act 1995.”
- 9 In section 136(1) (appeals to Employment Appeal Tribunal), after paragraph (f) there is added—
- “(g) the Pensions Act 1995;”
- 10 In section 138 (application of Act to Crown employment), in subsection (1), after “and section 53” there is inserted “of this Act and sections 42 to 46 of the Pensions Act 1995;”

##### *The Insurance Companies Act 1982 (c. 50)*

- 11 (1) In the Table in sub-paragraph (1) of paragraph 3 of Schedule 2B to the Insurance Companies Act 1982, after the entry relating to the Building Societies Commission there is inserted—

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*Status: This is the original version (as it was originally enacted).*

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“The Occupational Pensions Regulatory Authority.	Functions under the Pension Schemes Act 1993 or the Pensions Act 1995, or any enactment in force in Northern Ireland corresponding to either of them.”
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(2) In sub-paragraph (9) of that paragraph, after paragraph (b) there is added—

“or

- (c) persons involved in the operation of occupational pension schemes (within the meaning of the Pension Schemes Act 1993 or, in Northern Ireland, the Pension Schemes (Northern Ireland) Act 1993)”, and accordingly the “or” after paragraph (a) is omitted.

*The Companies Act 1985 (c. 6)*

12 In section 449(1) of the Companies Act 1985, after paragraph (df) there is inserted—

- “(dg) for the purpose of enabling or assisting the Occupational Pensions Regulatory Authority to discharge their functions under the Pension Schemes Act 1993 or the Pensions Act 1995 or any enactment in force in Northern Ireland corresponding to either of them.”.

*The Bankruptcy (Scotland) Act 1985 (c. 66)*

13 In section 31(1) of the Bankruptcy (Scotland) Act 1985 (vesting in permanent trustee of debtor’s estate on sequestration), after “Act” there is inserted “and section 91(3) of the Pensions Act 1995”.

14 In section 32 of that Act (vesting of estate, and dealings of debtor, after sequestration), after subsection (2) there is inserted—

- “(2A) The amount allowed for the purposes specified in paragraphs (a) and (b) of subsection (2) above shall not be less than the total amount of any income received by the debtor—
  - (a) by way of guaranteed minimum pension; and
  - (b) in respect of his protected rights as a member of a pension scheme, “guaranteed minimum pension” and “protected rights” having the same meanings as in the Pension Schemes Act 1993.”.

*The Insolvency Act 1986 (c. 45)*

15 In section 310 of the Insolvency Act 1986 (income payments orders)—

- (a) in subsection (2), after “income of the bankrupt” there is inserted “when taken together with any payments to which subsection (8) applies”, and
- (b) at the end of subsection (7), there is added—

“and any payment under a pension scheme but excluding any payment to which subsection (8) applies.

(8) This subsection applies to—

- (a) payments by way of guaranteed minimum pension; and

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(b) payments giving effect to the bankrupt’s protected rights as a member of a pension scheme.

(9) In this section, “guaranteed minimum pension” and “protected rights” have the same meaning as in the Pension Schemes Act 1993.”

*The Building Societies Act 1986 (c. 53)*

16 In section 53(15) of the Building Societies Act 1986, after paragraph (b) there is added—

“or

(c) persons involved in the operation of occupational pension schemes (within the meaning of the Pension Schemes Act 1993 or, in Northern Ireland, the Pension Schemes (Northern Ireland) Act 1993)”, and accordingly the “or” after paragraph (a) is omitted.

*The Financial Services Act 1986 (c. 60)*

17 In section 180(1) of the Financial Services Act 1986, after paragraph (m) there is inserted—

“(mm) for the purpose of enabling or assisting the Occupational Pensions Regulatory Authority or the Pensions Compensation Board to discharge their functions under the Pension Schemes Act 1993 or the Pensions Act 1995 or any enactment in force in Northern Ireland corresponding to either of them;”

*The Banking Act 1987 (c. 22)*

18 (1) In the Table in subsection (1) of section 84 of the Banking Act 1987, at the end there is added—

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“20. The Occupational Pensions Regulatory Authority.	Functions under the Pension Schemes Act 1993 or the Pensions Act 1995 or any enactment in force in Northern Ireland corresponding to either of them.”
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(2) In subsection (10) of that section, after paragraph (b) there is added—

“or

(c) persons involved in the operation of occupational pension schemes (within the meaning of the Pension Schemes Act 1993 or, in Northern Ireland, the Pension Schemes (Northern Ireland) Act 1993)”, and accordingly the “or” after paragraph (a) is omitted.

*The Companies Act 1989 (c. 40)*

19 In the Table in section 87(4) of the Companies Act 1989, after the entry relating to the Building Societies Commission there is inserted—

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*Status: This is the original version (as it was originally enacted).*

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<p>“The Occupational Pensions Regulatory Authority.</p>	<p>Functions under the Pension Schemes Act 1993 or the Pensions Act 1995 or any enactment in force in Northern Ireland corresponding to either of them.”</p>
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*The Friendly Societies Act 1992 (c. 40)*

20 In the Table in section 64(5) of the Friendly Societies Act 1992, after the entry relating to the Building Societies Commission there is inserted—

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<p>“The Occupational Pensions Regulatory Authority.</p>	<p>Functions under the Pension Schemes Act 1993 or the Pensions Act 1995 or any enactment in force in Northern Ireland corresponding to either of them.”</p>
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*The Tribunals and Inquiries Act 1992 (c. 53)*

21 The Tribunals and Inquiries Act 1992 is amended as follows—

- (a) in section 7(2) (concurrence required for removal of tribunal members), after “(e)” there is inserted “(g) or (h)”,
- (b) in section 10 (reasons to be given on request), at the end of subsection (5) there is added—
  - “(ba) to decisions of the Pensions Compensation Board referred to in paragraph 35(h) of Schedule 1”,
- (c) in section 14 (restricted application of the Act in relation to certain tribunals), after subsection (1) there is inserted—

“(1A) In this Act—

- (a) references to the working of the Occupational Pensions Regulatory Authority referred to in paragraph 35(g) of Schedule 1 are references to their working so far as relating to matters dealt with by them by means of a formal hearing or on review, and
- (b) references to procedural rules for the Authority are references to regulations under—
  - (i) section 96(5) of the Pensions Act 1995 (procedure to be adopted with respect to reviews), or
  - (ii) paragraph 13 of Schedule 1 to that Act (procedure of the Authority), so far as the regulations relate to procedure on any formal hearing by the Authority.”, and
- (d) in paragraph 35 of Schedule 1 (tribunals under the direct supervision of the Council on Tribunals: pensions), after paragraph (f) there is inserted—
  - “(g) the Occupational Pensions Regulatory Authority established by section 1 of the Pensions Act 1995;
  - (h) the Pensions Compensation Board established by section 78 of that Act”.

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*Status: This is the original version (as it was originally enacted).*

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*The Pension Schemes Act 1993 (c. 48)*

- 22 The Pension Schemes Act 1993 is amended as follows.
- 23 In section 6 (registration)—
- (a) after subsection (5) there is inserted—
- “(5A) The regulations may make provision for information obtained by or furnished to the Registrar under or for the purposes of this Act to be disclosed to the Regulatory Authority or the Pensions Compensation Board”, and
- (b) in subsection (7), for “(5)” there is substituted “(5A)”.
- 24 Sections 77 to 80 (assignment, forfeiture etc. of short service benefit) are repealed.
- 25 Sections 102 to 108 (annual increase in pensions in payment) are repealed.
- 26 Section 112 (restriction on investment in employer-related assets) is repealed.
- 27 Section 114 (documents for members etc.) is repealed.
- 28 Section 116 (regulations as to auditors) is repealed.
- 29 Section 118 (equal access) is repealed.
- 30 Sections 119 to 122 (independent trustees) are repealed.
- 31 In section 129 (overriding requirements)—
- (a) in subsection (1), “Chapter I of Part V”, “sections 119 to 122”, “under Chapter I of Part V or” and “or sections 119 to 122” are omitted,
- (b) in subsection (2), for the words from “Chapter III” to “section 108)” there is substituted “and Chapter III of that Part”, and
- (c) subsection (3)(a) is omitted.
- 32 In section 132 (conformity of schemes with requirements), “the equal access requirements” is omitted.
- 33 In section 133(1) (advice of the Board), “the equal access requirements” is omitted.
- 34 In section 134 (determination of questions)—
- (a) in subsection (3), “the equal access requirements”, and
- (b) in subsection (4), “or the equal access requirements” and “or , as the case may be, section 118(1)”, are omitted.
- 35 In section 136(2)(e)(iv) (applications to modify schemes), “or the equal access requirements” is omitted.
- 36 In section 139(2) (functions of the Board), “the equal access requirements” is omitted.
- 37 In section 140(4) (effect of orders), paragraph (c) and the “and” immediately preceding it are omitted.
- 38 Section 144 (deficiencies in assets on winding up) is repealed.
- 39 In section 153 (power to modify Act)—
- (a) in subsection (1), the words from “and Chapter I” to “section 108)” are omitted,
- (b) subsections (3) and (4) are omitted,

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- (c) in subsection (5), “Chapter I of Part VII” is omitted, at the end of paragraph (b) there is inserted “or”, and paragraph (d) and the preceding “or” are omitted, and
  - (d) subsections (6) and (7) are omitted.
- 40 In section 154(1) (application of provisions to personal pension schemes), after “provision of this Act” there is inserted “or of sections 22 to 26 and 40 of the Pensions Act 1995”.
- 41 In section 159 (inalienability of certain pensions), after subsection (4) there is inserted—
- “(4A) Where a person—
- (a) is entitled or prospectively entitled as is mentioned in subsection (1), or
  - (b) is entitled to such rights or to such a payment as is mentioned in subsection (4),
- no order shall be made by any court the effect of which would be that he would be restrained from receiving anything the assignment of which is or would be made void by either of those subsections.
- (4B) Subsection (4A) does not prevent the making of an attachment of earnings order under the Attachment of Earnings Act 1971.”
- 42 In section 170 (determination of questions by Secretary of State), subsections (5) and (6) are omitted.
- 43 In section 178 (meaning of “trustee” and “manager”) in paragraph (a), after “Administration Act 1992” there is inserted “or of sections 22 to 26 of the Pensions Act 1995”, and the “or” after “Social Security Acts 1975 to 1991” is omitted.
- 44 In section 181 (general interpretation)—
- (a) in subsection (1)—
    - (i) the definition of “equal access requirements” is omitted, and
    - (ii) after the definition of “regulations” there is inserted—
 

““the Regulatory Authority” means the Occupational Pensions Regulatory Authority;”, and
  - (b) in subsection (2), for the words from “160” to “requirements” there is substituted “and 160”.
- 45 In section 183 (sub-delegation), in subsection (3)—
- (a) for “97(1), 104(8) and 144(5)” there is substituted “and 97(1)”,
  - (b) the words from “or, in the case of” to “determined” are omitted, and
  - (c) the words following paragraph (b) are omitted.
- 46 In section 185(1) (consultation about regulations), “I or” is omitted.
- 47 In Schedule 7 (re-enactment or amendment of certain provisions not in force), paragraphs 1 and 3 are omitted.