
Changes to legislation: There are currently no known outstanding effects for the Welfare Reform and Pensions Act 1999, Cross Heading: Pensions Act 1995 (c.26). (See end of Document for details)

SCHEDULES

SCHEDULE 12

CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS CONSEQUENTIAL ON PARTS III AND IV

Pensions Act 1995 (c.26)

43 The Pensions Act 1995 has effect subject to the following amendments.

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Textual Amendments

F1 Sch. 12 para. 44 repealed (6.4.2006) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), **Sch. 13**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6

F245

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Textual Amendments

F2 Sch. 12 paras. 45-49 repealed (6.4.2006) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), **Sch. 13**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6

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Textual Amendments

F2 Sch. 12 paras. 45-49 repealed (6.4.2006) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), **Sch. 13**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6

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Textual Amendments

F2 Sch. 12 paras. 45-49 repealed (6.4.2006) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), **Sch. 13**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6

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Changes to legislation: There are currently no known outstanding effects for the Welfare Reform and Pensions Act 1999, Cross Heading: Pensions Act 1995 (c.26). (See end of Document for details)

Textual Amendments
F2 Sch. 12 paras. 45-49 repealed (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), Sch. 13; S.I. 2005/3331, art. 2(6), Sch. Pt. 6

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Textual Amendments
F2 Sch. 12 paras. 45-49 repealed (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), Sch. 13; S.I. 2005/3331, art. 2(6), Sch. Pt. 6

- 50 (1) Section 38 is amended as follows.
- (2) In subsection (1), for the words from “that the scheme” to the end there is substituted—
 - “(a) that the scheme is not for the time being to be wound up but that no new members are to be admitted to it, or
 - (b) that the scheme is not for the time being to be wound up but that no new members, except pension credit members, are to be admitted to it.”

(3) In subsection (2), the words from “but” to the end are omitted.

- (4) After that subsection there is inserted—
 - “(2A) Subsection (2) does not authorise the trustees to determine—
 - (a) where there are accrued rights or pension credit rights to any benefit, that the benefit is not to be increased, or
 - (b) where the power conferred by that subsection is exercisable by virtue of a determination under subsection (1)(b), that members of the scheme may not acquire pension credit rights under it.”

51 In section 51(6), after “a pension” there is inserted “ which is attributable (directly or indirectly) to a pension credit or ”.

52 In section 53, after subsection (3) there is inserted—
“(3A) In subsections (1) and (2), the references to a person’s pension do not include any pension which is attributable (directly or indirectly) to a pension credit.”

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Textual Amendments
F3 Sch. 12 para. 53 repealed (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), Sch. 13; S.I. 2005/3331, art. 2(6), Sch. Pt. 6

54 In section 68(2), for “and” at the end of paragraph (d) there is substituted—
“(da) to enable the scheme to accommodate persons with pension credits or pension credit rights, and”.

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Textual Amendments

F4 Sch. 12 para. 55 repealed (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), [Sch. 13](#); S.I. 2005/695, art. 2(7), Sch. 1

- 56 In section 74(3)(b), at the end there is inserted “ or pension credit rights ”.
- 57 (1) Section 91 is amended as follows.
- (2) In subsection (1), for the words from “, or has” to “occupational pension scheme” there is substituted “ to a pension under an occupational pension scheme or has a right to a future pension under such a scheme ”.
- (3) In subsection (2), for the words from “, or” to “scheme” there is substituted “ to a pension under an occupational pension scheme, or right to a future pension under such a scheme, ”.
- (4) In subsection (5)—
- (a) for the words from “, or has” to “scheme” there is substituted “ to a pension under an occupational pension scheme, or has a right to a future pension under such a scheme ”,
- (b) in paragraph (d), for “accrued right, to pension” there is substituted “ right, ”, and
- (c) in paragraph (e), for “accrued right, to pension” there is substituted “ right ”.
- 58 (1) Section 92 is amended as follows.
- (2) In subsection (1), for the words from “, or” to “scheme” there is substituted “ to a pension under an occupational pension scheme or a right to a future pension under such a scheme ”.
- (3) In subsection (4), for the words from “person entitled” to “accrued” there is substituted “ pensioner, or prospective pensioner ”.
- 59 (1) Section 93 is amended as follows.
- (2) In subsection (1), for the words from “, or” to “scheme” there is substituted “ to a pension under an occupational pension scheme or right to a future pension under such a scheme ”.
- (3) In subsection (2)—
- (a) for “accrued right to a pension” there is substituted “ right ”, and
- (b) for “accrued right to a pension under the scheme” there is substituted “ right ”.
- (4) In subsection (4), for “accrued right to a pension” there is substituted “ right ”.

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Textual Amendments

F5 Sch. 12 para. 60 repealed (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), [Sch. 13](#); S.I. 2005/1108, art. 2(2), Sch.

- 61 (1) Section 124 is amended as follows.

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- (2) In subsection (1), in the definition of “member”, for “or pensioner” there is substituted “, pensioner or pension credit”.
- (3) In that subsection, after the definition of “payment schedule” there is inserted—
- ““pension credit” means a credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999, or under corresponding Northern Ireland legislation,
- “pension credit member”, in relation to an occupational pension scheme, means a person who has rights under the scheme which are attributable (directly or indirectly) to a pension credit,
- “pension credit rights”, in relation to an occupational pension scheme, means rights to future benefits under the scheme which are attributable (directly or indirectly) to a pension credit.”
- (4) After subsection (2) there is inserted—
- “(2A) In subsection (2)(a), the reference to rights which have accrued to or in respect of the member does not include any rights which are pension credit rights.”
- 62 (1) Section 166 is amended as follows.
- (2) In subsection (4), for “scheme” there is substituted “ arrangement ”.
- (3) In subsection (5)(d), for “scheme” there is substituted “ arrangement ”.
- 63 In section 167(4)—
- (a) for “scheme”, where first occurring, there is substituted “ arrangement ”, and
- (b) for the words from “(“pension scheme”” to the end of the subsection there is substituted “ (“pension arrangement” having the meaning given in subsection (1) of section 27 of that Act, as it has effect for the purposes of subsection (5) of the said section 10). ”

Changes to legislation:

There are currently no known outstanding effects for the Welfare Reform and Pensions Act 1999,
Cross Heading: Pensions Act 1995 (c.26).