

**Changes to legislation:** Energy Act 2004, Cross Heading: Modification of NDA schemes is up to date with all changes known to be in force on or before 27 April 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) View outstanding changes

## SCHEDULES

### SCHEDULE 8

#### PENSIONS

##### Modifications etc. (not altering text)

**C1** Sch. 8: power to amend conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), ss. **315**, 334(2)(o)

#### PART 4

##### OTHER TRANSFERS

###### *Modification of NDA schemes*

- 12 (1) The Secretary of State shall have power by direction to make such modifications of an NDA pension scheme as he considers appropriate for the purpose of securing—
- (a) in relation to any proposed transfer, or
  - (b) in relation to transfers that he considers may occur,
- that the scheme will be an appropriate pension scheme for the purposes of paragraph 10 or 11.
- (2) The NDA shall also have power by direction to make such modifications of an NDA pension scheme as it considers appropriate for the purpose of securing—
- (a) in relation to any proposed transfer, or
  - (b) in relation to transfers that it considers may occur,
- that the scheme will be an appropriate pension scheme for the purposes of paragraph 10 or 11.
- (3) Before making a modification under this paragraph the Secretary of State must consult—
- (a) the NDA; and
  - (b) such persons as appear to him to represent the employees likely to be affected by the modification.
- (4) Before making a modification under this paragraph the NDA must—
- (a) consult such persons as appear to it to represent the employees likely to be affected by the modification; and
  - (b) obtain the consent of the Secretary of State to the modification.

##### Commencement Information

**II** Sch. 8 para. 12 in force at 5.10.2004 by [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)