
STATUTORY INSTRUMENTS

2014 No. 1711

**The Pensions Act 2011 (Transitional, Consequential
and Supplementary Provisions) Regulations 2014**

PART 13

The Pension Protection Fund

Eligible schemes including benefits treated as money purchase benefits: initial levy and pension protection levies

47.—(1) For the purposes of the initial levy and the pension protection levies, where the conditions specified in paragraph (2) are met, and subject to paragraph (4), no provision of Part 4 of the Act or of these Regulations—

- (a) affects the validity of an actuarial valuation, the relevant time of which is before the appointed day, and which is provided to the Board, or the Regulator on the Board's behalf (whether before, on or after the appointed day), in accordance with section 179 of the 2004 Act;
- (b) requires the trustees or managers of an eligible scheme to obtain or provide a further or revised actuarial valuation in respect of a financial year before 1st April 2015;
- (c) affects the validity of any calculation or determination by the Board in relation to the amount of a pension protection levy or initial levy imposed on a scheme in respect of a financial year before 1st April 2015;
- (d) permits the Board, or the Regulator on the Board's behalf, to increase the amount of a pension protection levy payment which has been notified to the trustees or managers of a scheme in respect of a financial year before 1st April 2015;
- (e) prevents recovery by the Board, or by the Regulator on the Board's behalf, of a debt due in respect of a pension protection levy or initial levy which—
 - (i) has arisen in accordance with sections 181(6) (calculation, collection and recovery of levies) or 181A(3) (pension protection levy: interest for late payment)⁽¹⁾ of the 2004 Act; and
 - (ii) relates to an amount payable in respect of a financial year before 1st April 2015.

(2) The conditions specified in this paragraph are that the Board is satisfied that at the relevant time of the valuation provided to the Board, or to the Regulator on the Board's behalf, in accordance with section 179 of that Act—

- (a) the scheme included any of the benefits specified in paragraph (3);
- (b) the trustees or managers of the scheme treated benefits specified in paragraph (3) as if they were money purchase benefits; and

(1) Section 181A was inserted by section 129 of and Schedule 10 to the Pensions Act 2008 (c.30) ("the 2008 Act").

- (c) the amount of a pension protection levy or initial levy due in respect of the scheme has been calculated on the basis that benefits specified in paragraph (3) which were treated by the trustees or managers of the scheme as if they were money purchase benefits were money purchase benefits.
- (3) The benefits specified in this paragraph are—
- (a) cash balance benefits;
 - (b) a defined benefit minimum (in relation to money purchase underpin benefits or cash balance underpin benefits);
 - (c) top-up benefits; and
 - (d) pensions derived from any of the benefits specified in sub-paragraphs (a) to (c) or from money purchase benefits.
- (4) Paragraph (1) is subject to the power of the Board, or the Regulator on the Board’s behalf, to direct the trustees or managers of an eligible scheme to obtain and provide an out-of-cycle valuation under regulation 49(1) (eligible schemes including benefits which become non-money purchase: power to direct out-of-cycle valuations).

Commencement Information

II Reg. 47 comes into force in accordance with reg. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Pensions Act 2011 (Transitional, Consequential and Supplementary Provisions) Regulations 2014, Section 47.