

2010 No. 560

PENSIONS

The Pension Protection Fund (Miscellaneous Amendments) Regulations 2010

Made - - - - - 2nd March 2010
Laid before Parliament - 8th March 2010
Coming into force in accordance with regulation 1(2)

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 181A(1) and (5), 206(4)(a), 207(2), 315(2), (4) and (5) and 318(1) of, and paragraphs 25(1) and 33 of Schedule 7 to, the Pensions Act 2004(a).

The Secretary of State has consulted such persons as the Secretary of State considers appropriate in accordance with section 317(1) of that Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Pension Protection Fund (Miscellaneous Amendments) Regulations 2010.

(2) These Regulations come into force—

- (a) for the purposes of this regulation and regulations 2, 3 and 5 on 1st April 2010, and
- (b) for the purposes of regulation 4, on 6th April 2010.

[Regulation 2 inserts regulation 19B into the Pensions Act 2004.]

[Regulation 3 amends the Schedule of S.I. 2005/669.]

[Regulation 4 amends regulations 2 and 25 of S.I. 2005/670.]

[Regulation 5 inserts regulation 19A into S.I. 2006/580.]

Signed by authority of the Secretary of State for Work and Pensions.

2nd March 2010

Angela Eagle
Minister of State,
Department for Work and Pensions

(a) 2004 c. 35. Section 181A was inserted by paragraph 5 of Schedule 10 to the Pensions Act 2008 (c. 30). Section 318(1) is cited for the meaning it gives to “prescribed” and “regulations”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend:

- the Pensions Act 2004 (c. 35) (“the 2004 Act”),
- the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005 (S.I. 2005/669) (“the Review Regulations”),
- the Pension Protection Fund (Compensation) Regulations 2005 (S.I. 2005/670) (“the Compensation Regulations”), and
- the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006 (S.I. 2006/580) (“the General Regulations”).

Regulation 2 amends the 2004 Act. Where interest is charged on the late payment of a pension protection levy, the Board of the Pension Protection Fund (“the Board”) may waive the interest. The amendment made by this regulation provides that decisions on waiving interest may be challenged by way of review, reconsideration and appeal to the Pension Protection Fund Ombudsman.

Regulation 3 amends the Review Regulations to specify the persons who may bring such a challenge to the Board’s decisions on waiving interest.

Regulation 4 amends the Compensation Regulations. The amendments made by paragraph (2) change the circumstances in which Pension Protection Fund compensation can be paid early. They raise the minimum age a person can become entitled to early payments, reduce the information a person has to provide to the Board and enable the Board to make early payments more quickly.

Regulation 4(4) inserts regulations 26 and 27 into the Compensation Regulations which provide for modifications to provisions in Schedule 7 to the 2004 Act in relation to career average revalued earnings schemes, or schemes where part of pension entitlement is determined on a career average revalued earnings basis. (Paragraph (3) makes a consequential amendment.)

Regulation 5 amends the General Regulations. The amendments make provision for interest to be charged where there is late payment of a pension protection levy. In particular, they set out when interest arises, the rate of interest, how interest is calculated and the circumstances in which the Board can waive interest.

A full impact assessment has not been produced for the provisions in regulation 4 as they have no impact on the private or voluntary sectors. An assessment of the impact on private and voluntary sector pension schemes of the provisions in regulations 2, 3 and 5 is included in the impact assessment that accompanied the Pensions Act 2008 (c. 30). Copies of that assessment are available from the libraries of both Houses of Parliament and may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, 6B Caxton House, Tothill Street, London SW1H 9NA or from the DWP website: <http://www.dwp.gov.uk/resourcecentre/ria.asp>.