

# Pension Schemes Bill

---

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

---

*The amendments have been marshalled in accordance with the Instruction of 16th December 2014, as follows –*

Clauses 1 to 40	Clauses 48 to 65
Schedule 1	Schedule 4
Clauses 41 to 46	Clauses 66 to 76
Schedule 2	Schedule 5
Clause 47	Clauses 77 to 85
Schedule 3	

*[Amendments marked ★ are new or have been altered]*

Amendment  
No.

**After Clause 7**

LORD BRADLEY  
LORD McAVOY

**1★** Insert the following new Clause –

**“Decumulation**

- (1) A qualifying money purchase scheme may not sell annuities directly to anyone who has saved with the scheme unless this is the recommendation of an independent annuity broker.
- (2) A relevant scheme may provide an independent brokerage service itself.
- (3) A self-provided annuity brokerage service will be considered independent for the purposes of this Act if the provision of its services is subject to the direction of independent trustees.
- (4) Pension schemes shall ensure that any brokerage service selected or provided meets best practice in terms of providing members with –
  - (a) an assisted path through the annuity process;
  - (b) ensuring access to most annuity providers; and
  - (c) minimising costs.

**Amendment  
No.**

**After Clause 7 – continued**

- (5) The standards meeting best practice for annuity brokerage services shall be defined by the Pensions Regulator after public consultation.
- (6) The standards set out in subsection (5) shall be reviewed every three years and, if required, updated.”

**Clause 8**

LORD BRADLEY  
LORD McAVOY

**2★** Page 4, line 43, at end insert –

- “( ) A statutory instrument containing regulations under subsection (3)(b) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

**Clause 9**

LORD BRADLEY  
LORD McAVOY

**3★** Page 5, line 2, leave out “or managers”

**4★** Page 5, line 23, at end insert –

- “( ) A statutory instrument containing regulations under this section which is the first exercise of such a power may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

**Clause 10**

LORD BRADLEY  
LORD McAVOY

**5★** Page 5, line 36, at end insert –

- “( ) A statutory instrument containing regulations under this section which is the first exercise of such a power may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

**Clause 11**

LORD BRADLEY  
LORD McAVOY

**6★** Page 5, line 41, at end insert –

- “( ) A statutory instrument containing regulations under this section which is the first exercise of such a power may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Amendment  
No.

**After Clause 11**

LORD BRADLEY  
LORD McAVOY

7★ Insert the following new Clause –

**“Scale of pension schemes**

- (1) The fiduciary duty of pension scheme trustees shall include a duty to consider whether the scheme has sufficient scale to deliver good value for members.
- (2) Where trustees take the view that the scheme has insufficient scale, they must consider whether merger with another scheme would be in the members’ interests.
- (3) The Pensions Regulator shall have power to direct merger of pensions schemes where it would be in the interests of the members of each of the relevant schemes for merger to take place.
- (4) The Pensions Regulator shall exercise this power in accordance with a methodology on which it has publicly consulted and which has been agreed with the Secretary of State.
- (5) The methodology set out in subsection (4) shall be kept under regular review and revised when necessary, subject to further consultation and agreement from the Secretary of State.”

**Clause 14**

LORD BRADLEY  
LORD McAVOY

8★ Page 6, line 29, leave out “may” and insert “must”

**Clause 15**

LORD BRADLEY  
LORD McAVOY

9★ Page 7, line 2, leave out “may” and insert “must”

**After Clause 18**

LORD BRADLEY  
LORD McAVOY

10★ Insert the following new Clause –

**“Fiduciary duty of trustees**

- (1) The Secretary of State may by regulations –
  - (a) require any pension scheme, which is not already overseen by independent trustees, to appoint a board of independent trustees;and

**Amendment  
No.**

**After Clause 18 – continued**

- (b) set out the powers and duties of a board appointed under paragraph (a).
- (2) Regulations under this section –
  - (a) shall be made by statutory instrument, and
  - (b) may not be made unless a draft of the statutory instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) The board of independent trustees shall have a fiduciary duty towards members of the scheme overseen by them.
- (4) The fiduciary duty set out in subsection (3) shall take precedence over any duty to the shareholders in, or other owners of, the operators of the scheme.
- (5) In relation to any matters of member interest, decisions of the board of independent trustees shall be binding on the board of directors or other analogous bodies.”

**Clause 21**

LORD BRADLEY  
LORD McAVOY

**11★** Page 9, line 3, leave out “may” and insert “must”

**12★** Page 9, line 27, at end insert –

- “( ) A statutory instrument containing regulations under this section which is the first exercise of the power may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

**Clause 25**

LORD BRADLEY  
LORD McAVOY

**13★** Page 10, line 35, at end insert –

- “( ) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

**Clause 27**

LORD BOURNE OF ABERYSTWYTH

**14** Page 11, line 20, leave out first “or”

**15** Page 11, line 20, leave out “any scheme rule” and insert “provision of a scheme”

**16** Page 11, line 23, leave out “scheme rule” and insert “provision of a scheme”

Amendment  
No.

**Clause 32**

LORD BOURNE OF ABERYSTWYTH

- 17 Page 12, line 35, after “document” insert “or have a policy”  
18 Page 12, line 36, after “document” insert “or policy”

**After Clause 35**

LORD BRADLEY  
LORD McAVOY

- 19★ Insert the following new Clause –

**“Collective benefits: annual review**

The Secretary of State must each year produce a report on the operation of this Part and the report must include the number of collective benefit schemes that have been set up under its provisions.”

**Clause 37**

LORD BRADLEY  
LORD McAVOY

- 20★ Page 14, line 29, leave out “may” and insert “must”

LORD BOURNE OF ABERYSTWYTH

- 21 Page 14, line 40, leave out “instrument, enactment or rule of law” and insert “legislative provision, rule of law or provision of a scheme or other instrument”

**After Clause 38**

LORD GERMAN  
LORD STONEHAM OF DROXFORD  
LORD PADDICK  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 22 Insert the following new Clause –

**“Disclosure of information about schemes: duties on trustees and managers**

- (1) The Pension Schemes Act 1993 is amended as follows.
- (2) In section 113 (disclosure of information about schemes to members etc), after subsection (10) insert –
  - “(11) The trustees or managers of an occupational pension scheme and the managers of a personal pension scheme shall be under a general requirement to account to their beneficiaries for all actions taken in the performance of their investment functions, including (without limitation) actions relating to any of the matters mentioned in subsection (15), and shall also be under a general requirement to act transparently in that regard.

Amendment  
No.

**After Clause 38 – continued**

- (12) The trustees or managers of an occupational pension scheme and the managers of a personal pension scheme shall comply with any reasonable request for information relating to any of the matters mentioned in subsection (15) where such request is made by or on behalf of one or more of the beneficiaries, or any other persons of a prescribed description which the Secretary of State may specify in regulations under this section, or by a relevant independent governance committee.
- (13) The trustees or managers of an occupational pension scheme and the managers of a personal pension scheme shall comply with any reasonable request by or on behalf of any of the persons specified in subsection (12) for information relating to the reasons for the manner in which they have exercised or are proposing to exercise a discretion in relation to any of the matters mentioned in subsection (15).
- (14) The trustees or managers of an occupational pension scheme and the managers of a personal pension scheme shall take all reasonable steps to ensure that all persons to whom they have delegated any investment functions mentioned in subsection (15) comply with any reasonable requests by or on behalf of any of the persons specified in subsection (12) for information relating to the performance of such delegated functions.
- (15) The matters mentioned in this subsection that are referred to in subsections (11) to (14) are –
- (a) the selection, retention and realisation of investments,
  - (b) the stewardship of investments, including (without limitation) –
    - (i) the exercise of rights, including voting rights, and
    - (ii) the engagement with the managers of investee companies and other investee entities in relation to (among other matters) corporate governance (including management remuneration) and corporate actions,
  - (c) the selection, appointment and monitoring of investment managers and other agents to whom the trustees or managers delegate any of the matters mentioned in paragraphs (a) and (b) above, and
  - (d) the selection and monitoring of investment funds which are operated by insurance companies or other institutions and in which the trustees or managers have invested or are considering investing.
- (16) For the purposes of subsections (11) to (15), a request for information shall be presumed to be reasonable unless –
- (a) the requested information has already been supplied to the person making the request within twelve months before the date of the request,
  - (b) the requested information is otherwise readily and freely available in easily comprehensible form to the person making the request and that person has been advised accordingly,

Amendment  
No.

**After Clause 38** – *continued*

- (c) the trustees or managers (or, where subsection (14) applies, the relevant delegate) reasonably consider that the costs of providing the information would be disproportionate, having regard to (among other matters) –
- (i) in the case of an occupational pension scheme, the best interests of the beneficiaries as a whole,
  - (ii) in the case of a personal pension scheme, the best interests of the beneficiaries of all personal pension schemes of the same provider as a whole, and
  - (iii) whether the requested information is relevant to those best interests,
- and have stated that to be their view, have explained their reasons, and have given their best estimate of such costs to the person making the request.
- (17) Subsection (16)(c) above shall not apply unless where a relevant independent governance committee, having considered such view and reasons –
- (a) notifies the trustees or managers that it does not agree that their estimated costs would be disproportionate, or
  - (b) there are commercial considerations, including (without limitation) confidentiality constraints, that, for so long as such considerations subsist, would make it either unlawful or not in the best interests of the relevant beneficiaries for the requested information to be provided,
- and the trustees or managers (or, where subsection (14) applies, the relevant delegate) have stated that to be their view and, so far as practicable, have indicated the nature of the relevant considerations to the person making the request.
- (18) Subsection (17) shall not apply to the extent (if any) that it is reasonably practicable for any part of the requested information to be provided, whether in full or in a redacted or summary form, without prejudice to such commercial consideration.
- (19) The provision of information under subsections (11) to (15) shall be made without any –
- (a) cost or charge to the beneficiary or any other prescribed person making the request, or
  - (b) restrictions on the use or dissemination of the information by the recipient.
- (20) The Secretary of State may make regulations with a view to ensuring that the information disclosed under subsections (11) to (15) is provided in a timely and comprehensible manner.
- (21) For the purposes of subsections (11) to (20) –
- “beneficiaries” means the persons for whose benefit investments are being, will be or may be applied for the purposes of a pension scheme, whatever the particular form of ownership under which such investments are held for the time being,

Amendment  
No.

**After Clause 38** – *continued*

“commercial considerations” does not include any contractual provision purporting to exclude or restrict the right of the trustees or managers of a pension scheme to disclose to their beneficiaries the terms of appointment of any person to whom they have delegated any investment functions,  
 “investments” means investments in relation to which any investment functions are performed,  
 “relevant independent governance committee” means, in relation to a personal pension scheme that is included in a workplace pensions arrangement, a committee established by the provider of the personal pension scheme to oversee the affairs of the arrangement in the interests of the beneficiaries.””

**Clause 44**

LORD BRADLEY  
LORD McAVOY

*The above-named Lords give notice of their intention to oppose the Question that Clause 44 stand part of the Bill.*

**Clause 45**

LORD BOURNE OF ABERYSTWYTH

23 Page 19, line 10, at beginning insert “which is not a right or entitlement to collective benefits becoming, or”

**Schedule 2**

LORD BOURNE OF ABERYSTWYTH

24 Page 63, line 19, at end insert –  
 “( ) in the substituted subsection (2)(a), for “hybrid scheme” substitute “shared risk scheme”;

25 Page 64, line 8, at end insert –  
 “( ) For the definition of “defined benefits scheme” substitute –  
 ““defined benefits scheme” has the meaning given by section 2 of the Pension Schemes Act 2014;”.”

26 Page 64, line 9, at end insert –  
 ““collective benefit” has the meaning given by section 8 of the Pension Schemes Act 2014;””

27 Page 64, leave out lines 10 and 11

28 Page 64, leave out line 21



Amendment  
No.

### Clause 47

LORD BOURNE OF ABERYSTWYTH

- 29 Page 20, line 8, after “members” insert “, and survivors of pension scheme members,”

### After Clause 47

LORD BRADLEY  
LORD McAVOY

- 30★ Insert the following new Clause—

#### “Guidance guarantee: annual review

The Secretary of State must each year produce a report on the effectiveness of the guidance under Schedule 3, and that guidance must include—

- (a) the number of people who have taken up the guidance;
- (b) the number of people eligible to take up the guidance who did not do so;
- (c) the effectiveness of the guidance in preventing instances of consumer detriment through the purchasing of inappropriate products.”

### Schedule 3

LORD BOURNE OF ABERYSTWYTH

- 31 Page 65, line 2, after “scheme” insert “, or a survivor of a member of a pension scheme,”

- 32 Page 65, line 3, at end insert “or survivor”

- 33 Page 65, line 9, at end insert—

““survivor” has the meaning given by section 74 of the Pension Schemes Act 2014.”

BARONESS GREENGROSS

- 34 Page 65, line 17, at end insert—

“( ) The Treasury must publish an annual report on outcomes being experienced by people with flexible benefits.”

- 35 Page 65, line 17, at end insert—

#### “333BA Sources of information in relation to pensions guidance

- (1) Bodies which are to give pensions guidance must ask those receiving the guidance about other potential sources of retirement income in addition to defined contribution pension schemes.
- (2) Assessment of other potential sources of retirement income must include an assessment of assets including (but not limited to)—
  - (a) housing wealth,

Amendment  
No.

**Schedule 3** – *continued*

- (b) savings, and
- (c) investments.”

LORD BRADLEY  
LORD McAVOY

- 36★ Page 66, line 10, at end insert –  
“( ) must be sufficient to ensure that the body is capable of carrying out its functions under section 333C(1).”

BARONESS GREENGROSS

- 37 Page 68, line 14, at end insert –  
“( ) must make provision for guidance relating to the interaction between flexible pension benefits and state pensions and benefits;  
( ) must make provision for guidance relating to the interaction between flexible pension benefits and credits or mortgages.”

LORD BRADLEY  
LORD McAVOY

- 38★ Page 68, line 46, at end insert –

**“333HA Second line of defence**

The FCA may require that a qualifying defined contributions scheme not sell a qualifying drawdown product to anyone without notifying that person of the availability of guidance under section 333A(2).”

BARONESS GREENGROSS

- 39 Page 71, line 38, after “protection” insert “ –  
(a) ”

- 40 Page 71, line 40, at end insert –  
“(b) through the decision-making and purchasing process, for those deciding what to do with the flexible benefits which may be provided to the member, and  
(c) for people who are drawing their flexible benefits by ensuring high minimum standards for retirement income products”

LORD BOURNE OF ABERYSTWYTH

- 41 Page 74, leave out line 35 and insert “, and survivors of members of the scheme, with subsisting rights in respect of any flexible benefits.”

- 42 Page 74, line 44, leave out “with a right or entitlement to flexible benefits” and insert “, and survivors of members of pension schemes, with subsisting rights in respect of any flexible benefits.”

**Amendment  
No.**

**Schedule 3 – continued**

- 43** Page 75, line 10, at end insert—  
     ““subsisting rights” has the meaning given by section 74 of  
     the Pension Schemes Act 2014;  
     “survivor” has the meaning given by section 74 of the  
     Pension Schemes Act 2014.”
- 44** Page 78, line 1, leave out “with a right or entitlement to flexible benefits” and insert  
 “, and survivors of members of the scheme, with subsisting rights in respect of any  
 flexible benefits”

**Clause 48**

LORD BOURNE OF ABERYSTWYTH

- 45** Page 20, line 20, after “acquiring” insert “a right or entitlement to”
- 46** Page 20, line 21, at end insert—  
     “( ) paying a lump sum that would be an uncrystallised funds pension  
     lump sum in respect of any of the benefits.”

LORD BRADLEY  
 LORD McAVOY

- 47★** Page 20, line 27, at end insert “subject to a draft of the statutory instrument  
 containing the regulations being laid before, and approved by a resolution of, each  
 House of Parliament”
- 48★** Page 20, line 38, at end insert “subject to a draft of the statutory instrument  
 containing the regulations being laid before, and approved by a resolution of, each  
 House of Parliament.”

**Clause 51**

LORD BOURNE OF ABERYSTWYTH

- 49** Page 22, line 10, after “acquiring” insert “a right or entitlement to”
- 50** Page 22, line 11, at end insert—  
     “( ) paying a lump sum that would be an uncrystallised funds pension  
     lump sum in respect of any of the benefits.”

**Clause 55**

LORD BOURNE OF ABERYSTWYTH

- 51** Page 25, line 1, after “pension” insert “, nominees’ drawdown pension or  
 successors’ drawdown pension”

Amendment  
No.

**Clause 56**

LORD BOURNE OF ABERYSTWYTH

- 52 Page 25, line 17, leave out “or”
- 53 Page 25, line 17, at end insert “, nominees’ drawdown pension or successors’ drawdown pension”

**After Clause 59**

LORD BOURNE OF ABERYSTWYTH

- 54 Insert the following new Clause –

**“Sections 55 to 57: consequential amendments**

- “(1) In section 101AI of the Pension Schemes Act 1993 (early leavers: cash transfer sums and contribution refunds - further provisions), in subsection (8) –
- (a) in paragraph (a), after sub-paragraph (ix) insert –
    - “(x) section 55 of the Pension Schemes Act 2014;
    - (xi) regulations made under section 56 or 57 of the Pension Schemes Act 2014;”;
  - (b) in paragraph (b), after sub-paragraph (vii) insert –
    - “(viii) section 55(3) of the Pension Schemes Act 2014;
    - (ix) regulations made under section 56(4) or 57(4) of the Pension Schemes Act 2014.”
- (2) In section 67A of the Pensions Act 1995 (the subsisting rights provisions: interpretation), in subsection (9) –
- (a) in paragraph (a), after sub-paragraph (viii) (inserted by section 45 of this Act) insert –
    - “(ix) section 55 of the Pension Schemes Act 2014;
    - (x) regulations made under section 56 or 57 of the Pension Schemes Act 2014;”;
  - (b) in paragraph (b), after sub-paragraph (vi) (inserted by section 45 of this Act) insert –
    - “(vii) section 55(3) of the Pension Schemes Act 2014;
    - (viii) regulations made under section 56(4) or 57(4) of the Pension Schemes Act 2014.”
- (3) In section 318 of the Pensions Act 2004 (interpretation), in subsection (3) –
- (a) in paragraph (a), after sub-paragraph (viii) (inserted by Schedule 2 to this Act) insert –
    - “(ix) section 55 of the Pension Schemes Act 2014;
    - (x) regulations made under section 56 or 57 of the Pension Schemes Act 2014;”;
  - (b) in paragraph (b), after sub-paragraph (vi) (inserted by Schedule 2 to this Act) insert –
    - “(vii) section 55(3) of the Pension Schemes Act 2014;

Amendment  
No.

**After Clause 59** – *continued*

- (viii) regulations made under section 56(4) or 57(4) of the Pension Schemes Act 2014.””

**Clause 60**

LORD BOURNE OF ABERYSTWYTH

- 55 Page 27, line 18, after “pension” insert “, nominees’ drawdown pension or successors’ drawdown pension”

**Clause 61**

LORD BOURNE OF ABERYSTWYTH

- 56 Page 27, line 36, leave out “or”
- 57 Page 27, line 36, at end insert “, nominees’ drawdown pension or successors’ drawdown pension”

**After Clause 64**

LORD BOURNE OF ABERYSTWYTH

- 58 Insert the following new Clause –

**“Sections 60 to 62: consequential amendments**

- “(1) In section 97AI of the Pension Schemes (Northern Ireland) Act 1993 (early leavers: cash transfer sums and contribution refunds - further provisions), in subsection (7) –
- (a) in paragraph (a), after sub-paragraph (vii) insert –
- “(viii) section 60 of the Pension Schemes Act 2014;
- (ix) regulations made under section 61 or 62 of the Pension Schemes Act 2014;”;
- (b) in paragraph (b), after sub-paragraph (v) insert –
- “(vi) section 60(3) of the Pension Schemes Act 2014;
- (vii) regulations made under section 61(4) or 62(4) of the Pension Schemes Act 2014.”
- (2) In Article 67A of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) (the subsisting rights provisions: interpretation), in paragraph (9) –
- (a) in sub-paragraph (a), after head (vii) insert –
- “(viii) section 60 of the Pension Schemes Act 2014;
- (ix) regulations made under section 61 or 62 of the Pension Schemes Act 2014;”;
- (b) in sub-paragraph (b), after head (v) insert –
- “(vi) section 60(3) of the Pension Schemes Act 2014;
- (vii) regulations made under section 61(4) or 62(4) of the Pension Schemes Act 2014.”

Amendment  
No.

**After Clause 64**—*continued*

- (3) In Article 2 of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)) (interpretation), in paragraph (4) —
- (a) in sub-paragraph (a), after head (vii) insert —
- “(viii) section 60 of the Pension Schemes Act 2014;  
(ix) regulations made under section 61 or 62 of the Pension Schemes Act 2014;”;
- (b) in sub-paragraph (b), after head (v) insert —
- “(vi) section 60(3) of the Pension Schemes Act 2014;  
(vii) regulations made under section 61(4) or 62(4) of the Pension Schemes Act 2014.””

**Schedule 4**

LORD BOURNE OF ABERYSTWYTH

59 Page 78, line 17, at end insert —

*“Judicial Pensions Act 1981 (c. 20)*

- A1 In Schedule 1A to the Judicial Pensions Act 1981 (transfer of accrued benefits), in paragraph 3, for “Chapter IV of Part IV of the Pension Schemes Act 1993” substitute “Chapter 1 of Part 4ZA of the Pension Schemes Act 1993”.

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- B1 In Schedule 2 to the Judicial Pensions and Retirement Act 1993 (transfer of accrued benefits), in paragraph 3, for “Chapter IV of Part IV of the Pension Schemes Act 1993” substitute “Chapter 1 of Part 4ZA of the Pension Schemes Act 1993”.

60 Page 78, line 31, at end insert —

- “2A In section 24F (transfers out of GMP-converted schemes), in subsection (3), omit “guaranteed”.”

61 Page 81, line 30, at end insert —

- “( ) In subsection (2), in paragraphs (a) and (b), for each “accrued rights” substitute “transferrable rights”.”

62 Page 83, line 14, leave out “an occupational” and insert “a”

63 Page 83, line 45, at end insert —

- “(xi) section 55 of the Pension Schemes Act 2014;  
(xii) regulations made under section 56 or 57 of the Pension Schemes Act 2014;”

64 Page 84, line 13, at end insert —

- “(ix) section 55(3) of the Pension Schemes Act 2014;  
(x) regulations made under section 56(4) or 57(4) of the Pension Schemes Act 2014.”

Amendment No.	<b>Schedule 4</b> – <i>continued</i>
65	Page 84, line 23, leave out “a case” and insert “any other case”
66	Page 84, line 29, leave out “any other case” and insert “a case not falling within paragraph (a) or (b)”
67	Page 85, line 10, leave out “an occupational” and insert “a”
68	Page 87, line 25, at end insert – <p style="margin-left: 40px;">“15A In section 101M (effect of transfer on trustees’ duties), for the words from “pension credit benefit” to the end of the section substitute “benefits to which the transfer notice relates”.”</p>
69	Page 87, line 43, at end insert – <p style="margin-left: 40px;">“( ) In that subsection, omit the definition of “pension credit benefit”.”</p>
70	Page 88, line 35, at end insert – <p style="margin-left: 40px;">“27A In section 124 (interpretation of Part 1), in subsection (1), in paragraph (b) of the definition of “transfer credits”, for “Chapter 5 of Part 4 of the Pension Schemes Act 1993 (early leavers)” substitute “Chapter 2 of Part 4ZA of the Pension Schemes Act 1993 (transfers and contribution refunds)”.”</p>
71	Page 89, line 30, leave out “In section 318 (interpretation),” and insert – <p style="margin-left: 40px;">“(1) Section 318 (interpretation) is amended as follows.</p> <p style="margin-left: 80px;">(2) In subsection (2), for “an occupational pension scheme” substitute “a pension scheme”.</p> <p style="margin-left: 80px;">(3) ”</p>
72	Page 89, line 42, at end insert – <p style="margin-left: 40px;"><i>“Scottish Parliamentary Pensions Act 2009 (asp 1)</i></p> <p style="margin-left: 40px;">37A (1) Schedule 1 to the Scottish Parliamentary Pensions Act 2009 (Scottish Parliamentary Pension Scheme) is amended as follows.</p> <p style="margin-left: 80px;">(2) In paragraph 75, in Condition 6, for “section 93A(2)” substitute “section 93A(4)”.</p> <p style="margin-left: 80px;">(3) In paragraph 91(2)(g), for “Chapter 4 of Part 4” substitute “Chapter 1 of Part 4ZA”.”</p>
73	Page 90, line 11, leave out “, in relation to an occupational pension scheme,”
74	Page 90, line 21, at end insert – <p style="margin-left: 40px;"><i>“Judicial Pensions Act 1981 (c. 20)</i></p> <p style="margin-left: 40px;">40A In Schedule 1A to the Judicial Pensions Act 1981 (transfer of accrued benefits), in paragraph 3, for “Chapter IV of Part IV of the Pension Schemes (Northern Ireland) Act 1993” substitute “Chapter 1 of Part 4ZA of the Pension Schemes (Northern Ireland) Act 1993”.</p>

Amendment No.	<b>Schedule 4</b> – <i>continued</i>
	<i>Judicial Pensions and Retirement Act 1993 (c. 8)</i>
40B	In Schedule 2 to the Judicial Pensions and Retirement Act 1993 (transfer of accrued benefits), in paragraph 3, for “Chapter IV of Part IV of the Pension Schemes (Northern Ireland) Act 1993” substitute “Chapter 1 of Part 4ZA of the Pension Schemes (Northern Ireland) Act 1993”.
75	Page 90, line 35, at end insert – “42A In section 20F (transfers out of GMP-converted schemes), in subsection (3), omit “guaranteed”.”
76	Page 93, line 30, at end insert – “( ) In subsection (2), in paragraphs (a) and (b), for each “accrued rights” substitute “transferrable rights”.
77	Page 95, line 15, leave out “an occupational” and insert “a”
78	Page 95, line 40, at end insert – “(viii) section 60 of the Pension Schemes Act 2014; (ix) regulations made under section 61 or 62 of the Pension Schemes Act 2014;”
79	Page 96, line 4, at end insert – “(vi) section 60(3) of the Pension Schemes Act 2014; (vii) regulations made under section 61(4) or 62(4) of the Pension Schemes Act 2014.”
80	Page 96, line 14, leave out “a case” and insert “any other case”
81	Page 96, line 20, leave out “any other case” and insert “a case not falling within paragraph (a) or (b)”
82	Page 96, line 48, leave out “an occupational” and insert “a”
83	Page 99, line 12, at end insert – “55A In section 97M (effect of transfer on trustees’ duties), for the words from “pension credit benefit” to the end of the section substitute “benefits to which the transfer notice relates”.
84	Page 99, line 30, at end insert – “( ) In that subsection, omit the definition of “pension credit benefit”.
85	Page 100, line 22, at end insert – “67A In Article 121 (interpretation of Part 2), in paragraph (1), in paragraph (b) of the definition of “transfer credits”, for “Chapter 5 of Part IV of the Pension Schemes Act (early leavers)” substitute “Chapter 2 of Part 4ZA of the Pension Schemes Act (transfers and contribution refunds)”.
86	Page 100, line 25, leave out “In Article 2 (interpretation),” and insert – “(1) Article 2 (interpretation) is amended as follows. (2) In paragraph (3), for “an occupational pension scheme” substitute “a pension scheme”.



Amendment  
No.

**Schedule 4 – continued**

(3) ”

**Clause 66**

LORD BOURNE OF ABERYSTWYTH

87 Page 30, line 46, leave out “subsection” and insert “subsections (2) and”

88 Page 31, line 5, leave out subsection (4) and insert –

“( ) After section 95(5) insert –

“(5A) Except in such circumstances as may be prescribed in regulations made by the Secretary of State or the Treasury, subsection (2A) is to be construed as if paragraph (d) were omitted.””

89 Page 31, line 17, leave out subsection (9) and insert –

“( ) Until the coming into force of the first regulations made under a provision of the Pension Schemes Act 1993 specified in the first column of the table, regulations made under the provision of that Act specified in the corresponding entry in the second column apply (with any necessary modifications) for the purposes of the provision specified in the first column –

<i>New provision of Act</i>	<i>Existing provision of Act</i>
Section 95(2A)(a)(iii)	Section 95(2)(a)(ii)
Section 95(2A)(b)(iii)	Section 95(2)(b)(ii)
Section 95(2A)(c)	Section 95(2)(c)
Section 95(2A)(d)	Section 95(2)(d)
Section 95(5A)	Section 95(5)(a).”

**Clause 67**

LORD BOURNE OF ABERYSTWYTH

90 Page 34, leave out lines 1 to 12

91 Page 34, line 13, leave out “, or paragraph 3(4)(b) of Schedule 2 to,”

92 Page 35, line 14, leave out “to (d)”

93 Page 35, line 25, after “acquiring” insert “a right or entitlement to”

**Clause 69**

LORD BOURNE OF ABERYSTWYTH

94 Page 37, line 31, leave out “subsection” and insert “subsections (2) and”

**Amendment  
No.**

**Clause 69 – continued**

**95** Page 37, line 38, leave out subsection (4) and insert –

“( ) After section 91(5) insert –

“(5A) Except in such circumstances as may be prescribed in regulations made by the Department or the Department of Finance and Personnel, subsection (2A) is to be construed as if paragraph (d) were omitted.””

**96** Page 38, line 1, leave out subsection (9) and insert –

“( ) Until the coming into force of the first regulations made under a provision of the Pension Schemes (Northern Ireland) Act 1993 specified in the first column of the table, regulations made under the provision of that Act specified in the corresponding entry in the second column apply (with any necessary modifications) for the purposes of the provision specified in the first column –

<i>New provision of Act</i>	<i>Existing provision of Act</i>
Section 91(2A)(a)(iii)	Section 91(2)(a)(ii)
Section 91(2A)(b)(iii)	Section 91(2)(b)(ii)
Section 91(2A)(c)	Section 91(2)(c)
Section 91(2A)(d)	Section 91(2)(d)
Section 91(5A)	Section 91(5)(a).”

**Clause 70**

LORD BOURNE OF ABERYSTWYTH

**97** Page 40, line 1, at end insert “a right or entitlement to”

**Clause 72**

LORD BOURNE OF ABERYSTWYTH

**98** Page 40, line 35, after “scheme” insert “or a survivor of a member”

**Clause 73**

LORD BOURNE OF ABERYSTWYTH

**99** Page 41, line 2, after “scheme” insert “or a survivor of a member”

Amendment  
No.

**Clause 74**

LORD BOURNE OF ABERYSTWYTH

- 100 Page 41, line 34, at end insert –  
 ““nominees’ drawdown pension”, in relation to a survivor, has the meaning given by paragraph 27B of Schedule 28 to the Finance Act 2004;”
- 101 Page 42, line 5, at end insert –  
 ““successors’ drawdown pension”, in relation to a survivor, has the meaning given by paragraph 27G of Schedule 28 to the Finance Act 2004;”
- 102 Page 42, line 6, leave out “an occupational” and insert “a”
- 103 Page 42, line 13, at end insert –  
 ““uncrystallised funds pension lump sum” has the meaning given by paragraph 4A of Schedule 29 to the Finance Act 2004;”

**After Clause 79**

LORD BALFE

- 104 Insert the following new Clause –  
**“Pension Protection Fund: compensation cap underpin (service-related)**
- (1) Schedule 7 to the Pensions Act 2004 (pension compensation provisions) is amended as follows.
  - (2) In paragraph 26 (compensation cap), after sub-paragraph (9) insert –  
 “(9A) This paragraph is subject to paragraph 26B.”
  - (3) After paragraph 26A insert –  
 “26B(1) The relevant compensation payable to a person must in every case equal the lower of the amounts specified in sub-paragraphs (2) and (3).  
 (2) The amount specified in this sub-paragraph is the sum of –  
 (a) 50% of the annual value of the benefits to which he is entitled under the admissible rules; and  
 (b) 2% of that amount for each whole year of the person’s pensionable service, subject to a maximum of 40% of that amount.  
 (3) The amount specified in this sub-paragraph is two times the standard amount.  
 (4) Expressions used in this paragraph have the same meaning as in paragraphs 26 and 26A.””
- 105 Insert the following new Clause –  
**“Pension Protection Fund: compensation cap underpin (age-related)**
- (1) Schedule 7 to the Pensions Act 2004 (pension compensation provisions) is amended as follows.

**Amendment  
No.**

**After Clause 79 – continued**

- (2) In paragraph 26 (compensation cap), after sub-paragraph (9) insert –  
“(9A) This paragraph is subject to paragraph 26B.”
- (3) After paragraph 26A insert –  
“26B(1) The relevant compensation payable to a person must in every case equal the lower of the amounts specified in sub-paragraphs (2) and (3).  
(2) The amount specified in this sub-paragraph is the sum of –  
(a) 50% of the annual value of the benefits to which he is entitled under the admissible rules; and  
(b) provided the person is within ten years of reaching his normal pension age, 4% of that amount for each whole year by which his age exceeds ten years before his normal pension age.  
(3) The amount specified in this sub-paragraph is two times the standard amount.  
(4) Expressions used in this paragraph have the same meaning as in paragraphs 26, 26A and 34.””

**Clause 80**

LORD BOURNE OF ABERYSTWYTH

- 106** Page 45, line 4, leave out “The Secretary of State or the Treasury” and insert “The appropriate national authority”
- 107** Page 45, line 7, after “any” insert “primary or subordinate”
- 108** Page 45, line 8, leave out subsection (3) and insert –  
“(3) In this section –  
“appropriate national authority” means –  
(a) in relation to provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998), the Department for Social Development in Northern Ireland, and  
(b) in relation to any other provision, the Secretary of State or the Treasury;  
“primary legislation” means –  
(a) an Act;  
(b) Northern Ireland legislation;  
“subordinate legislation” means –  
(a) subordinate legislation as defined by section 21(1) of the Interpretation Act 1978;  
(b) an instrument made under Northern Ireland legislation.”

Amendment  
No.

**Clause 81**

LORD BOURNE OF ABERYSTWYTH

- 109** Page 45, line 15, leave out subsection (2)
- 110** Page 45, line 20, leave out “an Act” and insert “primary legislation”
- 111** Page 45, line 27, leave out subsections (6) to (8)

**After Clause 81**

LORD BOURNE OF ABERYSTWYTH

- 112** Insert the following new Clause –

**“Regulations: Northern Ireland**

- “(1) A power of the Department for Social Development in Northern Ireland to make regulations under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (2) Where regulations made by the Department for Social Development in Northern Ireland under section 80 amend, repeal, revoke or otherwise modify a provision of primary legislation (whether alone or with other provision), the regulations –
- (a) must be laid before the Northern Ireland Assembly after being made;
  - (b) take effect on such date as may be specified in the regulations but (without prejudice to the validity of anything done under them or to the making of new regulations) cease to have effect on the expiry of a period of 6 months from that date unless at some time before the expiry of that period the regulations are approved by a resolution of the Northern Ireland Assembly.
- (3) Any other regulations made by the Department for Social Development in Northern Ireland under this Act are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).
- (4) Subsection (3) does not apply to regulations containing provision under section 84(6) only.”

- 113** Insert the following new Clause –

**“Regulations: supplementary**

- (1) A power to make regulations under this Act may be used –
- (a) to make different provision for different purposes;
  - (b) in relation to all or only some of the purposes for which it may be used.
- (2) Regulations under this Act may include incidental, supplementary, consequential, transitional, transitory or saving provision.”

**Amendment  
No.**

**Clause 84**

LORD BOURNE OF ABERYSTWYTH

- 114** Page 46, line 29, leave out paragraphs (b) to (e) and insert –  
“( ) any other provision of Part 4 so far as is necessary for enabling the exercise on or after the day on which this Act is passed of any power to make provision by regulations;”
- 115** Page 46, line 38, leave out paragraphs (a) to (c) and insert –  
“( ) paragraphs 24, 30, 33 and 36 of Schedule 2 (and section 46 so far as relating to those provisions);  
( ) Part 4, so far as not already in force.”
- 116** Page 47, line 3, at end insert “other than paragraphs 24, 30, 33 and 36 of Schedule 2 (and section 46 so far as relating to those provisions)”



# Pension Schemes Bill

---

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

---

*5th January 2015*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS  
LONDON - THE STATIONERY OFFICE LIMITED  
£4.00

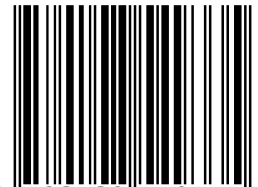
HL Bill 63—I

(45751)

55/4



ISBN 978-0-10-854933-5



9 780108 549335