
STATUTORY INSTRUMENTS

2005 No. 2893

PENSIONS

**The Pension Protection Fund (Insolvent Partnerships)
(Amendment of Insolvency Events) Order 2005**

<i>Made</i>	- - - -	<i>13th October 2005</i>
<i>Laid before Parliament</i>		<i>20th October 2005</i>
<i>Coming into force</i>	- -	<i>10th November 2005</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by section 121(7) of the Pensions Act 2004⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Pension Protection Fund (Insolvent Partnerships) (Amendment of Insolvency Events) Order 2005 and shall come into force on 10th November 2005.

Amendment of section 121 of the Pensions Act 2004

2. In subsection (4) of section 121 of the Pensions Act 2004 (insolvency event in relation to a partnership) for paragraph (e) substitute—

“(e) the partnership enters administration within the meaning of paragraph 1(2)(b) of Schedule B1 to that Act⁽²⁾ (as applied by an order under section 420 of that Act⁽³⁾).”.

⁽¹⁾ 2004 c. 35.

⁽²⁾ Schedule B1 to the Insolvency Act 1986 (c. 45) was inserted by section 248(2) of, and Schedule 16 to, the Enterprise Act 2002 (c. 40).

⁽³⁾ The order made under section 420 of the Insolvency Act 1986 is S.I. 2005/1516. Section 420 was amended by regulation 3(5) of S.I. 2002/1037.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

13th October 2005

Stephen C. Timms
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends paragraph (e) of section 121(4) of the Pensions Act 2004 (c. 35) (“the Act”) as a consequence of the Insolvent Partnerships (Amendment) Order 2005 (S.I.2005/1516) (“the Partnerships Order”).

Section 121(4)(e) dealt with an administration order made under Part 2 of the Insolvency Act 1986 (c. 45) (“the 1986 Act”) in relation to an insolvent partnership. This was treated as an insolvency event for the purposes of Part 2 of the Act. Part 2 of the 1986 Act was amended by the Enterprise Act 2002 (c. 40) which inserted Schedule B1 into the 1986 Act. Schedule B1 was applied to insolvent partnerships by the Partnerships Order with effect from 1st July 2005. As a result, paragraph (e) of section 121(4) of the Act is substituted to reflect that an insolvency event can occur where a partnership “enters into administration” (within the meaning of paragraph 1(2)(b) of Schedule B1).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.