
EXPLANATORY NOTE

(This note is not part of the Order.)

This Order makes further provision for the coming into operation of the Pensions (Northern Ireland) Order 2005 (“the Order”).

Article 1 provides for citation and interpretation.

Article 2 provides that the day appointed for the coming into operation of Article 7 of the Order is 6th April 2005 except in so far as any part of that provision has already been brought into operation before that day. It further provides that the day appointed for the coming into operation of Article 249 of the Order is 25th March 2005 and that the day appointed for the coming into operation of Articles 255 and 257 of the Order, for the purpose only of authorising the making of regulations, is 25th March 2005. It also provides that the day appointed for the coming into operation of paragraph 2 of Schedule 1 and paragraph 60(b) of Schedule 10 to the Order is, 25th March 2005, for the purpose only of authorising the making of regulations, and, 6th April 2005 for all other purposes. Article 2 also brings a repeal into operation on 1st April 2005 and gives effect to the Schedule which sets out various consequential amendments and repeals coming into operation on 6th April 2005.

Article 3 modifies Article 7 of the Order (functions exercisable by the Determinations Panel) by inserting paragraph (4A) into that Article. Paragraph (4A) provides that any function conferred on the Occupational Pensions Regulatory Authority (“the Authority”) by Article 94 or 95 of the Pensions (Northern Ireland) Order 1995 (“the 1995 Order”) which is exercised by the Regulator on or after 6th April 2005 is also a reserved regulatory function for the purposes of Part II of the Order. Article 94 of the 1995 Order makes provision in respect of the review of decisions of the Authority. Article 95 of the 1995 Order makes provision for the reference by the Authority to the High Court of questions of fact arising in connection with any matter under Part II of the 1995 Order or on an application to the Authority for a review of a determination or on a review entered into by the Authority without an application.

Article 4 makes various transitional provisions the purpose of which is to enable the Regulator to continue dealing with any matters that were being dealt with by the Authority before 6th April 2005 (“the appointed day”) but which have not been concluded by the Authority before that day. It also enables the effect of anything done by or in relation to the Authority before the appointed day to continue on or after that day. Article 4 also provides that certain specified functions of the Authority which fall to be exercised by the Authority on or after the appointed day, or which fell to be exercised by the Authority before the appointed day but have not been exercised, shall be exercised by the Regulator as if they were functions conferred on the Regulator under, or by virtue of, the Order. Article 4 also enacts Schedule 2 which makes further transitional provisions.

Article 5 provides that the provisions that are specified in the table in Schedule 3 shall continue to have effect for particular purposes as in operation immediately before the appointed day.