

2005 No. 48 (C. 5)

PENSIONS

**The Pensions (2005 Order) (Commencement No. 1 and
Consequential and Transitional Provisions) Order
(Northern Ireland) 2005**

Made - - - - - 24th February 2005

The Department for Social Development, in exercise of the powers conferred on it by Articles 1(2) and (6)(a) and 287(3) of the Pensions (Northern Ireland) Order 2005(a) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation, interpretation and appointed days

Citation and interpretation

1.—(1) This Order may be cited as the Pensions (2005 Order) (Commencement No. 1 and Consequential and Transitional Provisions) Order (Northern Ireland) 2005.

(2) In this Order –

“the Order” means the Pensions (Northern Ireland) Order 2005;

“the Deficiency on Winding Up Regulations” means the Occupational Pension Schemes (Deficiency on Winding Up, etc.) Regulations (Northern Ireland) 1996(b);

“the Winding Up Regulations” means the Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996(c).

Appointed days

2.—(1) The day appointed for the coming into operation of the provisions of the Order specified in Part 1 of the Schedule is 25th February 2005.

(2) The day appointed for the coming into operation of the provisions of the Order specified in Part 2 of the Schedule –

(a) for the purpose only of authorising the making of regulations or orders, as the case may be, is 25th February 2005, and

(b) for all other purposes, is 8th March 2005.

(3) The day appointed for the coming into operation of the provisions of the Order specified in Part 3 of the Schedule –

(a) for the purpose only of authorising the making of regulations, is 25th February 2005, and

(b) for all other purposes, is 1st April 2005.

(a) S.I. 2005/255 (N.I. 1)

(b) S.R. 1996 No. 585; relevant amending regulations are S.R. 1997 Nos. 160 and 544

(c) S.R. 1996 No. 621; relevant amending regulations are S.R. 1997 No. 160

(4) Subject to paragraphs (8) and (10), the day appointed for the coming into operation of the provisions of the Order specified in Part 4 of the Schedule –

- (a) for the purpose only of authorising the making of regulations, orders or rules, as the case may be, is 25th February 2005, and
- (b) for all other purposes, is 6th April 2005.

(5) The day appointed for the coming into operation of the provisions of the Order specified in Part 5 of the Schedule is 8th March 2005.

(6) The day appointed for the coming into operation of the provisions of the Order specified in Part 6 of the Schedule is 1st April 2005.

(7) Subject to paragraph (12), the day appointed for the coming into operation of the provisions of the Order specified in Part 7 of the Schedule is 6th April 2005.

(8) Paragraph (4) does not apply as respects Article 247 of the Order, so far as it affects Articles 73 and 74 of the 1995 Order as they apply immediately before 6th April 2005 to any scheme which –

- (a) was regarded at that time by virtue of regulation 2 of the Winding Up Regulations as having begun to be wound up for the purposes of those Regulations, or
- (b) in accordance with Article 121(4) to (8)(a) of the 1995 Order began to wind up before that date.

(9) In paragraph (8) the reference to a scheme includes a reference to any section of a scheme to which Articles 73 and 74 of the 1995 Order apply as if it were a scheme by virtue of regulation 12(b) of the Winding Up Regulations.

(10) Paragraph (4) does not apply as respects Article 248 of the Order, so far as it affects Article 75 of the 1995 Order as it applies immediately before 6th April 2005 to –

- (a) any scheme other than a money purchase scheme in the case of which a debt to the trustees or managers of the scheme has been treated as arising under Article 75(1) of the 1995 Order before that date;
- (b) any scheme regarded at that time by virtue of regulation 2(c) of the Deficiency on Winding Up Regulations as having begun to be wound up for the purposes of those Regulations, or
- (c) any scheme which in accordance with Article 121(4) to (8) of the 1995 Order began to wind up before that date.

(11) In paragraph (10) the reference to a scheme includes a reference to any section of a scheme to which Article 75 of the 1995 Order applies as if it were a scheme by virtue of regulation 4(d) or 8 of the Deficiency on Winding Up Regulations.

(12) Paragraph (7) does not apply as respects Article 242 of the Order, so far as it affects any period of paternity leave or adoption leave which began before 6th April 2005.

Consequential amendments, transitional modifications and adaptations

Consequential amendment of the Occupational Pension Schemes (Pensions Compensation Provisions) Regulations

3.—(1) The Occupational Pension Schemes (Pensions Compensation Provisions) Regulations (Northern Ireland) 1997(e) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 5(f) (amount of compensation) –

-
- (a) Article 121(4) to (8) was inserted by section 45(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)
 - (b) Regulation 12 was amended by paragraph 12 of the Schedule to S.R. 1997 No. 160
 - (c) Regulation 2 was amended by paragraph 9(2) of the Schedule to S.R. 1997 No. 160 and regulation 4 of S.R. 1997 No. 544
 - (d) Regulation 4 was amended by paragraph 9(3) of the Schedule to S.R. 1997 No. 160
 - (e) S.R. 1997 No. 141, as amended by S.R. 1998 No. 233, S.R. 2001 No. 138 and S.R. 2003 No. 256
 - (f) Regulation 5 was amended by regulation 2(3) of S.R. 2001 No. 138

- (a) in paragraph (2) for the words from “The amount” to “Article 81(3)(a) and (b)” there shall be substituted “The amount or, as the case may be, the aggregate, shall not exceed the aggregate specified in Article 81(3)(a)”;
- (b) paragraph (5) shall be omitted;
- (c) in paragraph (6) for “Article 81(3)(a)” there shall be substituted “Article 81(3)(b)”.

(3) Regulations 3A(b) (protected liabilities – prescribed class of members), 6(5)(d)(c) (payments made in anticipation not to exceed the amount of the protected liabilities), 7(d) (mixed benefit schemes) and 10 (modifications for money purchase schemes) shall be omitted.

Transitional modification

4. Where –

- (a) an application for compensation is made before 25th February 2005 under Article 80 of the 1995 Order (applications for payments), and
- (b) the Pensions Compensation Board has not made a payment by that date under Article 81 of the 1995 Order (amount of compensation),

Article 81 of the 1995 Order shall have effect for the purposes of making that payment as if the amendments made by Article 254(4) of the Order and the amendments made by Article 3(2) were in operation at the time of the application.

Transitional provisions in relation to the Pensions Compensation Board

5.—(1) For the purposes of the provision of information by the Pensions Ombudsman to the Pensions Compensation Board, section 145(6)(e) of the Pension Schemes Act shall have effect until 1st September 2005 as if there were inserted after the end of paragraph (ba) (as substituted by paragraph 21 of Schedule 10 to the Order) –

“(bb) the Pensions Compensation Board.”

(2) The Table in section 154A(1)(f) of the Pension Schemes Act shall have effect until 1st September 2005 as if the entry relating to the Pensions Compensation Board (prior to its substitution by paragraph 21 of Schedule 10 to the Order) remained in place.

Transitional provision and saving in relation to section 170 of the Pension Schemes Act

6. Notwithstanding anything in this Order, section 170(8)(g) of the Pension Schemes Act (levies towards certain expenditure) continues to apply to a levy for which any person was liable by virtue of section 170 of that Act immediately before 1st April 2005, but which has not been paid in full before that date, as it had effect immediately before that date, except that the reference to “the Registrar” shall be read as if it were a reference to “the Regulatory Authority”.

Consequential amendment of the Paternity and Adoption Leave Regulations

7.—(1) The Paternity and Adoption Leave Regulations (Northern Ireland) 2002(h) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 14(2) (incidents of the right to return after paternity leave) for the words from “paragraphs 5” to the end there shall be substituted “paragraphs 5, 5B and 6 of Schedule

(a) Article 81 was amended by Article 16(3) to (6) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and is amended by Article 254(4) of the Pensions (Northern Ireland) Order 2005

(b) Regulation 3A was inserted by regulation 2(2) of S.R. 2001 No. 138

(c) Regulation 6(5)(d) was substituted by regulation 2(4) of S.R. 2001 No. 138

(d) Regulation 10 was amended by regulation 2(5) of S.R. 2001 No. 138

(e) Section 149(6) was inserted by Article 155(1) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and amended by paragraph 70(2) of Schedule 5 to the Bank of England Act 1998 (c. 11) and Article 135 of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649)

(f) Section 154A was inserted by paragraph 9 of Schedule 4 to the Pensions (Northern Ireland) Order 1995 and amended by paragraph 70(3) of Schedule 5 to the Bank of England Act 1998 and paragraph 8 of Schedule 5 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and Article 136 of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001

(g) Section 170 was substituted by Article 161 of the Pensions (Northern Ireland) Order 1995

(h) S.R. 2002 No. 377; relevant amending regulations are S.R. 2004 No. 116

5 to the Social Security (Northern Ireland) Order 1989^(a) (equal treatment under pension schemes: maternity absence, adoption leave and family leave)”.

(3) In regulation 27(2) (incidents of the right to return from adoption leave) for the words from “paragraphs 5” to the end there shall be substituted “paragraphs 5, 5B and 6 of Schedule 5 to the Social Security (Northern Ireland) Order 1989 (equal treatment under pension schemes: maternity absence, adoption leave and family leave)”.

Sealed with the Official Seal of the Department for Social Development on 24th February 2005.

(L.S.)

John O'Neill

A senior officer of the Department for Social Development

^(a) S.I. 1989/1342 (N.I. 13); paragraphs 5A and 5B are inserted by Article 242 of the Pensions (Northern Ireland) Order 2005

SCHEDULE

Article 2

PART 1

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 25th FEBRUARY 2005

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 3(1)(b)	Regulator's functions
Article 4(3)	Definitions of "stakeholder pension scheme" and "work-based pension scheme"
Article 5	Supplementary powers
Article 7(9)(b) in so far as it relates to paragraph 18(2) of Schedule 1 to the Pensions Act 2004(a)	Functions exercisable by the Determinations Panel
Article 8 except paragraph (2)(c)	Provision of information, education and assistance
Article 86(1) to (8)	Procedure for issue and publication of codes of practice
Article 101(2)	Board's functions and supplementary powers etc.
Article 103(4)	Administration levy
Article 173	Notices requiring provision of information
Article 175(1), and (4) to (7) in so far as those paragraphs relate to Article 173	Penalties relating to Article 173
Article 254	Amendments relating to the Pensions Compensation Board
Schedule 4, paragraph 1 and Article 101(3) in so far as it relates to that paragraph	The Board of the Pension Protection Fund
Schedule 10, paragraph 64 and Article 290(1) in so far as it relates to that paragraph	Amendment of the Deregulation and Contracting out Order

PART 2

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 25th FEBRUARY 2005 FOR THE PURPOSE ONLY OF AUTHORISING THE MAKING OF REGULATIONS OR ORDERS, AS THE CASE MAY BE, AND ON 8th MARCH 2005 FOR ALL OTHER PURPOSES

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 110(2)	Eligible schemes
Article 280(1)(b) and (3)	Modification of the Order in relation to certain categories of schemes

PART 3

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 25th FEBRUARY 2005 FOR THE PURPOSE ONLY OF AUTHORISING THE MAKING OF REGULATIONS, AND ON 1st APRIL 2005 FOR ALL OTHER PURPOSES

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 55(5)	Power to prescribe "registrable scheme"
Article 103(1), (3) and (7)(a)	Administration levy
Article 110(1)(b) and (5)	Eligible schemes
Article 157	Initial levy

(a) 2004 c. 35

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 164(5) and (8)	Calculation, collection and recovery of levies
Article 171(11)(a)	Fraud compensation levy
Article 191(3) and (4)	The PPF Ombudsman – levy
Schedule 1, paragraph 3, and Article 3(2) in so far as it relates to that paragraph	The Regulator – collection of levy
Schedule 10, paragraph 23, and Article 290(1) in so far as it relates to that paragraph	Consequential amendment
Schedule 11, the repeal in section 170 of the Pension Schemes (Northern Ireland) Act 1993, and Article 291 in so far as it relates to that repeal	Repeal

PART 4

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 25th FEBRUARY 2005 FOR THE PURPOSE ONLY OF AUTHORISING THE MAKING OF REGULATIONS, ORDERS OR RULES, AS THE CASE MAY BE, AND ON 6th APRIL 2005 FOR ALL OTHER PURPOSES

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 2(5)(a)	General interpretation – meaning of “employer”
Article 7(5)(a)	Functions exercisable by the determinations panel
Article 15(7)	Pension liberation: Court’s power to order restitution
Article 17(4)	Pension liberation: repatriation orders
Article 19(10), paragraph (b)(i) of the definition of “the actuary”	Freezing orders
Article 20(7)(a)	Consequences of freezing order
Article 26(7)(c)	Power to give a direction where freezing order ceases to have effect
Article 32(2) and (3)	Independent trustees
Article 34(1)(b)	Contribution notices where avoidance of employer debt
Article 39(1)(b), (3)(c) and (9)	Financial support directions
Article 40(3)(a) and (4)	Meaning of “service company” and “insufficiently resourced”
Article 41(2)(b)	Meaning of “financial support”
Article 48(1)(b) and (7)(a)	Restoration orders where transactions at an undervalue
Article 53(1) to (4)	Articles 34 to 52: partnerships and limited liability partnerships
Article 55(2)(h) and (3)	Registrable information
Article 56(1) to (3)	The register: inspection, provision of information and reports etc.
Article 64(2), (3)(a)(ii) and (b)(ii) and (5)	Duty to notify the Regulator of certain events
Article 88(2)(q)	The Regulator’s procedure in relation to its regulatory functions
Article 92(5)(u)	Special procedure: applicable cases
Article 97(1)(c)	References to the Tribunal
Article 98(5)	Appeal on a point of law

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 104(3) and (4)	Duty to notify insolvency events in respect of employers
Article 105(5)	Insolvency event, insolvency date and insolvency practitioner
Article 106(3), (5) and (8)	Insolvency practitioner's duty to issue notices confirming status of scheme
Article 107(5)	Approval of notices issued under Article 106
Article 109(4)(a)	Binding notices confirming status of scheme
Article 110(3)	Eligible schemes
Article 113(1)(b), (3) and (8)	Applications and notifications for the purposes of Article 112
Article 114(5) and (8)	Board's duty where application or notification received under Article 113
Article 117(3)	Admission of new members, payment of contributions, etc.
Article 118(3) in so far as it relates to paragraph (iii) of the definition of "relevant person" in sub-paragraph (a)	Directions
Article 119(4)	Restrictions on winding up, discharge of liabilities, etc.
Article 122(10)(b) and (12)	Payment of scheme benefits
Article 123(6)	Loans to pay scheme benefits
Article 124(3)(b) and (6)	Reviewable ill health pensions
Article 125(2) and (6)	Effect of a review
Article 127(3) to (5) and (11) in so far as it relates to paragraphs (i) and (ii)(a) of the definition of "actuarial valuation" in sub-paragraph (a)	Board's obligation to obtain valuation of assets and protected liabilities
Article 129(4)	Binding valuations
Article 130(1) and (5)	Schemes which become eligible schemes
Article 131(1)(a) and (5)	New schemes created to replace existing schemes
Article 132(8)	Withdrawal following issue of Article 106(4) notice
Article 134(5) and (6)(a) to (c)	Consequences of the Board ceasing to be involved with a scheme
Article 135(4), (6), (8) in so far as it relates to paragraph (b) of the definition of "audited scheme accounts" and (9)(b)	Application for reconsideration
Article 136(4) and (8)	Duty to assume responsibility following reconsideration
Article 151(1)	Modification of Chapter where liabilities discharged during assessment period
Article 162(1)(a), (2) in so far as it relates to paragraph (b)(i) of the definition of "the actuary" and (3)	Valuations to determine scheme underfunding
Article 172	Information to be provided to the Board etc.
Article 185(1)	Provision of information to members of schemes etc.
Article 188(2) to (4)	Meaning of "reviewable matters"

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 189	Review and reconsideration by the Board of reviewable matters
Article 190(1) and (3) to (6)	Investigation by the Board of complaints of maladministration
Article 191(1)(b) to (e)	The PPF Ombudsman
Article 235(2)(c)(ii) and (7) in so far as it relates to the definition of “relevant contributions”	Form of pension protection on transfer of employment
Article 247	Winding up
Article 248	Debt due from the employer when assets are insufficient
Article 280(1)(a) and (c)	Modification of the Order in relation to certain categories of schemes
Schedule 6, paragraphs 4(4), 6(4), 9(4), 12(4)(a), 13(4), 16(3)(b), 17(4)(a), 18(4), 20(4), (7) and (8), 23, 24(1), (2) and (6), 25(1), 26(7) in so far as it relates to paragraph (a) of the definition of “the compensation cap”, (9) and (10), 28(6) and (7), 31(2) and (3), 33, and 37(4) and Article 146 in so far as it relates to those paragraphs	Pension compensation provisions

PART 5

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 8th MARCH 2005

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 280(2) and (4)	Modification of the Order in relation to certain categories of schemes

PART 6

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 1st APRIL 2005

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 103(2)(a), (5) and (6)	Administration levy
Article 110(1)(a)	Eligible schemes
Article 164(1)(a), (2)(a), (3), (4), (6) and (7)	Calculation, collection and recovery of levies

PART 7

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 6th APRIL 2005

<i>Provisions of the Order</i>	<i>Subject matter</i>
In so far as not already brought into operation, Articles 15, 17, 19, 20, 26, 32, 34 except paragraphs (4) and (7)(g), 39 except paragraph (7)(e), 40, 41, 48, 53, 55, 56, 64, 88, 92, 97, 98, 104, 106, 107, 109, 110, 113, 114, 117, 118 except paragraph (2)(d), 119, 122 except paragraph (10)(a), 123, 124, 125, 127, 129 to 132, 134 except paragraph (6)(d), 135 except paragraph (a)	Provisions relating to the Regulator, the Board of the Pension Protection Fund and miscellaneous provisions

<i>Provisions of the Order</i>	<i>Subject matter</i>
of the definition of “audited scheme accounts” in paragraph (8) and paragraph (12)(a), 136, 151, 162 except paragraph (1)(b), 185, 188 except paragraph (5), 190 and 235	
Article 3(1)(a), (3) and (4)	Regulator’s functions
Article 4(1) and (2)	Regulator’s objectives
Article 6	Transfer of OPRA’s functions to the Regulator
Articles 9 to 13	Powers in respect of occupational and personal pension schemes
Article 14, except paragraphs (3)(b) and (4)(b)	Pension liberation: interpretation
Article 16(1), (2), (3)(a) and (b) and (4) to (11)	Pension liberation: restraining orders
Article 18	Powers to wind up occupational pension schemes
Articles 21 to 25, 27 and 28	Provisions relating to freezing orders
Articles 29 to 31 and 33	Trustees of occupational pension schemes
Articles 35, 36, 37(1) to (9), (10)(a) to (e), (11) and (12), and 38(1), (2)(a) and (b) and (3) to (5)	Contribution notices where avoidance of employer debt
Article 42	Financial support directions: clearance statements
Article 43(1) to (3), (4)(a) to (f), and (5)	Contribution notices where non-compliance with financial support direction
Articles 44 and 45	The sum specified in an Article 43 contribution notice, content and effect of such a notice
Article 46(1) to (9), (10)(a) to (e) and (11)	Article 43 contribution notice: relationship with employer debt
Article 47	Articles 39 to 46: interpretation
Articles 49 to 52	Transactions at an undervalue
Article 54	Regulator’s right to apply under Article 367 of the Insolvency Order
Articles 57 to 63	Register of schemes, register of prohibited trustees and collecting information relevant to the PPF
Articles 65 to 84 (except Article 81(2))	Duty to report breaches of the law, provisions on reports and on information
Article 85(1), (2)(a) to (j) and (3) to (7)	Codes of practice
Article 86(9) to (11)	Procedure for issue and publication of codes of practice
Article 87	Revocation of codes of practice
Article 89	Publication of procedure in relation to regulatory functions
Article 90(1)(a) and (b)(i), (2) and (3)	Application of standard and special procedure
Article 91(1) to (5), (6)(a) to (t) and (v)	Standard procedure
Articles 93 to 95	Special procedure, compulsory review, and duty to have regard to the interests of members etc.
Article 96(1), (2)(a) to (c) and (3) to (5)	Powers to vary or revoke orders, notices or directions etc.
Article 99	Redetermination etc. by the Tribunal

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 105(1) to (4), (6), (8), (9)(a) and (10) to (12)	Insolvency event, insolvency date and insolvency practitioner
Article 108	Board's duty where there is a failure to comply with Article 106
Article 111	Duty to assume responsibility for schemes following insolvency event
Article 112	Duty to assume responsibility for schemes following application or notification
Article 115	Protected liabilities
Article 116 except paragraph (6)	Assessment periods
Article 120	Power to validate contraventions of Article 119
Article 121	Board to act as creditor of the employer
Article 126	Articles 124 and 125: interpretation
Article 128	Approval of valuation
Article 133	Circumstances in which Board ceases to be involved with an eligible scheme
Article 138(1), (2)(a) and (c) and (6) to (15)	Requirement to wind up schemes with sufficient assets to meet protected liabilities
Article 144(1) to (3), (5), (6), and (7) in so far as that paragraph relates to Article 156(1)	Transfer notice
Article 145(2)(c)	Effect of Board assuming responsibility for a scheme
Article 156(1)	Relationship with fraud compensation regime
Article 158(2)(a)(i) and (iii) and (3)(a)	Definition of risk-based pension protection levy
Article 174, and Article 175 in so far as it relates to Article 174	Entry of premises, and penalties
Article 176	Warrants
Article 177	Offence of providing false or misleading information to the Board
Article 178	Use of information
Articles 179 to 184	Disclosure of information
Article 186(1) and (2)	Articles 172 to 185: interpretation
Article 187	Publishing reports etc.
Article 198	Backdating the winding up of eligible schemes
Article 234	Conditions for pension protection on transfer of employment
Article 240	Increase in age at which short service benefit must be payable
Article 242	Paternity leave and adoption leave
Article 243	Inalienability of occupational pension
Article 252	Jurisdiction
Article 253	Investigations
Articles 255 to 257	Annual increases in rates of certain occupational and personal pensions
Article 259	Meaning of "working life" in the Pension Schemes Act
Article 262	Meaning of "stakeholder pension scheme"

<i>Provisions of the Order</i>	<i>Subject matter</i>
<p>Article 274(4) and (5)(b)</p> <p>Article 275</p> <p>Schedule 1, paragraph 1 and Article 3(2) in so far as it relates to that paragraph</p> <p>Schedule 3</p>	<p>Disclosure of state pension information</p> <p>Information obtained by the Regulator</p> <p>The Regulator</p> <p>Restricted information held by the Regulator: certain permitted disclosures to facilitate exercise of functions</p>
<p>Schedule 4, paragraphs 2(2)(f) to (h) and 3 and Article 101(3) in so far as it relates to those paragraphs</p> <p>Schedule 6, and Article 146, in so far as not already brought into operation</p> <p>Schedule 7</p>	<p>The Board of the Pension Protection Fund</p> <p>Pension compensation provisions</p> <p>Restricted information held by the Board: certain permitted disclosures to facilitate exercise of functions</p>
<p>Schedule 8, paragraphs 1 to 19 and Article 188 in so far as it relates to those paragraphs</p> <p>Schedule 10, paragraphs 19(a) and (c), 20, 21, 70(2)(a) and (4) and Article 290(1) in so far as it relates to those paragraphs</p> <p>Schedule 11, in so far as it relates to –</p> <p>the Pensions (Northern Ireland) Order 1995, the specified repeals in Articles 51(1), 54(3), and 158(1);</p> <p>the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, section 50;</p> <p>and Article 291 in so far as it relates to those provisions</p>	<p>Reviewable matters</p> <p>Minor and consequential amendments</p> <p>Repeals</p>

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides for the coming into operation of provisions of the Pensions (Northern Ireland) Order 2005 (“the Order”) on the following dates –

- 25th February 2005 for provisions relating relating to the Pensions Regulator and the Board of the Pension Protection Fund, and certain other provisions, including Article 254 of the Order, which makes amendments relating to the Pensions Compensation Board;
- 25th February 2005 for the purpose only of authorising the making of regulations or orders relating to the definition of “eligible scheme” for the purposes of the Board of the Pension Protection Fund and modification of the Order in relation to certain categories of pension schemes. The provisions in question are brought fully into operation on 8th March 2005;
- 25th February 2005 for the purpose only of authorising the making of regulations relating to various levies for the Pensions Regulator, the Pensions Ombudsman and the Board of the Pension Protection Fund. The provisions in question are brought fully into operation on 1st April 2005;
- 25th February 2005 for the purpose only of authorising the making of regulations, orders or rules relating in particular to the functions of the Pensions Regulator and the Board of the Pension Protection Fund. The provisions in question are brought fully into operation on 6th April 2005;
- 8th March 2005 for the purpose of modification of the Order in relation to certain categories of scheme;
- 1st April 2005 for other provisions relating to levies in relation to the Pensions Regulator and the Board of the Pension Protection Fund, and
- 6th April 2005 for provisions relating in particular to the functions of the Pensions Regulator and the Board of the Pension Protection Fund and provisions relating to adoption leave.

This Order also makes consequential amendments, transitional modifications and adaptations.

Article 3 makes a consequential amendment to the Occupational Pension Schemes (Pensions Compensation Provisions) Regulations (Northern Ireland) 1997.

Article 4 makes a transitional provision to enable certain amendments (those that amend the manner of determining the amount of compensation payable by the Pensions Compensation Board) to apply to cases which are currently before the Pensions Compensation Board.

Article 5 transitionally modifies section 145(6) of the Pension Schemes (Northern Ireland) Act 1993 to insert a reference to the Pensions Compensation Board as a person to whom the Pensions Ombudsman may continue to disclose information until 1st September 2005, and to retain a reference to the Pensions Compensation Board as a person to whom the Department for Social Development may disclose information until that date.

Article 6 makes transitional provision in relation to the collection of levy which was due before but which remains unpaid on 1st April 2005.

Article 7 consequentially amends the Paternity and Adoption Leave Regulations (Northern Ireland) 2002 to include cross references to provisions relating to adoption leave inserted into Schedule 5 to the Social Security (Northern Ireland) Order 1989 by Article 242 of the Order.

© Crown Copyright 2005

Published and printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N1942. C2. 3/05. Gp. 130. 14567.

£3.00

ISBN 0-337-95852-1



9 780337 958526