

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(1) | 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 |

Status: This is the original version (as it was originally made).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

| <i>Provisions of the Order</i> | <i>Subject matter</i> |
|--------------------------------|--|
| 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 |
| 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 |

| <i>Provisions of the Order</i> | <i>Subject matter</i> |
|---|---|
| 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 |
| 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 |

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| <i>Provisions of the Order</i> | <i>Subject matter</i> |
|--|---|
| 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” |
| 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 |

| <i>Provisions of the Order</i> | <i>Subject matter</i> |
|--|--|
| 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 | Provisions relating to the Regulator, the Board of the Pension Protection Fund and miscellaneous provisions |

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| <i>Provisions of the Order</i> | <i>Subject matter</i> |
|---|--|
| 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) 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 Article 46(1) to (9), (10)(a) to (e) and (11) | The sum specified in an Article 43 contribution notice, content and effect of such a notice 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 |

| <i>Provisions of the Order</i> | <i>Subject matter</i> |
|--|--|
| 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 |
| 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 |

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| <i>Provisions of the Order</i> | <i>Subject matter</i> |
|--|---|
| 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” |
| Article 274(4) and (5)(b) | Disclosure of state pension information |
| Article 275 | Information obtained by the Regulator |
| Schedule 1, paragraph 1 and Article 3(2) in so far as it relates to that paragraph | The Regulator |
| Schedule 3 | Restricted information held by the Regulator: certain permitted disclosures to facilitate exercise of functions |
| Schedule 4, paragraphs 2(2)(f) to (h) and 3 and Article 101(3) in so far as it relates to those paragraphs | The Board of the Pension Protection Fund |
| Schedule 6, and Article 146, in so far as not already brought into operation | Pension compensation provisions |
| Schedule 7 | Restricted information held by the Board: certain permitted disclosures to facilitate exercise of functions |
| Schedule 8, paragraphs 1 to 19 and Article 188 in so far as it relates to those paragraphs | Reviewable matters |

| <i>Provisions of the Order</i> | <i>Subject matter</i> |
|---|------------------------------------|
| 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 | Minor and consequential amendments |
| Schedule 11, in so far as it relates to – the Pensions (Northern Ireland) Order 1995, the specified repeals in Articles 51(1), 54(3), and 158(1); the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, section 50; and Article 291 in so far as it relates to those provisions | Repeals |