Pensions Act 2004

2004 CHAPTER 35

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous and supplementary

319 Minor and consequential amendments

(1) Schedule 12 (which makes minor and consequential amendments) has effect.

(2) The Secretary of State may by order make provision consequential on this Act amending, repealing or revoking (with or without savings) any provision of—

(a) an Act passed before or in the same session as this Act, or

(b) an instrument made under an Act before the passing of this Act.

320 Repeals and revocations

The enactments mentioned in Schedule 13 are repealed or revoked to the extent specified.

321 Pre-consolidation amendments

(1) The Secretary of State may by order make such modifications of—

(a) this Act,

(b) the Pension Schemes Act 1993 (c. 48),

(c) the Pensions Act 1995 (c. 26),

(d) Parts 1 to 4 of the Welfare Reform and Pensions Act 1999 (c. 30), and

(e) Chapter 2 of Part 2 of the Child Support, Pensions and Social Security Act 2000 (c. 19),

as in his opinion facilitate, or are otherwise desirable in connection with, the consolidation of those enactments or any of them.

(2) No order is to be made under this section unless a Bill for repealing and re-enacting—
  (a) the enactments modified by the order, or
  (b) enactments relating to matters connected with the matters to which enactments modified by the order relate,

has been presented to either House of Parliament.

(3) An order under this section is not to come into force until immediately before the commencement of the Act resulting from that Bill.

322 Commencement

(1) Subject to subsections (2) to (4), the provisions of this Act come into force in accordance with provision made by the Secretary of State by order.

(2) The following provisions come into force on the day this Act is passed—
  (a) in Part 4, sections 234, 235 and 236 and Schedule 10 (provisions relating to retirement planning);
  (b) in Part 5, section 281 (exemption from statutory revaluation requirement);
  (c) in Part 8—
    (i) section 296 (entitlement to more than one state pension),
    (ii) section 297(3) (commencement of amendments of state pension deferment provisions made by Pensions Act 1995),
    (iii) section 298 (disclosure of state pension information), except subsections (4) and (5)(b), and
    (iv) section 299 (claims for certain benefits following termination of reciprocal agreement with Australia);
  (d) in this Part (miscellaneous and general)—
    (i) sections 303 to 305 (service of notifications etc and electronic working), and
    (ii) this section and sections 313, 315 (other than subsection (6)), 316, 317, 318 (other than subsections (4) and (5)) and 323 to 325;
  (e) the repeal by this Act of section 50(2) of the Welfare Reform and Pensions Act 1999.

(3) Section 297 (and Schedule 11) (deferral of retirement pensions and shared additional pensions), other than the provisions coming into force in accordance with subsection (2)—
  (a) come into force on the day this Act is passed so far as is necessary for enabling the making of any regulations for which they provide, and
  (b) otherwise, come into force on 6th April 2005.

(4) The repeals by this Act of section 134(3) of, and paragraph 21(14) of Schedule 4 to, the Pensions Act 1995 (c. 26) come into force on 6th April 2005.

(5) Without prejudice to section 315(5), the power to make an order under this section includes power—
  (a) to make transitional adaptations or modifications—
    (i) of the provisions brought into force by the order, or
    (ii) in connection with those provisions, of any provisions of Parts 1 to 7 of this Act or of the Pension Schemes Act 1993 (c. 48), the Pensions

Act 1995, Parts 1, 2 or 4 of the Welfare Reform and Pensions Act 1999 (c. 30) or Chapter 2 of Part 2 of the Child Support, Pensions and Social Security Act 2000 (c. 19), or

(b) to save the effect of any of the repealed provisions of those Acts, or those provisions as adapted or modified by the order,

as it appears to the Secretary of State expedient, including different adaptations or modifications for different periods.

323 Extent

(1) Subject to the following provisions, this Act extends to England, Wales and Scotland.

(2) The following provisions of this Act also extend to Northern Ireland—

(a) in Part 1 (the Regulator)—

(i) sections 1, 2, 4 (other than subsection (2)(b)), 8, 9, 11, 59, 102 and 106,

(ii) in Schedule 1, paragraphs 1 to 19, 20(1) to (3) and (7), 21 (other than paragraph (b)), 22 to 25 and 27 to 35, and section 3 so far as it relates to those provisions, and

(iii) Schedule 4,

(b) in Part 2 (the Board)—

(i) sections 107, 108, 109, 110(1) and (3), 112, 113, 114, 115, 118, 119, 161(2)(a), (3) and (5) to (8), 173, 188, 209 (other than paragraphs (b) to (d), (f) and (g) of subsection (4), subsection (6) so far as relating to any of those paragraphs and subsections (7) and (8)), 210, 211(3) and (4), 212 and 220,

(ii) section 111 so far as that provision has effect in relation to functions of the Board conferred by any provision of, or made under, this Act which extends to Northern Ireland,

(iii) Schedule 5 (other than paragraph 18), and

(iv) Schedule 6 (other than paragraph 7),

(c) in Part 4 (retirement planning), sections 234 and 235 and paragraph 2 of Schedule 10 (and section 236 so far as it relates to that paragraph),

(d) in Part 5 (personal and occupational pension schemes: miscellaneous provisions), sections 274 and 277(2)(b),

(e) Part 6 (financial assistance scheme for members of certain pension schemes),

(f) in Part 8 (state pensions), section 299, and

(g) in this Part—

(i) sections 300(1) and (2), 301, 302(1) and (2), 307, 308 and 310,

(ii) sections 303 to 306, 309, 313, 315, 316 and 318 so far as those provisions have effect for the purposes of provisions which themselves extend to Northern Ireland, and

(iii) this section and sections 319(2), 321, 322, 324 and 325.

(3) Section 106 (legal assistance scheme) does not extend to Scotland.

(4) An amendment or repeal contained in this Act has the same extent as the enactment to which it relates and sections 236 (except so far as it relates to paragraph 2 of Schedule 10), 319(1) and 320 have effect accordingly.

324 Northern Ireland

(1) An Order in Council under paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) (legislation for Northern Ireland during suspension of devolved government) which contains a statement that it is made only for purposes corresponding to those of this Act—

(a) is not subject to paragraph 2 of that Schedule (affirmative resolution of both Houses of Parliament), but

(b) is subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Where an Order in Council to which subsection (1) applies makes provision ("the NI provisions") which corresponds to the GB transfer provisions, regulations may make provision to secure that any transfer of property, rights and liabilities, or modification of a term of a contract of insurance, by virtue of the NI provisions is recognised for the purposes of the law of England and Wales and the law of Scotland.

(3) In subsection (2) "the GB transfer provisions" means section 161(1), (2)(a), (3) and (5) to (8) and Schedule 6 (other than paragraph 7).

325 Short title

This Act may be cited as the Pensions Act 2004.