
STATUTORY INSTRUMENTS

2005 No. 1108

**The Pensions Act 2004 (Commencement
No. 4 and Amendment) Order 2005**

Citation and interpretation

1.—(1) This Order may be cited as the Pensions Act 2004 (Commencement No. 4 and Amendment) Order 2005.

(2) In this Order “the Act” means the Pensions Act 2004.

Appointed days

2.—(1) The day appointed for the purposes of section 91(9) of the Act (procedure for the issue and publication of codes of practice) for the coming into effect of the Pensions Regulator Code of Practice No. 1: Reporting breaches of the Law is 6th April 2005.

(2) The day appointed for the coming into force of the provisions of the Act specified in the Schedule is 6th April 2005.

Amendment of the Pensions Act 2004 (Commencement No. 3, Transitional Provisions and Amendment) Order 2005

3. The Pensions Act 2004 (Commencement No. 3, Transitional Provisions and Amendment) Order 2005(1) shall be amended in accordance with the following paragraphs of this article—

(a) after article 6 (savings), insert the following article—

“**6A.**—(1) Notwithstanding the repeals of section 74 of the 1995 Act (discharge of liabilities by insurance, etc.) mentioned in Schedule 1, that section shall continue to have effect as it applied immediately before 6th April 2005 to any scheme which—

- (a) was regarded at that time by virtue of regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations 1996(2) (commencement of winding up) as having begun to be wound up for the purposes of those Regulations; or
- (b) in accordance with section 124(3A) to (3E) of the 1995 Act(3) (interpretation: time at which the winding up of an occupational pension scheme shall be taken to begin) began to wind up before that date.

(2) In paragraph (1), the reference to a scheme includes a reference to any section of a scheme to which section 74 of the 1995 Act applies as if it were a scheme by virtue of regulation 12 of those Regulations(4) (winding up of sectionalised schemes etc.)”;

(1) S.I.2005/695 (C.29).

(2) S.I. 1996/3126.

(3) Subsections (3A) to (3E) were inserted by the Child Support, Pensions and Social Security Act 2000 (c. 19). Subsections (3A) and (3E) are amended by section 319(1) of, and paragraph 69 of Schedule 12 to, the Pensions Act 2004.

(4) Regulation 12(1) was substituted and regulation 12(2) was deleted by regulation 17 of S.I. 1997/786.

Status: This is the original version (as it was originally made).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

- (b) in Schedule 3 (provisions referred to in article 6 which are to continue to have effect as if they were in force immediately before their amendment or repeal by the Act), after the entry in the table relating to section 103—
- (i) in column 1, insert “Section 124(1)”; and
 - (ii) in column 2, insert “Interpretation of Part 1”.

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

5th April 2005

Chris Pond
Parliamentary Under-Secretary of State,
Department for Work and Pensions