

## SCHEDULE

Article 2

## PART 1

**PROVISIONS OF THE ACT COMING INTO FORCE ON 10TH FEBRUARY 2005 FOR THE PURPOSE ONLY OF CONFERRING POWER TO MAKE REGULATIONS OR ORDERS, AS THE CASE MAY BE, AND ON 8TH MARCH 2005 FOR ALL OTHER PURPOSES**

<i>Provision of the Act</i>	<i>Subject matter</i>
section 115(3) so far as it relates to the definition of “borrowing limit”	Board of Pension Protection Fund – borrowing
section 126(2)	eligible schemes
section 300(2)	dissolution of OPRA
section 307(1)(b) and (3)	modification of the Act in relation to certain categories of schemes

## PART 2

**PROVISIONS OF THE ACT COMING INTO FORCE ON 10TH FEBRUARY 2005 FOR THE PURPOSE ONLY OF CONFERRING POWER TO MAKE REGULATIONS, AND ON 1ST APRIL 2005 FOR ALL OTHER PURPOSES**

<i>Provision of the Act</i>	<i>Subject matter</i>
section 59(2)	power to prescribe “registrable scheme”
section 117(1), (3) and (7)(a)	administration levy
section 126(1)(b) and (5)	eligible schemes
section 174(1) to (3)	initial levy
section 181(5) and (8)	calculation, collection and recovery of levies
section 189(11)(a)	fraud compensation levy
section 209(7) and (8)	PPF Ombudsman – levy
Schedule 1, paragraph 26, and section 3 in so far as it relates to that paragraph	the Pensions Regulator – collection of levy
Schedule 12, paragraph 28, and section 319(1) in so far as it relates to that paragraph	consequential amendment
Schedule 13, in so far as it relates to the repeal relating to section 175 of the 1993 Act, and section 320 in so far as it relates to that repeal	repeal

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## PART 3

### **PROVISIONS OF THE ACT COMING INTO FORCE ON 10TH FEBRUARY 2005 FOR THE PURPOSE ONLY OF CONFERRING POWER TO MAKE REGULATIONS, ORDERS OR RULES, AS THE CASE MAY BE, AND ON 6TH APRIL 2005 FOR ALL OTHER PURPOSES**

<i>Provisions of the Act</i>	<i>Subject matter</i>
section 10(5)(a)	functions exercisable by the determination panel
section 19(7)	pension liberation: court's power to order restitution
section 21(4)	pension liberation: repatriation orders
section 23(10), paragraph (b)(i) of the definition of "the actuary"	freezing orders
section 24(7)(a)	consequences of freezing order
section 30(7)(c)	power to give a direction where freezing order ceases to have effect
section 36(2) and (3)	independent trustees
section 38(1)(b)	contribution notices where avoidance of employer debt
section 43(1)(b), (3)(c) and (9)	financial support directions
section 44(3)(a) and (4)	meaning of "service company" and "insufficiently resourced"
section 45(2)(b)	meaning of "financial support"
section 52(1)(b) and (7)(a)	restoration orders where transactions at an undervalue
section 57(1) to (4)	sections 39 to 56: partnerships and limited liability partnerships
section 60(2)(h) and (3)	registrable information
section 61(1) to (3)	the register: inspection, provision of information and reports etc
section 69(2), (3)(a)(ii) and (b)(ii) and (5)	duty to notify the Regulator of certain events
section 93(2)(q)	The Regulator's procedure in relation to its regulatory functions
section 97(5)(u)	special procedure: applicable cases
section 102(3)	the Pensions Regulator Tribunal
section 103(1)(c)	references to the Tribunal
section 104(6)	appeal on a point of law
section 106 (1) to (4)	legal assistance scheme

<i>Provisions of the Act</i>	<i>Subject matter</i>
section 114(1)(b), (3) and (4)	statement of investment principles relating to the Board of the Pension Protection Fund
section 120(3) and (4)	duty to notify insolvency events in respect of employers
section 121(5)	insolvency event, insolvency date and insolvency practitioner
section 122(3), (5) and (8)	insolvency practitioner's duty to issue notices confirming status of scheme
section 123(5)	approval of notices issued under section 122
section 125(4)(a)	binding notices confirming status of scheme
section 126(3)	eligible schemes
section 129(1)(b), (3) and (8)	applications and notifications for the purposes of section 128
section 130(5) and (8)	Board's duty where application or notification received under section 129
section 133(3)	admission of new members, payment of contributions, etc.
section 134(3) in so far as it relates to paragraph (iii) of the definition of "relevant person" in paragraph (a)	directions
section 135(4)	restrictions on winding up, discharge of liabilities, etc.
section 138(10)(b) and (12)	payment of scheme benefits
section 139(6)	loans to pay scheme benefits
section 140(3)(b) and (6)	reviewable ill health pensions
section 141(2) and (6)	effect of a review
section 143(3) to (5) and (11) in so far as it relates to paragraphs (i) and (ii)(a) of the definition of "actuarial valuation" in paragraph (a)	Board's obligation to obtain valuation of assets and protected liabilities
section 145(4)	binding valuations
section 146(1) and (5)	schemes which become eligible schemes
section 147(1)(a) and (5)	new schemes created to replace existing schemes
section 148(8)	withdrawal following issue of section 122(4) notice
section 150(5) and (6)(a) to (c)	consequences of the Board ceasing to be involved with a scheme

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<i>Provisions of the Act</i>	<i>Subject matter</i>
section 151(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
section 152(4) and (8)	duty to assume responsibility following reconsideration
section 167(1)	modification of chapter where liabilities discharged during assessment period
section 179(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
section 190	information to be provided to the Board etc
section 203(1)	provision of information to members of schemes etc
section 206(2) to (4)	meaning of “reviewable matters”
section 207	review and reconsideration by the Board of reviewable matters
section 208(1) and (3) to (6)	investigation by the Board of complaints of maladministration
section 209(4)(a) to (d), (f) and (g)	PPF Ombudsman
section 210(6)	deputy PPF Ombudsman
section 258(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
section 270	winding up
section 271	debt due from the employer when assets are insufficient
section 272(1) to (4)	debt due from employer in the case of multi-employer schemes
section 307(1)(a) and (c)	modification of the Act in relation to certain categories of schemes
section 318(4)(a)	general interpretation – meaning of “employer”
Schedule 4, paragraph 9 and section 102 in so far as it relates to that paragraph	tribunal procedure
Schedule 7, 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) only 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 section 162 in so far as it relates to those paragraphs	pension compensation provisions

## PART 4

### PROVISIONS OF THE ACT COMING INTO FORCE ON 10TH FEBRUARY 2005

<i>Provision of the Act</i>	<i>Subject matter</i>
section 11	annual report to the Secretary of State
section 112(4)(a), (7) and (8)	non-executive functions
section 117(4)	administration levy
Schedule 1 paragraph 27 and section 3 in so far as it relates to that paragraph	The Pensions Regulator – accounts
Schedule 12, paragraphs 2 and 8, and section 319(1) in so far as it relates to those paragraphs	consequential amendments to the Superannuation Act 1972 (c. 11) and the Tribunals and Inquiries Act 1992 (c. 53)

## PART 5

### PROVISIONS OF THE ACT COMING INTO FORCE ON 8TH MARCH 2005

<i>Provision of the Act</i>	<i>Subject matter</i>
section 115(1), (2), (3) in so far as it is not already brought into force by this Order, and (4)	Pension Protection Fund borrowing
section 307(2) and (4)	modification of the Act in relation to certain categories of schemes

## PART 6

### PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 2005

<i>Provisions of the Act</i>	<i>Subject matter</i>
section 117(2)(a), (5) and (6)	administration levy
section 126(1)(a)	eligible schemes
section 181(1)(a), (2)(a), (3), (4), (6) and (7)	calculation, collection and recovery of levies

## PART 7

### PROVISIONS OF THE ACT COMING INTO FORCE ON 6TH APRIL 2005

<i>Provisions of the Act</i>	<i>Subject matter</i>
In so far as not already brought into force, sections 19, 21, 23, 24, 30, 36, 38 except subsections (4) and (7)(g), 43 except	provisions relating to the Pensions Regulator, the Board of the Pension Protection Fund and miscellaneous provisions

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<i>Provisions of the Act</i>	<i>Subject matter</i>
subsection (7)(e), 44, 45, 52, 57, 59 to 61, 69, 93, 97, 102, 103, 104, 106, 114, 120, 122, 123, 125, 126, 129, 130, 133, 134 except subsection (2)(d), 135, 138 except subsection (10)(a), 139, 140, 141, 143, 145 to 148, 150 except subsection (6)(d), 151 except paragraph (a) in the definition of “audited scheme accounts” and (12)(a), 152, 167, 179 except subsection (1)(b), 203, 206 except subsection (5), 208 and 258	
section 2(3)	membership of the Regulator
section 4(1)(a), (2) and (3)	Regulator’s functions
section 5(1) and (2)	Regulator’s objectives
section 7	transfer of Opra’s functions to the Regulator
section 8, in so far as not already brought into force	non-executive functions
sections 13 to 17	new powers in respect of occupational and personal pension schemes
section 18, except subsections (3)(b) and (4)(b)	pension liberation: interpretation
section 20(1), (2), (3)(a) and (b) and (4) to (11)	pension liberation: restraining orders
section 22	powers to wind up occupational pension schemes
sections 25 to 29, 31 and 32	provisions relating to freezing orders
sections 33 to 35 and 37	trustees of occupational pension schemes
sections 39, 40, 41(1) to (9), (10)(a) to (e), (11) and (12), and 42(1), (2)(a) and (b) and (3) to (5)	contribution notices where avoidance of employer debt
section 46	financial support directions: clearance statements
section 47(1) to (3), (4)(a) to (f), and (5)	contribution notices where non-compliance with financial support direction
sections 48 and 49	the sum specified in a section 47 contribution notice, content and effect of such a notice
section 50(1) to (9), (10)(a) to (e) and (11)	section 47 contribution notice: relationship with employer debt
section 51	sections 43 to 50: interpretation
sections 53 to 56	transactions at an undervalue
section 58	Regulator’s right to apply under section 423 of Insolvency Act 1986
sections 62 to 68	register of schemes, register of prohibited trustees and collecting information relevant to the PPF

<i>Provisions of the Act</i>	<i>Subject matter</i>
sections 70 to 89 (except section 86(2))	duty to report breaches of the law, provisions on reports and on information
section 90(1), (2)(a) to (j) and (3) to (7)	codes of practice
section 91(10) to (12)	procedure for issue and publication of codes of practice
section 92	revocation of codes of practice
section 94	publication of procedure in relation to regulatory functions
section 95(1)(a) and (b)(i), (2) and (3)	application of standard and special procedure
section 96(1) to (5), (6)(a) to (t) and (v)	standard procedure
sections 98 to 100	special procedure, compulsory review, and duty to have regard to the interests of members etc
section 101(1), (2)(a) to (c) and (3) to (5)	powers to vary or revoke orders, notices or directions etc
section 105	redetermination etc by the Tribunal
section 108(4)	membership of the Board
section 110(1)(a)	the Board's functions
section 112(5) and (6)	non-executive functions
section 113	investment of funds relating to the Board of the Pension Protection Fund
section 119	annual reports to the Secretary of State
section 121(1) to (4), (6), (8), (9)(a), (10) and (11)	insolvency event, insolvency date and insolvency practitioner
section 124	Board's duty where there is a failure to comply with section 122
section 127	duty to assume responsibility for schemes following insolvency event
section 128	duty to assume responsibility for schemes following application or notification
section 131	protected liabilities
section 132 except subsection (6)	assessment periods
section 136	power to validate contraventions of section 135
section 137	
section 142	definitions
section 144	approval of valuation
section 149	circumstances in which Board ceases to be involved with an eligible scheme

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<i>Provisions of the Act</i>	<i>Subject matter</i>
section 154(1), (2)(a) and (c), and (6) to (15)	requirement to wind up schemes with sufficient assets to meet protected liabilities
section 160(1) to (3), (5), (6), and (7) in so far as it relates to section 172(1)	transfer notice
section 161(2)(c)	effect of Board assuming responsibility for a scheme
section 172(1)	relationship with fraud compensation
section 173(1)(c) to (e), (g) to (i) and (3)(b) to (d), (h) and (i)	Pension Protection Fund
section 175(2)(a)(i) and (iii) and (3)(a)	definition of risk-based pension protection levy
section 192, and section 193 in so far as it relates to section 192	entry of premises, and penalties
section 194	warrants
section 195	offence of providing false or misleading information to the Board
section 196	use of information
sections 197 to 202	disclosure of information
section 204(1) and (2)	interpretation
section 205	reports
section 209(6)	PPF Ombudsman
sections 210(4) and (5) and 211	Deputy PPF Ombudsmen
section 219	backdating the winding up of eligible schemes
section 257	pension protection on transfer of employment
section 263	short service benefit
section 265	paternity leave and adoption leave
section 266	inalienability of occupational pension
section 272(13) and (14)	debt due from the employer in the case of multi-employer schemes
section 275	jurisdiction
section 276	investigations
sections 278 to 280	annual increases in rates of pension
section 282	meaning of “working life” in Pension Schemes Act 1993
section 285	meaning of “stakeholder pension scheme”
section 298(4) and (5)(b)	disclosure of state pension information
section 300(3) to (5)	dissolution of OPRA



<i>Provisions of the Act</i>	<i>Subject matter</i>
section 301	transfer of employees from OPRA to the Regulator
Schedule 1, paragraphs 20(1), (2) and (4) to (7), 24, 25, 28, 33, 35(4)(a) and (b) and 35(5) in so far as it relates to paragraph 35(4)(a) and (b), and section 3 in so far as it relates to those paragraphs	the Pensions Regulator
Schedule 3	restricted information held by the Regulator: certain permitted disclosures to facilitate exercise of functions
Schedule 4, paragraphs 8, 10 to 16, and 19 to 21	the Pensions Regulator Tribunal
Schedule 5, paragraphs 18(2)(f) to (h), 19, 22(1) to (3) and (5) to (7) and 23(a), and section 109 in so far as it relates to those paragraphs	the Board of the Pension Protection Fund
Schedule 7, and section 162, in so far as not already brought into force	pension compensation provisions
Schedule 9, paragraphs 1 to 19	reviewable matters
Schedule 12, paragraphs 1, 5(1) and (3), 6, 24(a) and (c), 25, 26, 76(2)(a) and (4) and 79, and section 319(1) insofar as it relates to those paragraphs	consequential amendments
Schedule 13, in so far as it relates to— the Parliamentary Commissioner Act 1967, Schedule 2, the entry relating to the Occupational Pensions Regulatory Authority; the House of Commons Disqualification Act 1975, Schedule 1, Part 2, the entry relating to the Occupational Pensions Regulatory Authority; the Northern Ireland Assembly Disqualification Act 1975, Schedule 1, Part 2, the entry relating to the Occupational Pensions Regulatory Authority; the Tribunals and Inquiries Act 1992, Schedule 1, Part 1, paragraph 35(g); the 1995 Act, the specified repeals in sections 51(1), 54(3), and 162(1), and Schedule 3, paragraph 21 and Schedule 4, paragraph 21(13); the Child Support, Pensions and Social Security Act 2000, section 54; the Freedom of Information Act 2000, Schedule 1, Part 6, the entries	repeals

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<i>Provisions of the Act</i>	<i>Subject matter</i>
relating to the Occupational Pensions Regulatory Authority, and the Registrar of Occupational and Personal Pension Schemes; and section 320 in so far as it relates to those provisions	

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