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STATUTORY INSTRUMENTS

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**2005 No. 3331**

**The Pensions Act 2004 (Commencement No. 8) Order 2005**

**Citation and interpretation**

1.—(1) This Order may be cited as the Pensions Act 2004 (Commencement No. 8) Order 2005.

(2) In this Order—

“the Act” means the Pensions Act 2004;

“the 1995 Act” means the Pensions Act 1995(1);

“the 1999 Act” means the Welfare Reform and Pensions Act 1999(2);

“pay-as-you-go scheme” means an occupational pension scheme under which there is no requirement for assets to be set aside in advance for the purpose of providing benefits under the scheme (disregarding any requirements relating to additional voluntary contributions).

**Appointed days**

2.—(1) Subject to article 3, the day appointed for the coming into force of the provisions of the Act specified in Part 1 of the Schedule—

(a) for the purpose only of conferring power to make regulations, is 4th December 2005; and

(b) for all other purposes, is 30th December 2005.

(2) The day appointed for the coming into force of the provisions of the Act specified in Part 2 of the Schedule is 9th December 2005.

(3) The day appointed for the coming into force of the provisions of the Act specified in Part 3 of the Schedule is 1st January 2006.

(4) The day appointed for the coming into force of the provisions of the Act specified in Part 4 of the Schedule—

(a) for the purpose only of conferring power to make regulations, is 1st January 2006; and

(b) for all other purposes, is 1st April 2006.

(5) The day appointed for the coming into force of the provisions of the Act specified in Part 5 of the Schedule—

(a) for the purpose only of conferring power to make regulations, is 1st January 2006; and

(b) for all other purposes, is 6th April 2006.

(6) The day appointed for the coming into force of the provisions of the Act specified in Part 6 of the Schedule is 6th April 2006.

**Appointed day for the coming into force of section 287 of the Act in relation to pre-23rd September schemes**

3.—(1) This article applies to a scheme which is a pre-23rd September 2005 scheme.

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(1) 1995 c. 26.

(2) 1999 c. 30.

- (2) Where in relation to a pre-23rd September 2005 scheme—
- (a) both an application for authorisation under section 288 of the Act (general authorisation to accept contributions from European employers) and an application for approval under section 289 of the Act (approval in relation to particular European employer) have been made on or before 29th March 2006, the day appointed for the commencement of section 287 of the Act (occupational pension scheme receiving contributions from European employer) is the day after the expiry of the period of five months beginning with the application date;
  - (b) such applications have not been made on or before 29th March 2006, the day appointed for the commencement of section 287 of the Act is 30th March 2006.
- (3) In this article—
- “application date” means—
- (a) the date on which the trustees or managers of the relevant pre-23rd September 2005 scheme make both an application for authorisation and an application for approval under sections 288 and 289 of the Act, or
  - (b) where those applications are not made on the same day, the date on which the last of those applications is made;
- “pre-23rd September 2005 scheme” means an occupational pension scheme—
- (a) which—
    - (i) has its main administration in the United Kingdom, and
    - (ii) is not a pay-as-you-go scheme, and
  - (b) in relation to which—
    - (i) the trustees or managers were accepting contributions on 22nd September 2005 from any person who, had section 287(6) of the Act been in force at that date, would have been a European employer, or
    - (ii) any such person was under a liability to pay contributions to the trustees or managers on 22nd September 2005.

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

2nd December 2005

*Stephen C. Timms*  
Minister of State,  
Department for Work and Pensions