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STATUTORY INSTRUMENTS

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**2009 No. 794**

**PENSIONS**

**The Occupational Pension Schemes (Levy Ceiling) Order 2009**

*Made - - - - 26th March 2009*

*Coming into force in accordance with article 1(2)*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 178(1) and 315(2) and (5) of the Pensions Act 2004<sup>(1)</sup>.

In accordance with section 178(5) of that Act, the Secretary of State has reviewed the general level of earnings obtaining in Great Britain during the period of 12 months ending with 31st July 2008<sup>(2)</sup>. It appears to the Secretary of State that the general level of earnings has increased by 3.6 per cent during that period<sup>(3)</sup>.

A draft of this Order has been laid before Parliament in accordance with section 316(2)(f) of that Act and approved by a resolution of each House of Parliament.

**Citation and commencement**

1.—(1) This Order may be cited as the Occupational Pension Schemes (Levy Ceiling) Order 2009.

(2) This Order comes into force—

- (a) for the purposes of this article and article 2, on 31st March 2009; and
- (b) for the purposes of article 3, on 1st April 2009.

**The levy ceiling**

2. For the purposes of section 177 of the Pensions Act 2004 (amounts to be raised by the pension protection levies), the levy ceiling for the financial year beginning on 1st April 2009 is £863,412,967.

**Revocation of the Occupational Pension Schemes (Levy Ceiling) Order 2008**

3. The Occupational Pension Schemes (Levy Ceiling) Order 2008<sup>(4)</sup> is revoked.

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(1) 2004 c.35. See also S.I. 2008/911 which sets the levy ceiling for the financial year beginning on 1st April 2008.

(2) See section 178(4) of the Pensions Act 2004 and regulation 3 of S.I. 2006/2692.

(3) See S.I. 2009/200.

(4) S.I. 2008/911.

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**Status:** This is the original version (as it was originally made).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

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

26th March 2009

*Jonathan Shaw.*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies, for the purposes of section 177 of the Pensions Act 2004 (c.35) (“the Act”), the levy ceiling for the financial year beginning on 1st April 2009.

Section 175 of the Act provides that the Board of the Pension Protection Fund must impose pension protection levies for each financial year falling after the initial period (as defined by section 174 of the Act). Section 177 of the Act contains provisions on the amount which is to be raised by the pension protection levies. By virtue of section 177(2), the amount of the levies for a financial year must not exceed the levy ceiling for that financial year.

The Occupational Pension Schemes (Levy Ceiling) Order 2008 (S.I. 2008/911) (“the 2008/2009 Order”) specifies that the levy ceiling for the financial year beginning on 1st April 2008 is £833,410,200. Section 178(3)(a) of the Act provides that the levy ceiling must increase in line with any increase in the general level of earnings obtaining in Great Britain. The Occupational Pension Schemes (Levy Ceiling - Earnings Percentage Increase) Order 2009 (S.I. 2009/200) specifies that the increase in the general level of earnings for the period of 12 months ending with 31st July 2008 is 3.6 per cent. Accordingly, article 2 of this Order specifies that the levy ceiling for the financial year beginning on 1st April 2009 is £863,412,967.

Article 3 revokes the 2008/2009 Order.

This Order amends an existing regulatory regime by a pre-determined formula and has only a negligible impact on business, charities and the voluntary sector. An Impact Assessment is not necessary for such an Order.