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STATUTORY INSTRUMENTS

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**2005 No. 3331**

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

**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.
- (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.