
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further provision for the coming into force of provisions of the Pensions Act 2004 (c. 35) (“the Act”).

Article 2(1) appoints the day for the coming into force of the provisions of the Act specified in Part 1 of the Schedule as 4th December 2005 for the purpose of conferring power to make regulations and 30th December 2005 for all other purposes. Those provisions are—

- sections 221 to 233 (scheme funding);
- sections 244 to 246 (investment and borrowing);
- sections 287 to 295 (subject to article 3) (cross-border activities within the European Union);
- section 306(2)(h) and (m) (overriding requirements);
- section 315 (subordinate legislation: power to make transitional modifications and savings), in so far as it is not already in force;
- paragraphs 49, 51, 52, 75, 76(1) and (2)(c) and 77 (in so far as it is not already in force) of Schedule 12 (minor and consequential amendments);
- Schedule 13 (repeals), in so far as it relates to the repeals there specified in relation to sections 36(2), 41(2)(c) and 56 to 61 of the Pensions Act 1995 (c. 26) (“the 1995 Act”) and Schedule 1 (in so far as the specified repeals are not already in force), and paragraph 14 of Schedule 2, to the Welfare Reform and Pensions Act 1999 (c. 30) (“the 1999 Act”).

Article 2(2) appoints the day for the coming into force of the provisions of the Act specified in Part 2 of the Schedule as 9th December 2005. These are provisions in—

- section 110 (Board’s functions);
- section 175 (pension protection levies);
- section 177 (amounts to be raised by the pension protection levies);
- section 178 (the levy ceiling);
- section 180 (pension protection levies during the transitional period);
- section 181 (calculation, collection and recovery of levies);
- section 319 (minor and consequential amendments);
- Schedule 8 (restricted information held by the Board: certain permitted disclosures to facilitate the exercise of its functions);
- paragraphs 45, 46, 50, 54, 55 and 76 of Schedule 12;
- Schedule 13, in so far as it relates to the repeals there specified in relation to sections 49 and 49A of the 1995 Act.

Article 2(3) appoints the day for the coming into force of the provisions of the Act specified in Part 3 of the Schedule as 1st January 2006. Those provisions are—

- section 168(1), (2)(a) to (c), (e) and (f) and (3) (administration of compensation);
- section 220 (pension sharing);
- paragraphs 3 and 4 of Schedule 12.

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

Article 2(4) appoints the day for the coming into force of the provisions of the Act specified in Part 4 of the Schedule as 1st January 2006 for the purpose of conferring power to make regulations and 1st April 2006 for all other purposes. These are provisions in—

- section 189 (fraud compensation levy);
- paragraph 22 (accounts) of Schedule 5.

Article 2(5) appoints the day for the coming into force of the provisions of the Act specified in Part 5 of the Schedule as 1st January 2006 for the purpose of conferring power to make regulations and 6th April 2006 for all other purposes. These are provisions in—

- section 161 (effect of Board assuming responsibility for a scheme);
- section 163 (adjustments to be made where the Board assumes responsibility for a scheme);
- section 166 (duty to pay scheme benefits unpaid at assessment date etc);
- section 170 (discharge of liabilities in respect of money purchase benefits);
- section 171 (equal treatment);
- section 253 (non-European scheme to be trust with UK-resident trustee);
- sections 259 to 261 (consultation by employers);
- section 264 (early leavers);
- paragraph 18 of Schedule 12.

Article 2(6) appoints the day for the coming into force of the provisions of the Act specified in Part 6 of the Schedule as 6th April 2006. Those provisions are—

- section 161(5) and Schedule 6 (transfer of property, rights and liabilities to the Board);
- paragraphs 12, 13, 30 to 32, 53, 56 (in so far as it is not already in force), 62(c), 63(c) and 69 of Schedule 12;
- Schedule 13, in so far as it relates to the repeals there specified in relation to—
 - sections 16 to 21 (member-nominated trustees and directors), 89(2) (application of further provisions to money purchase schemes) and 117(2) (overriding requirements) of the 1995 Act;
 - paragraphs 44 to 49 and 53 (amendment of sections 3, 16 to 18, 20, 21 and 67 of the 1995 Act) of Schedule 12 to the 1999 Act;
 - sections 43 to 46 of the Child Support, Pensions and Social Security Act 2000 (c. 19) (selection of trustees and directors of corporate trustees).

Article 3 appoints the day for the coming into force of section 287 of the Act in relation to pre-23rd September 2005 schemes—

- in the case of a scheme where an application for authorisation and an application for approval has been made on or before 29th March 2006, as the day after the expiry of the period of five months beginning with the application date;
- where such applications have not been made on or before 29th March 2006, as 30th March 2006.