
STATUTORY INSTRUMENTS

2005 No. 695

The Pensions Act 2004 (Commencement No. 3, Transitional Provisions and Amendment) Order 2005

Transitional provisions

5.—(1) In this article, unless the context otherwise requires, “function of the Authority” means a function of the Authority which is transferred to the Regulator under subsection (1) of section 7 of the Act (transfer of OPRA's functions to the Regulator) on 6th April 2005 (“the appointed day”) ^{F1}.

(2) Anything done (or having effect as if done) by or in relation to the Authority before the appointed day pursuant to, or for the purposes of, any function of the Authority shall, so far as is required for continuing its effect, have effect as if done by or in relation to the Regulator pursuant to, or for the purposes of, that function.

(3) Subject to paragraph (5), anything which, immediately before the appointed day, is in the process of being done by or in relation to the Authority pursuant to, or for the purposes of, any function of the Authority shall be continued by or in relation to the Regulator pursuant to, or for the purposes of, that function.

(4) Any reference to the Authority in any document constituting or relating to anything to which paragraph (2) or (3) applies in relation to any function of the Authority shall, so far as is required for giving effect to those provisions, be construed as a reference to the Regulator.

(5) Where any function of the Authority described in paragraph (6) would, but for its dissolution, fall to be exercised on or after the appointed day, or fell to be exercised before the appointed day but has not been exercised, that function shall be exercised by the Regulator as if it were a function of the Regulator conferred on it under or by virtue of the Act.

(6) The functions of the Authority to which paragraph (5) refers are—

- (a) the investigation of any matter falling within the Authority's functions where the matter under investigation occurred, or first occurred, before the appointed day,
- (b) the review, under section 96 of the 1995 Act, of a determination made by the Authority before the appointed day of a question falling within the Authority's functions, and
- (c) the reference for a decision by the court, under section 97 of the 1995 Act, of any matter arising for determination by the Authority before the appointed day or of any matter arising before that day on an application for a review of a determination or on a review entered upon by the Authority without an application.

(7) Where any function under regulation 6(1)(a) of the Register of Occupational and Personal Pension Schemes Regulations 1997 fell to be exercised by the Authority, as Registrar, before the appointed day but has not been exercised, or would have fallen to be exercised by the Authority on or after the appointed day, that function shall be exercised by the Secretary of State (or by a person appointed by him).

(8) Schedule 2, which makes further transitional provision, has effect.

F1 Section 7(1) of the Pensions Act 2004 makes provision in respect of the transfer to the Pensions Regulator of the functions of the Occupational Pensions Regulatory Authority which are conferred by

Changes to legislation: There are currently no known outstanding effects for the The Pensions Act 2004 (Commencement No. 3, Transitional Provisions and Amendment) Order 2005, Section 5. (See end of Document for details)

or by virtue of the Pension Schemes Act 1993, the [Pensions Act 1995 \(c. 26\)](#) and the Welfare Reform and Pensions Act 1999.

Changes to legislation:

There are currently no known outstanding effects for the The Pensions Act 2004
(Commencement No. 3, Transitional Provisions and Amendment) Order 2005, Section 5.