
STATUTORY INSTRUMENTS

2011 No. 664 (C. 23)

PENSIONS

The Pensions Act 2008 (Commencement No. 9) Order 2011

Made - - - - *5th March 2011*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 144(4) and 149(1) of the Pensions Act 2008⁽¹⁾.

Citation and interpretation

- 1.—(1) This Order may be cited as the Pensions Act 2008 (Commencement No. 9) Order 2011.
- (2) In this Order “the Act” means the Pensions Act 2008.

Commencement of provisions

- 2.—(1) Section 65 (Objectives of the Regulator) of the Act comes into force on 16th March 2011.
- (2) The provisions of the Act specified in Part 1 of the Schedule to this Order come into force, for the purpose only of conferring power to make regulations, on the day after the day on which this Order is made.
- (3) The provisions of the Act specified in Part 2 of the Schedule come into force, insofar as they are not already in force, on 6th April 2011.

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

5th March 2011

Steve Webb
Minister of State
Department for Work and Pensions

SCHEDULE

Article 2

PART 1

Provisions of the Act coming into force, for the purpose only of conferring power to make regulations, on the day after the day on which this Order is made

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 120, for the purpose of bringing into force the provisions of Schedule 6 and Schedule 7 specified in this Part	Pension compensation sharing and attachment on divorce etc
Section 121	Charges in respect of pension sharing etc
Schedule 6, paragraph 1 (for the purposes of paragraphs 3, 7 and 8(1) and (5)), paragraph 3 (insofar as it inserts section 24F into the Matrimonial Causes Act 1973 ⁽²⁾), paragraph 7 (insofar as it inserts section 25G into that Act), paragraph 8(1) (for the purposes of paragraph 8(5)) and paragraph 8(5) of Part 1, paragraph 13(1) (for the purposes of paragraph 13(6)) and (6) of Part 2, paragraph 14 (for the purposes of paragraphs 15, 17(1) and (4), 18(1) and (7)(e) and 20(4)(g)), paragraph 15 (insofar as it inserts paragraph 19E(2) and (3) of Schedule 4A into the Civil Partnership Act 2004 ⁽³⁾), paragraph 17(1) (for the purposes of paragraph 17(4)) and (4), paragraph 18(1) (for the purposes of paragraph 18(7)(e)) and (7)(e) and paragraph 20(4)(g) of Part 3	Pension compensation on divorce etc: England and Wales
Schedule 7, paragraph 1 (for the purposes of paragraph 4) and paragraph 4	Pension compensation on divorce etc: Scotland

PART 2

Provisions of the Act (insofar as they are not already in force) coming into force on 6th April 2011

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 107	Scope of mechanism
Section 108	Interpretation
Section 109	Activation of pension compensation sharing
Section 110	Activation of pension compensation sharing: supplementary (Scotland)

(2) 1973 c. 18.

(3) 2004 c. 33.

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 111	Creation of pension compensation debits and credits
Section 112	Cash equivalents
Section 113	Reduction of compensation
Section 114	Time for discharge of liability
Section 115	“Implementation period”
Section 116	Discharge of liability
Section 117	Charges in respect of pension compensation sharing costs
Section 118	Supply of information about pension compensation in relation to divorce etc
Section 119	Supply of information about pension compensation sharing
Section 120	Pension compensation sharing and attachment on divorce etc
Section 121	Charges in respect of pension sharing etc
Section 123	Consequential amendments
Section 148 insofar as it relates to Part 4 of Schedule 11	Repeals
Schedule 5, except for paragraph 11	Pension compensation payable on discharge of pension compensation credit
Schedule 6	Pension compensation on divorce etc: England and Wales
Schedule 7	Pension compensation on divorce etc: Scotland
Schedule 11, Part 4	Pension compensation

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the coming into force of section 65 (Objectives of the Regulator) and Chapter 1 and (in part) Chapter 2 of Part 3 of the Pensions Act 2008 (c. 30) (Pension Compensation). Article 2(1) brings into force section 65 of the Pensions Act 2008 (“the Act”) on 16th March 2011. Article 2(3) brings into force, for the purpose only of conferring power to make regulations, the provisions specified in Part 1 of the Schedule. These provisions come into force on the day after the day on which this Order is made.

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(3) brings into force on 6th April 2011 the provisions specified in Part 2 of the Schedule, insofar as they are not already in force.

Section 65 of the Act amends section 5(1) of the Pensions Act 2004 (c. 35) so as to insert an additional objective for the Regulator.

Part 3 of the Act makes provision for pension compensation to be shared on divorce or dissolution of a civil partnership and in cases of nullity, and for attachment orders to be made on divorce etc in relation to pension compensation. Section 121 of the Act also makes provision for the Board of the Pension Protection Fund to recover from the parties prescribed charges incurred in relation to implementation of a pension sharing order or provision or compliance with a pension attachment order. With the commencement of the provisions specified in Part 2 of the Schedule, the provisions of Part 3 of the Act (with the exception of paragraph 11 of Schedule 5) that relate to pension compensation sharing and attachment will be fully in force.

A full impact assessment has not been produced for this Order as it has no impact on the private sector or civil society organisations.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Pensions Act 2008 have been brought into force, or will be brought into force, by Statutory Instruments which were made before this Order was made.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
sections 62 to 64	26th January 2009	2009/82
section 74	1st July 2009	2009/1566
section 75 (for all remaining purposes)	5th July 2010	2010/10
section 76	5th July 2010	2010/10
section 99	5th July 2010	2010/10
section 100	6th April 2009	2009/82
section 101 (partially)	6th April 2009	2009/82
section 101 (for all other purposes)	6th April 2009	2009/809
section 103(1) and (3) (partially)	8th April 2010	2010/1221
section 122 (partially)	1st April 2009	2009/809
section 124(2) and (6) (partially)	19th December 2008	2008/3241
section 124(2) and (6) (for remaining purposes)	31st March 2010	2010/1145
section 126 (for all remaining purposes)	29th June 2009	2009/1566
section 128	26th January 2009	2009/82
section 129 (partially)	26th February 2010	2010/467
section 130	6th April 2009	2009/82
section 132	26th January 2009	2009/82
section 138	26th January 2009	2009/82

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 139	6th April 2009	2009/82
section 148 (partially)	6th April 2009	2009/82
Schedule 1 (for all remaining purposes)	5th July 2010	2010/10
Schedule 2 Parts 1 and 3	6th April 2009	2009/82
Schedule 2 Part 2	6th April 2009	2009/809
Schedule 8 (partially)	1st April 2009	2009/809
Schedule 9 (for all remaining purposes)	29th June 2009	2009/1566
Schedule 10 (partially)	26th February 2010	2010/467
Schedule 11 Part 2	6th April 2009	2009/82