

2014 No. 2377 (C. 102)

PENSIONS

The Pensions Act 2014 (Commencement No. 2) Order 2014

Made - - - - *4th September 2014*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by section 56(1), (4) and (7) of the Pensions Act 2014(a).

Citation and interpretation

- 1.—(1) This Order may be cited as the Pensions Act 2014 (Commencement No. 2) Order 2014.
(2) In this Order, “the Act” means the Pensions Act 2014.

Commencement of provisions

- 2.—(1) The day appointed for the coming into force of—
- (a) the provisions of the Act specified in—
 - (i) paragraph (2) is 11th September 2014,
 - (ii) paragraph (3) is 1st October 2014, and
 - (b) section 39 of the Act (alternative quality requirements for UK defined benefits schemes) is 12th September 2014.
- (2) The provisions specified in this paragraph are—
- (a) section 33 (automatic transfer of pension benefits etc) only in so far as it relates to the provision specified in sub-paragraph (j),
 - (b) section 37 (automatic re-enrolment: exceptions where automatic enrolment deferred),
 - (c) section 38 (automatic enrolment: powers to create general exceptions),
 - (d) section 40 (automatic enrolment: transitional period for hybrid schemes),
 - (e) section 42 (unpaid scheme contributions),
 - (f) section 43 (power to restrict charges or impose requirements in relation to schemes),
 - (g) section 45 (power to require pension levies to be paid in respect of past periods),
 - (h) section 46 (prohibition and suspension orders: directors of corporate trustees),
 - (i) section 49 (maximum period between scheme returns to be 5 years for micro schemes),
 - (j) paragraph 15(1) of Schedule 17 (automatic transfer of pension benefits etc) for the purposes only of paragraph 4(1) of Schedule 18 (power to restrict charges or impose requirements in relation to schemes),
 - (k) Schedule 18, and
 - (l) Schedule 19 (prohibition orders: consequential amendments).

- (3) The provisions specified in this paragraph are—
- (a) section 23 (amendments) only in so far as it relates to the provisions specified in sub-paragraph (c),
 - (b) section 25 (option to boost old retirement pensions) only in so far as it relates to the provisions specified in sub-paragraph (d),
 - (c) paragraphs 96 and 97(b) of Schedule 12 (state pension amendments), and
 - (d) the following paragraphs of Schedule 15 (option to boost old retirement pensions) for the purposes only of making regulations—
 - (i) paragraph 3,
 - (ii) paragraph 7, and
 - (iii) paragraph 17.

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

Steve Webb

Minister of State

Department for Work and Pensions

4th September 2014

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Pensions Act 2014 (c. 19) (“the Act”) on 11th September 2014, 12th September 2014, and 1st October 2014.

Article 2 commences the following provisions of the Act—

—section 23 which is commenced only in so far as is necessary for the commencement of paragraphs 96 and 97(b) of Schedule 12 which repeal certain provisions relating to additional state pension,

—section 25 and paragraphs 3, 7 and 17 of Schedule 15 which contain powers enabling regulations to be made underpinning the Class 3A voluntary National Insurance contribution/state pension top-up scheme by setting out the amount of the Class 3A contribution, the maximum amount of top-up that can be obtained, the rules about the repayment of contributions and when the scheme closes,

—section 33 and paragraph 15(1) of Schedule 17 which are commenced for the limited purpose of enabling a definition to come into force only in so far as it is needed for the purposes of paragraph 4(1) of Schedule 18,

—sections 37 to 40 which introduce changes to provisions in the Pensions Act 2008 (c. 30), sections 37 and 38 relate to exceptions from the duties imposed on employers by Part 1 of that Act, sections 39 and 40 relate to those employer duties where the employer provides an occupational pension scheme that produces defined benefits,

—section 42 which enables scheme trustees and managers to claim unpaid pension contributions from the Secretary of State in certain circumstances following the insolvency of the employer,

—section 43 and Schedule 18 which relate to the restriction of charges or the imposition of requirements with regard to administration and governance of certain pension schemes,

—section 45 which provides a power to make regulations in respect of a requirement to pay pension levies in respect of a past period,

—section 46 and Schedule 19 which insert a provision into the Pensions Act 1995 (c. 26) and make consequential amendments to that Act and to the Pensions Act 2004 (c. 35) in respect of orders prohibiting certain individuals or legal persons from being a trustee of a pension scheme,

—section 49 which amends section 63 of the Pensions Act 2004, extending the maximum period between scheme returns from 3 to 5 years in the case of a micro scheme.

An impact assessment has not been produced for this Order as it has no impact on business or civil society organisations. An impact assessment for the changes made by the Act is available from the Better Regulation Unit, Department for Work and Pensions, Caxton House, 6 – 12 Tothill Street, London SW1H 9NA or

<https://www.gov.uk/government/publications/pensions-act-2014-impact-assessments-may-2014>

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provision of the Pensions Act 2014 has been brought into force by commencement order made before this date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 52	23rd July 2014	2014/1965

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