

2006 No. 2272 (C. 78)

PENSIONS

The Pensions Act 2004 (Commencement No. 10 and Saving Provision) Order 2006

Made - - - -

19th August 2006

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 315(2) and (5) and 322(1) and (5)(b) of the Pensions Act 2004(a).

Citation and interpretation

1.—(1) This Order may be cited as the Pensions Act 2004 (Commencement No. 10 and Saving Provision) Order 2006.

(2) In this Order “the Act” means the Pensions Act 2004.

Appointed days

2.—(1) The day appointed for the coming into force of sections 177(5) and (8) and 178(5) of the Act (amounts to be raised by the pension protection levies and the levy ceiling), is 1st September 2006.

(2) The day appointed for the coming into force of sections 177(4) and 178(4), (7) and (9) of the Act—

- (a) for the purpose only of conferring power to make regulations, is 1st September 2006;
- (b) for all other purposes, is 1st October 2006.

(3) The day appointed for the coming into force of paragraph 11 of Schedule 12 to the Act (amendment of section 56 of the Pension Schemes Act 1993(b)), in so far as it is not already in force, and section 319(1) of the Act in so far as it relates to that paragraph—

- (a) for the purpose only of conferring power to make regulations, is 1st October 2006;
- (b) for all other purposes, is 1st January 2007.

(4) The day appointed for the coming into force of section 178(6) of the Act (the levy ceiling)—

- (a) for the purpose only of conferring power to make an order, is 1st October 2006;
- (b) for all other purposes, is 1st December 2006.

(5) The day appointed for the coming into force of the provisions of the Act specified in Part 1 of the Schedule—

- (a) for the purpose only of conferring power to make regulations, is 1st November 2006;
- (b) for all other purposes, is 6th April 2007.

(a) 2004 c. 35.

(b) 1993 c. 48.

(6) The day appointed for the coming into force of sections 117(7) and 178 of the Act (administration levy and the levy ceiling), in so far as those provisions are not already in force—

- (a) for the purpose only of conferring power to make regulations or, as the case may be, an order, is 1st January 2007;
- (b) for all other purposes, is 1st March 2007.

(7) The day appointed for the coming into force of the provisions of the Act specified in Part 2 of the Schedule, is 6th April 2007.

Saving

3.—(1) The definition of “minimum funding requirement” in section 124(1) of the Pensions Act 1995(a) (interpretation of Part 1 of that Act) continues to apply to a scheme from 6th April 2007 until the date on which the first schedule of contributions under the Act comes into force for that scheme.

(2) Any reference to “minimum funding requirement” in—

- (a) the Occupational Pension Schemes (Winding Up) Regulations 1996(b);
- (b) the Occupational Pension Schemes (Deficiency on Winding Up etc.) Regulations 1996(c), or
- (c) the Occupational Pension Schemes (Employer Debt) Regulations 2005(d),

continues to apply to a scheme on and after 6th April 2007 as if the repeal of the definition of that provision in section 124(1) of the Pensions Act 1995 by the Act had not come into force on that date in accordance with this Order.

(3) In this article—

“schedule of contributions” has the meaning given by section 227(2) of the Act (schedule of contributions);

“scheme”—

- (a) must be read in accordance with regulation 2(2) of the Occupational Pension Schemes (Scheme Funding) Regulations 2005(e) (interpretation); and
- (b) is one to which—
 - (i) paragraph 9; or
 - (ii) paragraph 19,of Schedule 4 to those Regulations (savings) applies.

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

19th August 2006

Jim Murphy
Minister of State,
Department for Work and Pensions

(a) 1995 c. 26.

(b) S.I. 1996/3126; the relevant amending instrument is S.I. 2005/3377.

(c) S.I. 1996/3128, amended by S.I. 1997/786 and 3038, 1999/3198, 2002/380, 2004/403, 2005/72 and 678.

(d) S.I. 2005/678, amended by S.I. 2005/2224.

(e) S.I. 2005/3377, to which there are amendments not relevant to this Order.

SCHEDULE

Article 2

PART 1

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST NOVEMBER 2006 FOR THE PURPOSE ONLY OF CONFERRING POWER TO MAKE REGULATIONS AND ON 6TH APRIL 2007 FOR ALL OTHER PURPOSES

<i>Provisions of the Act</i>	<i>Subject Matter</i>
section 153(4) and (7)	closed schemes
section 155(1) and (4)	treatment of closed schemes
section 156(1), (2), (5) and (6)	valuations of closed schemes
section 157(1), (7) and (9)	applications and notifications where closed schemes have insufficient assets

PART 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 6TH APRIL 2007

<i>Provisions of the Act</i>	<i>Subject Matter</i>
section 132, in so far as it is not already in force	assessment periods
section 153, in so far as it is not already in force	closed schemes
section 154, in so far as it is not already in force	requirement to wind up schemes with sufficient assets to meet protected liabilities
section 155, in so far as it is not already in force	treatment of closed schemes
section 156, in so far as it is not already in force	valuations of closed schemes
section 157, in so far as it is not already in force	applications and notifications where closed schemes have insufficient assets
section 158	duty to assume responsibility for closed schemes
section 159	closed schemes: further assessment periods
section 160, in so far as it is not already in force	transfer notice
section 172, in so far as it is not already in force	relationship with fraud compensation regime
Schedule 13, in so far as it relates to the repeal of the definition of "minimum funding requirement" in section 124(1) of the Pensions Act 1995, and section 320 in so far as it relates to that provision	repeal

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 sections 177(5) and (8) and 178(5) of the Act (amounts to be raised by the pension protection levies and the levy ceiling) as 1st September 2006.

Article 2(2) appoints the day for the coming into force of sections 177(4) and 178(4), (7) and (9) of the Act as 1st September 2006 for the purpose of conferring power to make regulations and 1st October 2006 for all other purposes.

Article 2(3) appoints the day for the coming into force of paragraph 11 of Schedule 12 to the Act (amendment of section 56 of the Pension Schemes Act 1993 (c. 48)), in so far as it is not already in force, and section 319(1) in so far as it relates to that paragraph as 1st October 2006 for the purpose of conferring power to make regulations and 1st November 2006 for all other purposes.

Article 2(4) appoints the day for the coming into force of section 178(6) of the Act (the levy ceiling) as 1st October 2006 for the purpose of conferring power to make an order and 1st December 2006 for all other purposes.

Article 2(5) appoints the day for the coming into force of the provisions of the Act specified in Part 1 of the Schedule as 1st November 2006 for the purpose of conferring power to make regulations and 6th April 2007 for all other purposes. Those provisions are—

- section 153(4) and (7) (closed schemes);
- section 155(1) and (4) (treatment of closed schemes);
- section 156(1), (2), (5) and (6) (valuations of closed schemes);
- section 157(1), (7) and (9) (applications and notifications where closed schemes have insufficient assets).

Article 2(6) appoints the day for the coming into force of sections 117(7) and 178 of the Act (administration levy and the levy ceiling), in so far as those provisions are not already in force as 1st January 2007 for the purpose of conferring power to make regulations or, as the case may be, an order, and 1st March 2007 for all other purposes.

Article 2(7) appoints the day for the coming into force of the provisions of the Act specified in Part 2 of the Schedule as 6th April 2007. Those provisions are—

- section 132, in so far as it is not already in force (assessment periods);
- section 153, in so far as it is not already in force (closed schemes);
- section 154, in so far as it is not already in force (requirement to wind up schemes with sufficient assets to meet protected liabilities);
- section 155, in so far as it is not already in force (treatment of closed schemes);
- section 156, in so far as it is not already in force (valuations of closed schemes);
- section 157, in so far as it is not already in force (applications and notifications where closed schemes have insufficient assets);
- section 158 (duty to assume responsibility for closed schemes);
- section 159 (closed schemes: further assessment periods);
- section 160, in so far as it is not already in force (transfer notice);

section 172, in so far as it is not already in force (relationship with fraud compensation regime);

a repeal in Schedule 13 (repeals), and section 320 in so far as it relates to that provision.

Article 3 contains a saving provision, which preserves the application of the definition of “minimum funding requirement” in section 124(1) of the Pensions Act 1995 (c. 26) for the purposes of the transitional period contained in Schedule 4 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005 (S.I. 2005/3377).

