Draft Order laid before Parliament under section 23(8) of the Pensions Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

PENSIONS

The Personal Accounts Delivery Authority Winding Up Order 2010

Made - - - -	*****
Coming into force - -	*5th July 2010*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 23(1), (5) to (7) and 25(2) of the Pensions Act 2007(**1**):

In accordance with section 23(8) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Personal Accounts Delivery Authority Winding Up Order 2010 and shall come into force on 5th July 2010.

Interpretation

2. In this Order—

"the Act" means the Pensions Act 2007;

"the 2008 Act" means the Pensions Act 2008(**2**);

"the corporation" means The National Employment Savings Trust Corporation established under section 75 of the 2008 Act(**3**);

"enactment" includes–

(a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978(**4**);

(b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;

(**1**) 2007 c. 22. Section 23(1) was substituted, and subsections (5) and (7) of section 23 were amended, by the 2008 Act, section 86.
(**2**) 2008 c. 30.
(**3**) The corporation was so named by S.I. 2010/3.
(**4**) 1978 c.30.

(c) an enactment contained in, or in an instrument made under, Northern Ireland legislation;

(d) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;

"intellectual property" means—

(a) copyright, rights related to or affording protection similar to copyright and rights in databases, patents, inventions, trade marks, internet domain names, website addresses, trade names, designs, know-how, trade secrets and confidential information; and

(b) applications for registration, and the right to apply for registration, for any of the rights referred to in paragraph (a) that are capable of being registered in any country or jurisdiction, and all other rights having similar or equivalent effect in any country or jurisdiction;

"records" means documents held by or on behalf of the Authority(**5**) irrespective of the media or method of storage including in particular—

(a) all books of account, ledgers, payroll records, income records, registers, reports and information relating to contracts or suppliers;

(b) all records relating to the Authority's employees or other staff, including all payroll schedules, pensions records, personnel files and disciplinary records;

(c) all records of meetings, correspondence and submissions to the Secretary of State;

(d) all results of research and documents relating to research; and

(e) all library material, books, reference material and publications;

"transfer date" means the beginning of the 5th July 2010.

Winding up of the Authority

3. The Authority is wound up and dissolved on the transfer date.

Transfer of property, rights and liabilities

4.—(1) Subject to paragraph (2), all of the property, rights and liabilities of the Authority, including the property, rights and liabilities described or referred to in Schedule 1, are, on the transfer date, transferred to the corporation.

(2) The property, rights and liabilities described or referred to in Schedule 2 are, on the transfer date, transferred to the Secretary of State.

Effects of the Order in relation to employees

5. For the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006(**6**), the transfer of property, rights and liabilities from the Authority to the corporation is to be treated as a "relevant transfer" within the meaning of regulation 2 of those Regulations.

Information

6.—(1) In relation to any property, rights or liabilities that are transferred to the corporation under article 4(1), the Secretary of State shall provide to the corporation on request a copy of any record, or any other information, that she holds and that the corporation needs in order to deal with that property or those rights or liabilities.

(**5**) The Authority means the Personal Accounts Delivery Authority (*see* section 20(1) of the Act).
(**6**) S.I. 2006/246.

(2) In relation to any property, rights or liabilities that are transferred to the Secretary of State under article 4(2), the corporation shall provide to the Secretary of State on request a copy of any record, or any other information, that it holds and that the Secretary of State needs in order to deal with that property or those rights or liabilities.

Continuity in functions

7.—(1) Where in relation to any property, rights or liabilities that are transferred under article 4, any action has been taken under any enactment, by or against the Authority, that action shall be regarded as having been taken by or against the corporation or the Secretary of State, as the case may be.

(2) Where in relation to any property, rights or liabilities that are transferred under article 4, any legal proceedings have been commenced by or against the Authority, those proceedings may be continued by or against the corporation or the Secretary of State, as the case may be.

Repeals and savings

8.—(1) Subject to paragraphs (2) and (3), the following provisions are repealed—

(a) sections 20 and 22 of the Act;

(b) Schedule 6 to the Act; and

(c) sections 79 to 85 of the 2008 Act.

(2) Paragraph 17 of Schedule 6 to the Act shall continue to apply in relation to the report on the exercise of the Authority's functions during the financial year ending on 31st March 2010, as if—

(a) in sub-paragraph (1), for "Authority" there were substituted "The National Employment Savings Trust Corporation established under section 75 of the Pensions Act 2008"; and

(b) in sub-paragraph (2), paragraph (aa) were omitted(**7**).

(3) Paragraph 19 of Schedule 6 to the Act shall continue to apply in relation to the accounting records and statement of accounts of the Authority in respect of the financial year ending on 31st March 2010, as if—

(a) in sub-paragraphs (1) to (3), for "Authority" there were substituted "The National Employment Savings Trust Corporation established under section 75 of the Pensions Act 2008";

(b) in sub-paragraph (1)(a), after "records" there were inserted "in respect of the Authority"; and

(c) in sub-paragraph (1)(b), after "in respect of" there were inserted "the activities of the Authority in".

Annual report and accounts for the year 2010/2011

9. In relation to the financial year ending on 31st March 2011, Schedule 1 to the 2008 Act shall apply as if—

(a) in paragraph 17—

(i) in sub-paragraphs (1) and (2)(a), after "trustee corporation's" there were inserted "and the Authority's"; and

(ii) in sub-paragraph (2)(b), after "trustee corporation" there were inserted "or the Authority";

(**7**) Paragraph 17(2)(aa) was inserted by the 2008 Act, section 84(10).

(b) in paragraph 20—

(i) in sub-paragraph (1)(a), after "accounting records" there were inserted "in respect of itself and the Authority"; and

(ii) in sub-paragraph (1)(b), after "statement of accounts" there were inserted "in respect of the affairs of itself and of the Authority"; and

(c) in paragraph 26(1), before the definition of "financial year", there were inserted ""the Authority" means the Personal Accounts Delivery Authority;".

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

Name
Minister of State,
Date Department for Work and Pensions