STATUTORY RULES OF NORTHERN IRELAND

2006 No. 352 (C. 19)

PENSIONS

The Pensions (2005 Order) (Commencement No. 10 and Savings) Order (Northern Ireland) 2006

Made - - - - 30th August 2006

The Department for Social Development makes the following Order in exercise of the powers conferred by Articles 1(2) and (6)(b) and 287(3) of the Pensions (Northern Ireland) Order 2005(**1**).

Citation and interpretation

1.—(1) This Order may be cited as the Pensions (2005 Order) (Commencement No. 10 and Savings) Order (Northern Ireland) 2006.

(2) In this Order "the 2005 Order" means the Pensions (Northern Ireland) Order 2005.

Appointed days

2.—(1) The day appointed for the coming into operation of Article 160(4), (5) and (7) of the 2005 Order (amounts to be raised by the pension protection levies) is 1st September 2006.

(2) The day appointed for the coming into operation of paragraph 7 of Schedule 10 to the 2005 Order (amendment of section 52 of the Pension Schemes Act) in so far as it is not already in operation, and Article 290(1) of the 2005 Order in so far as it relates to that paragraph—

(a) for the purpose only of authorising the making of regulations, is 1st October 2006, and

(b) for all other purposes, is 1st January 2007.

(3) The day appointed for the coming into operation of the provisions of the 2005 Order specified in Part 1 of the Schedule—

(a) for the purpose only of authorising the making of regulations, is 1st November 2006, and

(b) for all other purposes, is 6th April 2007.

(4) The day appointed for the coming into operation of Article 103(7) of the 2005 Order (administration levy) in so far as it is not already in operation—

(a) for the purpose only of authorising the making of regulations, is 1st January 2007, and

(b) for all other purposes, is 1st March 2007.

(**1**) S.I. 2005/255 (N.I. 1)

(5) The day appointed for the coming into operation of the provisions of the 2005 Order specified in Part 2 of the Schedule is 6th April 2007.

Savings

3.—(1) The definition of "minimum funding requirement" in Article 121(1) of the 1995 Order (interpretation of Part II) continues to apply to a scheme on and after 6th April 2007 until the date on which the first schedule of contributions under the 2005 Order comes into force for that scheme as if the repeal of that definition by the 2005 Order had not come into operation on 6th April 2007 in accordance with this Order.

(2) Any reference to "minimum funding requirement" in—

(a) the Occupational Pension Schemes (Deficiency on Winding Up, etc.) Regulations (Northern Ireland) 1996(**2**);

(b) the Occupational Pension Schemes (Winding Up) Regulations (Northern Ireland) 1996(**3**), or

(c) the Occupational Pension Schemes (Employer Debt) Regulations (Northern Ireland) 2005(**4**),

continues to apply to a scheme on and after 6th April 2007 as if the repeal of the definition of that provision in Article 121(1) of the 1995 Order by the 2005 Order had not come into operation on that date in accordance with this Order.

(3) In this Article—

"schedule of contributions" has the meaning given by Article 206(2) of the 2005 Order (schedule of contributions);

"scheme"—

(a) must be read in accordance with regulation 2(2) of the Occupational Pension Schemes (Scheme Funding) Regulations (Northern Ireland) 2005(**5**) (interpretation), and

(b) is one to which—

(i) paragraph 9, or

(ii) paragraph 19,

of Schedule 4 to those Regulations (transitional provisions and savings) applies.

(**2**) S.R. 1996 No. 585 as amended by S.R. 1997 Nos. 160 and 544, S.R. 1999 No. 486, S.R. 2002 No. 64, S.R. 2004 No. 60 and S.R. 2005 No. 20; *see also*S.R. 2005 Nos. 168 and 568

(**3**) S.R. 1996 No. 621 as amended by S.R. 1997 No. 160, S.R. 1999 No. 486, S.R. 2000 No. 335, S.R. 2002 No. 64, S.R. 2004 No. 60, S.R. 2005 Nos. 20, 168, 171 and 568 and S.R. 2006 No. 65; *see also*S.R. 2004 No. 187

(**4**) S.R. 2005 No. 168 as amended by S.R. 2005 Nos. 387, 568 and 569 and S.R. 2006 Nos. 65 and 85

(**5**) S.R. 2005 No. 568

Sealed with the Official Seal of the Department for Social Development on 30th August 2006

L.S.

D. A. Baker
A senior officer of the Department for Social Development

SCHEDULE Article 2

PART 1

PROVISIONS OF THE 2005 ORDER COMING INTO OPERATION ON 1st NOVEMBER 2006 FOR THE PURPOSE ONLY OF AUTHORISING THE MAKING OF REGULATIONS, AND ON 6th APRIL 2007 FOR ALL OTHER PURPOSES

Provisions of the2005 Order	*Subject Matter*
Article 137(4) and (7)	Closed schemes
Article 139(1) and (4)	Treatment of closed schemes
Article 140(1), (2), (5) and (6)	Valuations of closed schemes
Article 141(1), (7) and (9)	Applications and notifications where closed schemes have insufficient assets

PART 2

PROVISIONS OF THE 2005 ORDER COMING INTO OPERATION ON 6th APRIL 2007

Provisions of the2005 Order	*Subject Matter*
Article 116, in so far as it is not already in operation	Assessment periods
Article 137, in so far as it is not already in operation	Closed schemes
Article 138, in so far as it is not already in operation	Requirement to wind up schemes with sufficient assets to meet protected liabilities
Article 139, in so far as it is not already in operation	Treatment of closed schemes
Article 140, in so far as it is not already in operation	Valuations of closed schemes
Article 141, in so far as it is not already in operation	Applications and notifications where closed schemes have insufficient assets
Article 142	Duty to assume responsibility for closed schemes
Article 143	Closed schemes: further assessment periods
Article 144, in so far as it is not already in operation	Transfer notice
Article 156, in so far as it is not already in operation	Relationship with fraud compensation regime

Provisions of the2005 Order	*Subject Matter*
Schedule 11, in so far as it relates to the repeal of the definition of "minimum funding requirement" in Article 121(1) of the Pensions (Northern Ireland) Order 1995, and Article 291 in so far as it relates to that provision	Repeals

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further provision for the coming into operation of the following provisions of the Pensions (Northern Ireland) Order 2005—

Article 160(4), (5) and (7), on 1st September 2006;

paragraph 7 of Schedule 10 (remainder), for the purpose only of authorising the making of regulations, on 1st October 2006, and for all other purposes, on 1st January 2007;

Articles 137 (in part) and 139 to 141 (in part), for the purpose only of authorising the making of regulations, on 1st November 2006, and for all other purposes, on 6th April 2007;

Article 103(7) (remainder), for the purpose only of authorising the making of regulations, on 1st January 2007, and for all other purposes, on 1st March 2007;

Articles 116 (remainder), 137 to 141 (remainder), 142, 143, 144 (remainder) and 156 (remainder) and Schedule 11 (in part), on 6th April 2007.

The Order also contains saving provisions which preserve the application of the definition of "minimum funding requirement" in Article 121(1) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) for transitional purposes.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Pensions (Northern Ireland) Order 2005 have been brought into operation by earlier commencement orders as from the dates shown.

Provision	*Date of Commencement*	*S.R. No.*
Article 2 (partially)	25th February 2005 and 6th April 2005	2005 No. 48 (C. 5)
(partially)	1st June 2005	2005 No. 280 (C. 20)
Article 3 (partially)	25th February 2005, 1st April 2005 and 6th April 2005	2005 No. 48 (C. 5)
Article 4 (partially)	25th February 2005 and 6th April 2005	2005 No. 48 (C. 5)
Article 5	25th February 2005	2005 No. 48 (C. 5)