STATUTORY RULES OF NORTHERN IRELAND

2005 No. 543 (C. 37)

PENSIONS

The Pensions (2005 Order) (Commencement No. 7) Order (Northern Ireland) 2005

Made - - - - 5th December 2005

The Department for Social Development, in exercise of the powers conferred on it by Article 1(2) of the Pensions (Northern Ireland) Order 2005(**1**) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Pensions (2005 Order) (Commencement No. 7) Order (Northern Ireland) 2005.

(2) In this Order—

"the Order" means the Pensions (Northern Ireland) Order 2005 and any reference to a numbered Article is a reference to the Article of the Order bearing that number;

"pay-as-you-go scheme" means an occupational pension scheme under which there is no requirement for assets to be set aside in advance for the purpose of providing benefits under the scheme (disregarding any requirements relating to additional voluntary contributions).

Appointed days

2.—(1) Subject to Article 3 of this Order, the day appointed for the coming into operation of the provisions of the Order specified in Part 1 of the Schedule—

(a) for the purpose only of authorising the making of regulations, is 6th December 2005, and

(b) for all other purposes, is 30th December 2005.

(2) The day appointed for the coming into operation of the provisions of the Order specified in Part 2 of the Schedule is 9th December 2005.

(3) The day appointed for the coming into operation of the provisions of the Order specified in Part 3 of the Schedule is 1st January 2006.

(4) The day appointed for the coming into operation of the provisions of the Order specified in Part 4 of the Schedule—

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

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

(b) for all other purposes, is 1st April 2006.

(5) The day appointed for the coming into operation of the provisions of the Order specified in Part 5 of the Schedule—

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

(b) for all other purposes, is 6th April 2006.

(6) The day appointed for the coming into operation of the provisions of the Order specified in Part 6 of the Schedule is 6th April 2006.

Appointed day for the coming into operation of Article 263 in relation to pre-23rd September schemes

3.—(1) This Article applies to a scheme which is a pre-23rd September 2005 scheme.

(2) Where in relation to a pre-23rd September 2005 scheme—

(a) both an application for authorisation under Article 264 (general authorisation to accept contributions from European employers) and an application for approval under Article 265 (approval in relation to particular European employer) have been made on or before 29th March 2006, the day appointed for the commencement of Article 263 (occupational pension scheme receiving contributions from European employer) is the day after the expiry of the period of five months beginning with the application date;

(b) such applications have not been made on or before 29th March 2006, the day appointed for the commencement of Article 263 is 30th March 2006.

(3) In this Article—

"application date" means—

(a) the date on which the trustees or managers of the relevant pre-23rd September 2005 scheme make both an application for authorisation and an application for approval under Articles 264 and 265, or

(b) where those applications are not made on the same day, the date on which the last of those applications is made;

"pre-23rd September 2005 scheme" means an occupational pension scheme—

(c) which—

(i) has its main administration in the United Kingdom, and

(ii) is not a pay-as-you-go scheme, and

(d) in relation to which—

(i) the trustees or managers were accepting contributions on 22nd September 2005 from any person who, had Article 263(6) been in operation at that date, would have been a European employer, or

(ii) any such person was under a liability to pay contributions to the trustees or managers on 22nd September 2005.

Sealed with the Official Seal of the Department for Social Development on 5th December 2005.

John O'Neill
A senior officer of the
Department for Social Development

SCHEDULE Article 2

PART 1

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 6th DECEMBER 2005 FOR THE PURPOSE ONLY OF AUTHORISING THE MAKING OF REGULATIONS, AND ON 30th DECEMBER 2005 FOR ALL OTHER PURPOSES

Provisions of the Order	*Subject matter*
Articles 200 to 212	Scheme funding
Articles 221 to 223	Investment principles, power to make regulations governing investment by trustees and borrowing by trustees
Articles 263 to 271, in so far as they relate to an occupational pension scheme with its main administration in the United Kingdom which is not a pay-as-you-go scheme	Cross-border activities within European Union
Article 279(2)(h) and (m)	Overriding requirements
Article 287, in so far as it is not already in operation	Orders and regulations (general provisions)
Schedule 10, paragraphs 43, 45, 46, 69, 70(1) and (2)(c) and 71 (in so far as it is not already in operation), and Article 290(1) in so far as it relates to those paragraphs	Minor and consequential amendments
Schedule 11, in so far as it relates to the repeals there specified in relation to— the Pensions (Northern Ireland) Order 1995, Articles 36(2), 41(2)(c) and 56to 61; the Welfare Reform and Pensions (Northern Ireland) Order 1999, Schedule 1 (in so far as the specified repeals are not already in operation) and paragraph 12 of Schedule 2, and Article 291 in so far as it relates to those provisions	Repeals

PART 2

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 9th DECEMBER 2005

Provisions of the Order	*Subject matter*
Article 101(1)	Board's functions and supplementary powers etc.
Article 158(1) to (3), (4)(a) and (b) and (5) to (9), in so far those provisions are not already in operation	Pension protection levies
Article 160(1) to (3) and (8)(a)	Amounts to be raised by the pension protection levies
Article 161	The levy ceiling
Article 163(1) to (3)	Pension protection levies during the transitional period
Article 164(1), in so far as it is not already in operation	Calculation, collection and recovery of levies
Schedule 10, paragraphs 39, 40 (in so far as it is not already in operation), 44, 48, 49, 70(2)(b) and (d) and (5) (in so far as it is not already in operation), and Article 290(1) in so far as it relates to those paragraphs	Minor and consequential amendments
Schedule 11, in so far as it relates to the repeals there specified in relation to Articles 49 and 49A(4) of the Pensions (Northern Ireland) Order 1995, and Article 291 in so far as it relates to those provisions	Repeals

PART 3

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 1st JANUARY 2006

Provisions of the Order	*Subject matter*
Article 152(1), (2)(a) to (c), (e) and (f) and (3)	Administration of compensation
Article 199	Pension sharing
Schedule 10, paragraphs 1 and 3, and Article 290(1) in so far as it relates to those paragraphs	Minor and consequential amendments