STATUTORY RULES OF NORTHERN IRELAND

2005 No. 321 (C. 24)

PENSIONS

The Pensions (2005 Order) (Commencement No. 5 and Appointed Day) Order (Northern Ireland) 2005

Made - - - - 29th June 2005

The Department for Social Development, in exercise of the powers conferred on it by Articles 1(2) and (6), 86(7) and 287(3) 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. 5 and Appointed Day) Order (Northern Ireland) 2005.

(2) In this Order, "the Order" means the Pensions (Northern Ireland) Order 2005 and any reference to a numbered Article or Schedule is a reference to the Article of, or Schedule to, the Order bearing that number.

Appointed days

2.—(1) The day appointed for the purposes of Article 86(7) (procedure for issue and publication of codes of practice) for the coming into effect of the Pensions Regulator Code of Practice No. 2: Notifiable Events is 30th June 2005.

(2) The day appointed for the coming into operation of Article 105(7) (insolvency event, insolvency date and insolvency practitioner) is 30th June 2005.

(3) The day appointed for the coming into operation of—

(a) Articles 165, 166, 168 and 169 (entitlement to fraud compensation), and

(b) paragraph 70(5) of Schedule 10 (amendment of paragraph 1 of Schedule 1 to the 1999 Order), in so far as it relates to Chapter 4 of Part III of the Order, and Article 290(1) in so far as it so relates to that paragraph,

for the purpose only of authorising the making of regulations, is 14th July 2005, and for all other purposes, is 1st September 2005.

(4) The day appointed for the coming into operation of Article 192 except paragraphs (4)(e) and (5)(e) (reference of reviewable matter to the PPF Ombudsman)—

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

(a) for the purpose only of authorising the making of regulations, is 1st July 2005, and

(b) for all other purposes, is the day after the day on which the first regulations under that Article are made.

(5) The day appointed for the coming into operation of Article 193 except paragraph (2)(k) (investigation by PPF Ombudsman of complaints of maladministration) –

(a) for the purpose only of authorising the making of regulations, is 1st July 2005, and

(b) for all other purposes, is the day after the day on which the first regulations under that Article are made.

(6) The day appointed for the coming into operation of Articles 194 to 197 (referral of questions of law, publishing reports etc., determinations of the PPF Ombudsman and obstruction etc. of the PPF Ombudsman) is the first day after the day on which the first regulations made under Article 192 or 193 come into operation, whichever is the earlier.

(7) The day appointed for the coming into operation of Article 216 (categories of pension scheme) —

(a) for the purpose only of authorising the making of regulations, is 1st July 2005, and

(b) for all other purposes—

(i) in the case of an occupational pension scheme that has its main administration in the United Kingdom, is 22nd September 2005, and

(ii) in all other cases, is 6th April 2006.

(8) The day appointed for the coming into operation of Article 233 (no indemnification for fines or civil penalties) is 30th June 2005.

(9) The day appointed for the coming into operation of Article 260 (power to prescribe conditions by reference to Inland Revenue approval) is 1st July 2005.

(10) The day appointed for the coming into operation of Article 292 (transitional adaptations etc.: section 322(1) of the Pensions Act 2004(**2**)) is 1st July 2005.

(11) The day appointed for the coming into operation of paragraph 68 of Schedule 10 (amendment of Article 9(2)(a) of the 1999 Order), and Article 290(1) in so far as it relates to that paragraph, is 22nd September 2005.

(12) The day appointed for the coming into operation of paragraph 70(3) of Schedule 10, in so far as it so relates to Articles 2 and 62, and Article 290(1) in so far as it relates to that paragraph, is 30th June 2005.

(13) The day appointed for the coming into operation of Schedule 11 (repeals) in so far as it relates to the repeals in sections 24 and 25 of the Pension Schemes Act, and Article 291 in so far as it relates to those provisions, is 6th April 2006.

(14) The day appointed for the coming into operation of the provisions of the Order specified in Part 1 of the Schedule to this Order—

(a) for the purpose only of authorising the making of regulations, is 1st July 2005, and

(b) for all other purposes, is 22nd September 2005.

(15) The day appointed for the coming into operation of the provisions of the Order specified in Part 2 of the Schedule to this Order—

(a) for the purpose only of authorising the making of regulations, is 1st July 2005, and

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

(**2**) 2004 c. 35

(16) The day appointed for the coming into operation of the provisions of the Order specified in Part 3 of the Schedule to this Order is 1st September 2005.

Sealed with the Official Seal of the Department for Social Development on 29th June 2005.

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

SCHEDULE Article 2(14), (15) and (16)

PART 1

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 1ST JULY 2005 FOR THE PURPOSE ONLY OF AUTHORISING THE MAKING OF REGULATIONS, AND ON 22ND SEPTEMBER 2005 FOR ALL OTHER PURPOSES

Provisions of the Order	*Subject matter*
Article 229	UK-based scheme to be trust with effective rules
Article 232	Activities of occupational pension schemes

PART 2

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 1ST JULY 2005 FOR THE PURPOSE ONLY OF AUTHORISING THE MAKING OF REGULATIONS, AND ON 6TH APRIL 2006 FOR ALL OTHER PURPOSES

Provisions of the Order	*Subject matter*
Article 246	Payments made by employers and members to occupational pension schemes
Article 261	Restrictions on commutation and age at which benefits may be received

PART 3

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 1ST SEPTEMBER 2005

Provisions of the Order	*Subject matter*
Article 156(2) to (6) except paragraph (5)(d)	Relationship with fraud compensation regime
Article 167	Recovery of value
Schedule 8, paragraphs 20 to 26, 29 and 30	Reviewable matters
Schedule 10, paragraphs 50(b), and 70(3) in so far as it relates to Chapter 4 of Part III of the Order, and Article 290(1) in so far as it relates to those provisions	Consequential amendments
Schedule 11, in so far as it relates to the specified repeals in relation to— the Pensions (Northern Ireland) Order 1995, Articles 78 to 84; the Welfare Reform and Pensions (Northern Ireland) Order 1999, Article	Repeals

Provisions of the Order	*Subject matter*
16, paragraph 1(2)(b)(ix) of Schedule 1 and paragraph 13 of Schedule 2, and Article 291 in so far as it relates to those provisions	

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 ("the Order")—

Articles 105(7) and 233 and paragraph 70(3) of Schedule 10 (in part), on 30th June 2005;

Articles 260 and 292, on 1st July 2005;

Article 192 except paragraphs (4)(e) and (5)(e), for the purpose only of authorising the making of regulations, on 1st July 2005, and for all other purposes, on the day after the day on which the first regulations under that Article are made;

Article 193 except paragraph (2)(k), for the purpose only of authorising the making of regulations, on 1st July 2005, and for all other purposes, on the day after the day on which the first regulations under that Article are made;

Articles 194 to 197 on the first day after the day on which the first regulations made under Article 192 or 193 come into operation, whichever is the earlier;

Articles 229 and 232, for the purpose only of authorising the making of regulations, on 1st July 2005, and for all other purposes, on 22nd September 2005;

Article 216, for the purpose only of authorising the making of regulations, on 1st July 2005, and for all other purposes, and in respect of particular cases, on 22nd September 2005, and in all other cases, on 6th April 2006;

Articles 246 and 261, for the purpose only of authorising the making of regulations, on 1st July 2005, and for all other purposes, on 6th April 2006;

Articles 165, 166, 168 and 169 and paragraph 70(5) of Schedule 10 (in part), for the purpose only of authorising the making of regulations, on 14th July 2005, and for all other purposes, on 1st September 2005;

Articles 156(2) to (6) except paragraph (5)(d) and 167, paragraphs 20 to 26, 29 and 30 of Schedule 8, paragraphs 50(b), and 70(3) of Schedule 10 (in part), and Schedule 11 (in part), on 1st September 2005;

paragraph 68 of Schedule 10, on 22nd September 2005;

Schedule 11 (in part), on 6th April 2006.

This Order also appoints the day, for the purposes of Article 86(7) of the Order, for the coming into effect of the Pensions Regulator Code of Practice No. 2: Notifiable Events as 30th June 2005.