

2005 No. 375

PENSIONS

**The Pensions (2005 Order) (Pensions Compensation Board
Transitional Adaptations and Savings) Order
(Northern Ireland) 2005**

Made - - - - *8th August 2005*

Coming into operation - *1st September 2005*

The Department for Social Development, in exercise of the powers conferred on it by Articles 287(3) and 292 of the Pensions (Northern Ireland) Order 2005(a) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Pensions (2005 Order) (Pensions Compensation Board Transitional Adaptations and Savings) Order (Northern Ireland) 2005 and shall come into operation on 1st September 2005.

(2) In this Order—

“the Order” means the Pensions (Northern Ireland) Order 2005;

“function of the Pensions Compensation Board” means—

- (a) the review under Article 78 of the 1995 Order(b) (review of Compensation Board’s decisions) of a determination made by the Pensions Compensation Board before 1st September 2005 in relation to a function of the Pensions Compensation Board specified in any of paragraphs (b) to (e);
- (b) the determination under Article 79(4) of the 1995 Order (recoveries of value) as to whether anything received by the trustees of an occupational pension scheme is a recovery of value;
- (c) the determination that Article 79 of the 1995 Order(c) (cases where compensation provisions apply) applies to applications for compensation payments and that such applications comply with the requirements of Article 80 of the 1995 Order (applications for payments);
- (d) the determination of settlement dates, and making pension compensation payments in accordance with Article 81 of the 1995 Order(d) (amount of compensation);
- (e) the determination as to when to make payments in anticipation under Article 82 of the 1995 Order (payments made in anticipation);

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

(b) S.I. 1995/3213 (N.I. 22); Article 78 was amended by Article 254(2) of the Pensions (Northern Ireland) Order 2005

(c) Article 79 was amended by Article 16(1) and (2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and Article 254(3) of the Pensions (Northern Ireland) Order 2005

(d) Article 81 was amended by Article 16(3) to (6) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and Article 254(4) of the Pensions (Northern Ireland) Order 2005

- (f) for the purposes of Article 2(2) of this Order, the functions specified in paragraphs (a) to (e) and any determination in relation to an application for a pension compensation payment made under Article 80 of the 1995 Order where the circumstances in article 4(7) of the Pensions Act 2004 (Commencement No. 6, Transitional Provisions and Savings) Order 2005(a) apply.

“the Pensions Compensation Board” means the Pensions Compensation Board established under section 78 of the Pensions Act 1995(b) (the Compensation Board).

Transitional adaptations

2.—(1) Where anything which, immediately before 1st September 2005, is in the process of being done by, or in relation to, the Pensions Compensation Board pursuant to, or for the purposes of, any function of the Pensions Compensation Board is continued by, or in relation to, the Board pursuant to, or for the purposes of, that function, Articles 78 to 82 of the 1995 Order shall be read as if references to “the Compensation Board” were references to “the Board of the Pension Protection Fund”.

(2) Where any function of the Pensions Compensation Board falls to be exercised by the Board, Schedule 8 to the Order (reviewable matters) shall be modified as if after paragraph 30 there were added the following paragraph—

“31. Any determination by the Board, or any failure by the Board, to exercise any function of the Pensions Compensation Board under Articles 79 to 82 of the 1995 Order (compensation provisions) where any such function is exercised by the Board as if it were a function of the Board conferred on it under, or by virtue of, this Order.”.

Savings

3. Subject to the transitional adaptations in Article 2(1), Articles 78 to 82 of the 1995 Order shall, so far as is required for the purpose of giving effect to Article 2(1), continue to have effect as they were in operation immediately before their repeal by Schedule 11 to the Order.

Sealed with the Official Seal of the Department for Social Development on 8th August 2005.



John O'Neill

A senior officer of the Department for Social Development

(a) S.I. 2005/1720 (C. 73)

(b) 1995 c. 26; section 78 was amended by Article 145 of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional adaptations and savings in connection with the dissolution of the Pensions Compensation Board.

Article 2(1) provides for references to the Pensions Compensation Board to be read as references to the Board of the Pension Protection Fund (“the Board”) in relation to anything which is continued by, or in relation to, the Board pursuant to, or for the purposes of, any function of the Pensions Compensation Board.

Article 2(2) provides for an addition to the reviewable matters mentioned in Schedule 8 to the Pensions (Northern Ireland) Order 2005.

Article 3 saves provisions of the Pensions (Northern Ireland) Order 1995 for the purpose of giving effect to the transitional adaptations in Article 2(1).

The Pensions (2005 Order) (Commencement No. 5 and Appointed Day) Order (Northern Ireland) 2005 (S.R. 2005 No. 321 (C. 24)) provides for the coming into operation of Article 292, under which this Order is made, on 1st July 2005.

© Crown Copyright 2005

£3.00

Published by The Stationery Office Limited

ISBN 0-337-96124-7



9 780337 961243