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STATUTORY INSTRUMENTS

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**2005 No. 275**

**The Pensions Act 2004 (Commencement No. 2, Transitional Provisions and Consequential Amendments) Order 2005**

*Citation, interpretation and appointed days*

**Citation and interpretation**

1.—(1) This Order may be cited as the Pensions Act 2004 (Commencement No. 2, Transitional Provisions and Consequential Amendments) Order 2005.

(2) In this Order—

“the 1993 Act” means the Pension Schemes Act 1993<sup>(1)</sup>;

“the 1995 Act” means the Pensions Act 1995<sup>(2)</sup>;

“the Act” means the Pensions Act 2004.

**Appointed days**

2.—(1) The day appointed for the coming into force of the provisions of the Act specified in Part 1 of the Schedule—

(a) for the purpose only of conferring power to make regulations or orders, as the case may be, is 10th February 2005; and

(b) for all other purposes, is 8th March 2005.

(2) The day appointed for the coming into force of the provisions of the Act specified in Part 2 of the Schedule—

(a) for the purpose only of conferring power to make regulations, is 10th February 2005; and

(b) for all other purposes, is 1st April 2005.

(3) Subject to paragraphs (8) and (10), the day appointed for the coming into force of the provisions of the Act specified in Part 3 of the Schedule—

(a) for the purpose only of conferring power to make regulations, orders or rules, as the case may be, is 10th February 2005; and

(b) for all other purposes, is 6th April 2005.

(4) The day appointed for the coming into force of the provisions of the Act specified in Part 4 of the Schedule is 10th February 2005.

(5) The day appointed for the coming into force of the provisions of the Act specified in Part 5 of the Schedule is 8th March 2005.

(6) The day appointed for the coming into force of the provisions of the Act specified in Part 6 of the Schedule is 1st April 2005.

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(1) 1993 c. 48.

(2) 1995 c. 26.

(7) Subject to paragraph (12), the day appointed for the coming into force of the provisions of the Act specified in Part 7 of the Schedule is 6th April 2005.

(8) Paragraph (3) does not apply as respects section 270 of the Act, so far as it affects sections 73 and 74 of the 1995 Act as they apply immediately before 6th April 2005 to any scheme which—

- (a) was regarded at that time by virtue of regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations 1996<sup>(3)</sup> as having begun to be wound up for the purposes of those Regulations; or
- (b) in accordance with section 124(3A) to (3E) of the 1995 Act<sup>(4)</sup> began to wind up before that date.

(9) In paragraph (8) the reference to a scheme includes a reference to any section of a scheme to which sections 73 and 74 of the 1995 Act apply as if it were a scheme by virtue of regulation 12 of those Regulations.

(10) Paragraph (3) does not apply as respects section 271 of the Act, so far as it affects section 75 of the 1995 Act as it applies immediately before 6th April 2005 to—

- (a) any scheme other than a money purchase scheme in the case of which a debt to the trustees or managers of the scheme has been treated as arising under section 75(1) of the 1995 Act before that date;
- (b) any scheme regarded at that time by virtue of regulation 2 of the Occupational Pension Schemes (Deficiency on Winding Up etc.) Regulations 1996<sup>(5)</sup> as having begun to be wound up for the purposes of those Regulations; or
- (c) any scheme which in accordance with section 124(3A) to (3E) of the 1995 Act began to wind up before that date.

(11) In paragraph (10) the reference to a scheme includes a reference to any section of a scheme to which section 75 of the 1995 Act applies as if it were a scheme by virtue of regulation 4 or 8 of those Regulations.

(12) Paragraph (7) does not apply as respects section 265 of the Act, so far as it affects any period of paternity leave or adoption leave which began before 6th April 2005.

### *Transitional adaptations and modifications*

#### **Transitional provisions in relation to the Pensions Compensation Board**

3.—(1) For the purposes of the provision of information by the Pensions Ombudsman to the Pensions Compensation Board section 149(6) of the 1993 Act shall have effect until 1st September 2005 as if there were inserted after the end of paragraph (ba) (as substituted by paragraph 25 of Schedule 12 to the Act)—

“(bb) the Pensions Compensation Board,”.

(2) The Table in section 158A(1) of the 1993 Act shall have effect until 1st September 2005 as if the entry relating to the Pensions Compensation Board (prior to its substitution by paragraph 26 of Schedule 12 to the Act) remained in place.

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(3) S.I.1996/3126.

(4) Subsections (3) to (3E) were inserted into section 124 by section 49(2) of the Child Support, Pensions and Social Security Act 2000 (c. 19)

(5) S.I. 1996/3128.

**Transitional provision and saving in relation to section 175 of the 1993 Act (levies towards certain expenditure)**

4. Notwithstanding anything in this Order, section 175(8) of the 1993 Act continues to apply to a levy for which any person was liable by virtue of section 175 of that Act immediately before 1st April 2005, but which has not been paid in full before that date, as it had effect immediately before that date, except that the reference to “the Registrar” shall be read as if it were a reference to “the Regulatory Authority”.

**Consequential amendment of the Paternity and Adoption Leave Regulations 2002**

5.—(1) The Paternity and Adoption Leave Regulations 2002<sup>(6)</sup> shall be amended in accordance with this article.

(2) In paragraph (2) of regulations 14 (incidents of the right to return after paternity leave) and 27 (incidents of the right to return from adoption leave) for the words from “paragraphs 5” to “family leave.” substitute “paragraphs 5, 5B and 6 of Schedule 5 to the Social Security Act 1989<sup>(7)</sup> (equal treatment under pension schemes: maternity absence, adoption leave and family leave).”.

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

9th February 2005

*Malcolm Wicks*  
Minister of State,  
Department for Work and Pensions

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<sup>(6)</sup> S.I. 2002/2788; the relevant amending instrument is S.I. 2004/923.

<sup>(7)</sup> 1989 c. 24; paragraph 5 is amended by section 21(1) of, and paragraph 29 of Schedule 6 to, the Social Security Act 1990 (c. 27). Paragraphs 5A and 5B are inserted by section 265 of the Pensions Act 2004.