

**EXPLANATORY MEMORANDUM TO
THE PENSIONS ACT 2007 (ACTUARIAL GUIDANCE) (CONSEQUENTIAL
PROVISIONS) ORDER 2008**

2008 No. 2301

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 The Order will remove references in secondary legislation to the approval by the Secretary of State of certain actuarial Guidance Notes and a Technical Memorandum which apply to pension schemes.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 Section 17 of, and Schedule 5 to, the Pensions Act 2007 remove the requirement for Secretary of State's approval of pensions Guidance Notes and a Technical Memorandum. In consequence, the Order removes references to Secretary of State's approval of those guidance documents in various Statutory Instruments.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to Great Britain.
6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy Background**
 - 7.1 The Morris Review of the Actuarial Profession recommended that the Financial Reporting Council should establish a new regime to set actuarial standards and to oversee the regulation of the Profession. The Financial Reporting Council is the UK's independent regulator for corporate reporting and governance. The Government accepted this recommendation and on 6 April 2007 the new Board for Actuarial Standards adopted and took responsibility for the existing versions of

pensions Guidance Notes and the Technical Memorandum. In order to maintain the independence of the Financial Reporting Council, and through it the Board for Actuarial Standards, as the UK's independent regulator for corporate reporting and governance, the Pensions Act 2007 removed from the primary legislation the requirement for the Secretary of State to approve those Guidance Notes and the Technical Memorandum.

8. Impact

- 8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on the private or voluntary sectors.
- 8.2 There is no impact on the public sector.

9. Contact

Tim Found at the Department for Work and Pensions (Tel: 020 7962 8564 or e-mail: tim.found@dwp.gsi.gov.uk) can answer any queries regarding the instrument.