

**2012 No. 1681 (C. 64)**

**PENSIONS**

**The Pensions Act 2011 (Commencement No. 3) Order 2012**

*Made*   -   -   -   -

*28th June 2012*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by section 38(4) and (5) of the Pensions Act 2011<sup>(a)</sup>.

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Pensions Act 2011 (Commencement No. 3) Order 2012.  
(2) In this Order, “the Act” means the Pensions Act 2011.

**Commencement of provisions**

2.—(1) The following provisions of the Act come into force, in so far as they are not already in force, on 30th June 2012—

- (a) section 4 (automatic re-enrolment where scheme membership interrupted);
- (b) section 6 (postponement or disapplication of automatic enrolment);
- (c) section 11 (test scheme standard for schemes that produce sum of money for provision of benefits);
- (d) section 14 (transitional period for defined benefits and hybrid schemes to be optional);  
and
- (e) section 15 (arrangements where transitional conditions cease to be satisfied).

(2) The following provisions of the Act come into force on 30th June 2012—

- (a) section 5 (earnings trigger for automatic enrolment and re-enrolment);
- (b) section 16 (power of managers to modify by resolution);
- (c) section 17 (no indemnification for civil penalties); and
- (d) section 36 (service of documents and electronic working).

3. The following provisions of the Act come into force on 23rd July 2012—

- (a) section 22 (Pension Protection Fund), in so far as it relates to the paragraphs specified in paragraph (b) of this article; and
- (b) the following paragraphs of Schedule 4 (Pension Protection Fund)—
  - (i) paragraph 1 (introductory provision for amendments to the Pensions Act 2004<sup>(b)</sup>) in so far as it relates to the paragraphs specified in sub-paragraphs (ii) and (iii) of this paragraph;

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(a) 2011 c. 19.  
(b) 2004 c. 35.

- (ii) paragraphs 2 to 13 (requirements to obtain actuarial valuations); and
- (iii) paragraphs 14 to 16 (requirement to obtain protected benefits quotation).

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

28th June 2012

*Steve Webb*  
Minister of State,  
Department for Work and Pensions

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force certain provisions of the Pensions Act 2011 (c. 19) (“the Act”), in so far as they are not already in force, on 30th June 2012 and 23rd July 2012.

Article 2 commences the following provisions of the Act on 30th June 2012—

- sections 4, 5 and 6 which relate to automatic enrolment and re-enrolment;
- section 11 which relates to the test scheme standard for defined benefits schemes which produce a sum of money;
- sections 14 and 15 which relate to the transitional period for defined benefits and hybrid schemes in which the automatic enrolment duty can be delayed;
- section 16 which relates to the power of managers to modify the scheme by resolution;
- section 17 which amends section 256 of the Pensions Act 2004 (c. 35) so as to prevent trustees subject to a civil penalty under section 40 or 41 of the Pensions Act 2008 (c. 30) from being reimbursed from scheme funds; and
- section 36 which relates to the service of documents and electronic working.

Article 3 commences section 22 of, and Schedule 4 to, the Pensions Act 2004 on 23rd July 2012 in so far as they relate to the requirements to obtain actuarial valuations and the requirement to obtain a protected benefits quotation.

### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2 (partially)	6th April 2012	2011/3034
Section 8	3rd January 2012	2011/3034
Section 9	6th March 2012	2012/682
Section 12	6th March 2012	2012/682
Section 13	6th March 2012	2012/682
Section 19	3rd January 2012	2011/3034
Section 20	1st January 2012	2011/3034
Section 21	3rd January 2012	2011/3034
Section 22 (partially)	3rd January 2012	2011/3034
Sections 23 and 24	3rd January 2012	2011/3034
Section 26	3rd January 2012	2011/3034

Section 34	3rd January 2012	2011/3034
Section 35	3rd January 2012	2011/3034
Schedule 2 (partially)	6th April 2012	2011/3034
Schedule 4 (partially)	3rd January 2012	2011/3034
Schedule 5	3rd January 2012	2011/3034

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