

2017 No. 297 (C. 27)

PENSIONS

The Pensions Act 2014 (Commencement No.10) Order 2017

Made - - - -

7th March 2017

The Secretary of State for Work and Pensions makes the following Order in exercise of the power conferred by section 56(1) and (7) of the Pensions Act 2014(a).

Citation

1. This Order may be cited as the Pensions Act 2014 (Commencement No.10) Order 2017.

Commencement relating to the Pension Protection Fund

2. The day appointed for the coming into force of section 50 of, and Schedule 20 to, the Pensions Act 2014 (Pension Protection Fund: increased compensation cap for long service) is—

- (a) in so far as they relate to paragraphs 6(3) and 22 of that Schedule, the day after the day on which this Order is made; and
- (b) for all remaining purposes, 6th April 2017.

Commencement for bereavement support payment

3.—(1) Subject to paragraph (2), Part 5 of the Pensions Act 2014 (bereavement support payment) comes into force on—

- (a) the day after the day on which this Order is made, for the purposes of making Regulations; and
- (b) 6th April 2017, for all other purposes.

(2) Subject to articles 4 and 5, section 31(5) of, and Schedule 16 to, the Pensions Act 2014 (amendments to do with bereavement support payment) come into force on 6th April 2017 to the extent that they are not already in force.

Later commencement for abolition of bereavement payment and bereavement allowance

4.—(1) Section 31(5) of, and Schedule 16 to, the Pensions Act 2014 do not come into force in accordance with article 3(2) for a person to whom this article applies.

(2) This article applies to a person who, on 5th April 2017—

- (a) was entitled to—

- (i) a bereavement payment under section 36 of the Social Security Contributions and Benefits Act 1992 (bereavement payment)(a); or
 - (ii) a bereavement allowance under section 39B of that Act (bereavement allowance where no dependent children)(b); or
 - (b) would have been entitled to such a benefit if they made a claim for it.
- (3) But this article ceases to apply to a person if—
- (a) they were entitled to a benefit in accordance with paragraph (2)(a) and they are no longer entitled to that benefit; or
 - (b) they would have been entitled to a benefit in accordance with paragraph (2)(b) and they would no longer be entitled to that benefit if they made a claim for it.
- (4) On the date this article ceases to apply to a person, section 31(5) of, and Schedule 16 to, the Pensions Act 2014 come into force for that person to the extent that they are not already in force.

Commencement for entitlement to bereavement payment and bereavement support payment

5.—(1) Section 31(5) of, and Schedule 16 to, the Pensions Act 2014 do not come into force in accordance with article 3(2) for a person to whom this article applies.

(2) This article applies to a person—

- (a) whose spouse or civil partner died in the 12 months before 6th April 2017;
- (b) who would have been entitled to a bereavement payment under section 36 of the Social Security Contributions and Benefits Act 1992 if they had made a claim for it;
- (c) who formed a new marriage or civil partnership; and
- (d) whose new spouse or civil partner died—
 - (i) on or after 6th April 2017; and
 - (ii) within 12 months of the death referred to in sub-paragraph (a).

(3) Section 31(5) of, and Schedule 16 to, the Pensions Act 2014 come into force, to the extent that they are not already in force, for a person to whom this article applies—

- (a) at the end of the period of 12 months starting on the day on which the death referred to in paragraph (2)(a) occurred, for the purposes of entitlement to bereavement payment under section 36 of the Social Security Contributions and Benefits Act 1992 for the death referred to in paragraph (2)(a); and
- (b) on 6th April 2017, for the purposes of entitlement to bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) for the death referred to in paragraph (2)(d).

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

Caroline Nokes
Parliamentary Under- Secretary of State,
Department for Work and Pensions

7th March 2017

EXPLANATORY NOTE

(This note is not part of the Order)

This is the tenth Commencement Order made under the Pensions Act 2014 (c.19).

(a) 1992 c.4. Section 36 was substituted by section 54 of the Welfare Reform and Pensions Act 1999 (c.30) and amended by paragraph 16 of Schedule 24 to the Civil Partnership Act 2004 (c.33) and S.I.s 2014/560 and 3229 and 2016/408.

(b) Section 39B was inserted by section 55(2) of the Welfare Reform and Pensions Act 1999 and amended by paragraph 21 of Schedule 24 and Schedule 30 to the Civil Partnership Act 2004 and S.I.s 2014/560 and 3229.

Article 2 brings into force section 50 of, and Schedule 20 to, the Pensions Act 2014. Those provisions relate to the Pension Protection Fund, which pays compensation to members of eligible occupational pension schemes when the employer becomes insolvent. The pension compensation is subject to a maximum cap – the compensation cap. Together, section 50 and Schedule 20 provide for a revised (increased) compensation cap dependent on a person’s age and length of service when the person first becomes entitled to compensation. Article 2 provides that the day appointed for the coming into force of paragraphs 6(3) and 22 of Schedule 20 (which relate to the power to make subordinate legislation) is the day after the day on which this Order is made. It commences the remaining provisions of Schedule 20 on 6th April 2017.

Articles 3 to 5 bring into force Part 5 of the Pensions Act 2014, which creates a new social security benefit called Bereavement Support Payment. It is for people whose spouse or civil partner died on or after 6th April 2017 and is payable to a person who has made sufficient National Insurance contributions. The new benefit replaces existing benefits called Bereavement Allowance, Bereavement Payment and Widowed Parent’s Allowance.

Article 3(1) brings into force the main provisions for Bereavement Support Payment on 6th April 2017. It also brings into force enabling powers before that date for the purposes of making the Bereavement Support Payment Regulations 2017.

Articles 3(2), 4 and 5 make commencements relating to Bereavement Allowance and Bereavement Payment. Those existing benefits continue to be payable for people whose spouse or civil partner died before 6th April 2017 (provided they continue to meet the entitlement conditions). Article 4 commences repeals to the legislation relating to Bereavement Allowance and Bereavement Payment on the date those benefits are no longer payable for such a person. Article 5 makes similar commencements for people whose first spouse or civil partner dies before 6th April 2017 and second spouse or civil partner dies on or after 6th April 2017 within 12 months of the death of their first spouse.

An impact assessment has not been produced for this Order as it has no impact on business or civil society organisations. An assessment has been made of the impact of the introduction of the Pension Protection Fund increased cap for long service. A copy may be obtained from the Legislation Team of the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA or from the GOV.UK website at: <https://www.gov.uk/government/publications/pensions-act-2013-impact-assessments-may-2014> (annex J contains the assessment for the cap). An assessment has also been made of the impact of the introduction of Bereavement Support Payment. A copy may be obtained from the same address or from the GOV.UK website at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311316/pensions-act-ia-annex-a-single-tier-state-pension.pdf. (Annex A contains the assessment for Bereavement Support Payment.)

NOTE AS TO EARLIER COMMENCEMENT ORDERS AND REGULATIONS

(This note is not part of the Order)

The following provisions of the Pensions Act 2014 were brought into force by a Statutory Instrument which was made before this Order was made.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2(3) (partially)	5th February 2015	2015/134
Section 3(1) (partially)	23rd February 2016	2016/203
Section 4(2) (partially)	5th February 2015	2015/134
Section 8(3), (7) and (8) (partially)	5th February 2015	2015/134
Section 10 (partially)	23rd February 2016	2016/203
Section 13(2) (partially)	5th February 2015	2015/134

Section 14(2) (partially)	5th February 2015	2015/134
Section 15 (partially)	5th February 2015	2015/134
Section 16(1) and (6) (partially)	5th February 2015	2015/134
Section 17(4) and (5) (partially)	5th February 2015	2015/134
Section 18(1) (partially)	5th February 2015	2015/134
Section 18(2) to (4) (partially)	23rd February 2016	2016/203
Section 19(1) and (3) (partially)	5th February 2015	2015/134
Section 20 (partially)	23rd February 2016	2016/203
Section 22(1) (partially)	5th February 2015	2015/134
Section 23 (partially)	1st October 2014	2014/2377
Section 23 (partially)	7th July 2015	2015/1475
Section 23 (partially)	15th January 2016	2015/2058
Section 24(1) (partially)	7th July 2015	2015/1475
Section 24(2) to (9)	23rd February 2015	2015/134
Section 25 (partially)	1st October 2014	2014/2377
Section 25 (partially)	12th October 2015	2015/1475
Section 25 (partially)	12th October 2015	2015/1670
Section 28(1) and (2)	6th April 2016	2015/1475
Section 28(3)	7th July 2015	2015/1475
Section 31(5) (partially)	8th February 2017	2017/111
Section 33 (partially)	11th September 2014	2014/2377
Section 36	1st October 2015	2015/134
Sections 37 and 38	11th September 2014	2014/2377
Section 39	12th September 2014	2014/2377
Section 40	11th September 2014	2014/2377
Sections 42 and 43	11th September 2014	2014/2377
Sections 45 and 46	11th September 2014	2014/2377
Section 49	11th September 2014	2014/2377
Section 52	23rd July 2014	2014/1965
Paragraph 4 of Schedule 8 (partially)	5th February 2015	2015/134
Paragraph 4 of Schedule 10 (partially)	5th February 2015	2015/134
Paragraph 11 of Schedule 11 (partially)	5th February 2015	2015/134
Paragraphs 2 and 6(1) and (3) of Schedule 12 (partially)	15th January 2016	2015/2058
Paragraphs 8 and 88 of Schedule 12 (partially)	7th July 2015	2015/1475
Paragraphs 25 and 90 of Schedule 12	7th July 2015	2015/1475
Paragraphs 96 and 97(b) of Schedule 12	1st October 2014	2014/2377
Paragraphs 1, 24 and 25 of Schedule 13 (partially)	7th July 2015	2015/1475
Schedule 14	23rd February 2015	2015/134
Paragraphs 1 to 10 and 12 to 14 of Schedule 15	12th October 2015	2015/1475
Paragraphs 3, 7 and 17 of Schedule 15 (partially)	1st October 2014	2014/2377
Paragraphs 11 and 20 of Schedule 15	13th October 2014	2014/2727
Paragraphs 15 to 19, 21 and 22 of Schedule 15	12th October 2015	2015/1670
Paragraphs 20 (partially) and 33 of Schedule 16	8th February 2017	2017/111
Paragraph 15(1) of Schedule 17 (partially)	11th September 2014	2014/2377
Schedules 18 and 19	11th September 2014	2014/2377

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