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STATUTORY INSTRUMENTS

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**2005 No. 1108 (C. 46)**

**PENSIONS**

**The Pensions Act 2004 (Commencement  
No. 4 and Amendment) Order 2005**

*Made* - - - - *5th April 2005*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 91(9), 315(5) and 322(1) of the Pensions Act 2004<sup>(1)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Pensions Act 2004 (Commencement No. 4 and Amendment) Order 2005.

(2) In this Order “the Act” means the Pensions Act 2004.

**Appointed days**

2.—(1) The day appointed for the purposes of section 91(9) of the Act (procedure for the issue and publication of codes of practice) for the coming into effect of the Pensions Regulator Code of Practice No. 1: Reporting breaches of the Law is 6th April 2005.

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

**Amendment of the Pensions Act 2004 (Commencement No. 3, Transitional Provisions and Amendment) Order 2005**

3. The Pensions Act 2004 (Commencement No. 3, Transitional Provisions and Amendment) Order 2005<sup>(2)</sup> shall be amended in accordance with the following paragraphs of this article—

(a) after article 6 (savings), insert the following article—

“**6A.**—(1) Notwithstanding the repeals of section 74 of the 1995 Act (discharge of liabilities by insurance, etc.) mentioned in Schedule 1, that section shall continue to have effect as it applied immediately before 6th April 2005 to any scheme which—

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(1) 2004 c. 35.

(2) S.I. 2005/695 (C.29).

- (a) was regarded at that time by virtue of regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations 1996<sup>(3)</sup> (commencement of winding up) 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> (interpretation: time at which the winding up of an occupational pension scheme shall be taken to begin) began to wind up before that date.
- (2) In paragraph (1), the reference to a scheme includes a reference to any section of a scheme to which section 74 of the 1995 Act applies as if it were a scheme by virtue of regulation 12 of those Regulations<sup>(5)</sup> (winding up of sectionalised schemes etc.); and
- (b) in Schedule 3 (provisions referred to in article 6 which are to continue to have effect as if they were in force immediately before their amendment or repeal by the Act), after the entry in the table relating to section 103—
    - (i) in column 1, insert “Section 124(1)”; and
    - (ii) in column 2, insert “Interpretation of Part 1”.

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

5th April 2005

*Chris Pond*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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<sup>(3)</sup> S.I. 1996/3126.

<sup>(4)</sup> Subsections (3A) to (3E) were inserted by the Child Support, Pensions and Social Security Act 2000 (c. 19). Subsections (3A) and (3E) are amended by section 319(1) of, and paragraph 69 of Schedule 12 to, the Pensions Act 2004.

<sup>(5)</sup> Regulation 12(1) was substituted and regulation 12(2) was deleted by regulation 17 of S.I. 1997/786.

SCHEDULE

Article 2(2)

PROVISIONS OF THE ACT COMING INTO FORCE ON 6TH APRIL 2005

<i>Provisions of the Act</i>	<i>Subject Matter</i>
section 164	postponement of compensation entitlement for the assessment period
Schedule 12, paragraphs 9, 34, 44, 46(b), 59, 60, 67 and 71, and section 319(1) in so far as it relates to those paragraphs	consequential amendments
Schedule 13 in so far as it relates to specified repeals in relation to—	repeals
the Social Security Contributions (Transfer of Functions, etc.) Act 1999, paragraphs 67 and 68 of Schedule 1;	
the Welfare Reform and Pensions Act 1999, paragraph 60 of Schedule 12;	
the Child Support, Pensions and Social Security Act 2000, section 47(1), (2) and (4) and paragraph 10 of Schedule 5;	
and section 320 in so far as it relates to those provisions	

**EXPLANATORY NOTE**

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

This Order appoints the day for the purposes of section 91(9) of the Pensions Act 2004 (c. 35) (“the Act”) for the coming into effect of the Pensions Regulator Code of Practice No. 1: Reporting breaches of the law as 6th April 2005. It also appoints the day for the coming into force of certain other miscellaneous provisions as 6th April 2005.

This Order also amends the Pensions Act 2004 (Commencement No. 3, Transitional Provisions and Amendment) Order 2005 (S.I.2005/695 (C.29)) (“the No. 3 Order”) so as to make a transitional saving in respect of the repeals of section 74 of the Pensions Act 1995 (c. 26) made by Schedule 13 to the Act which were commenced by Schedule 1 to the No. 3 Order. This Order also, for the purposes of article 6 of the No. 3 Order, adds section 124(1) of the Pensions Act 1995 to the list of provisions specified in Schedule 3 to that Order which are to continue to have effect as they were in force immediately before their amendment or repeal by the Act.

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## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Pensions Act 2004 have been brought into force on the dates shown by commencement orders before the date of this Order. Some of these provisions will not be in force on the date that this Order is made

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 1	17th December 2004	2004/3350
section 2 (partially)	17th December 2004	2004/3350
section 2 (partially)	6th April 2005	2005/275
section 3 (partially)	17th December 2004	2004/3350
section 3 (partially)	10th February 2005	2005/275
section 3 (partially)	1st April 2005	2005/275
section 4 (partially)	17th December 2004	2004/3350
section 4 (partially)	6th April 2005	2005/275
section 5 (partially)	17th December 2004	2004/3350
section 5 (partially)	6th April 2005	2005/275
section 6	17th December 2004	2004/3350
section 7	6th April 2005	2005/275
section 8 (partially)	17th December 2004	2004/3350
section 8 (for all other purposes)	6th April 2005	2005/275
section 10 (partially)	17th December 2004	2004/3350
section 10 (for all other purposes)	6th April 2004	2005/695
section 12 (partially)	17th December 2004	2004/3350
section 13	6th April 2005	2005/275
section 14	6th April 2005	2005/275
section 15	6th April 2005	2005/275
section 16	6th April 2005	2005/275
section 17	6th April 2005	2005/275
section 18 (partially)	6th April 2005	2005/275
section 19 (partially)	10th February 2005	2005/275
section 19 (for all other purposes)	6th April 2005	2005/275
section 20 (partially)	6th April 2005	2005/275
section 21 (partially)	10th February 2005	2005/275

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 21 (for all other purposes)	6th April 2005	2005/275
section 22	6th April 2005	2005/275
section 23 (partially)	10th February 2005	2005/275
section 23 (for all other purposes)	6th April 2005	2005/275
section 24 (partially)	10th February 2005	2005/275
section 24 (for all other purposes)	6th April 2005	2005/275
section 25	6th April 2005	2005/275
section 26	6th April 2005	2005/275
section 27	6th April 2005	2005/275
section 28	6th April 2005	2005/275
section 29	6th April 2005	2005/275
section 30 (partially)	10th February 2005	2005/275
section 30 (for all other purposes)	6th April 2005	2005/275
section 31	6th April 2005	2005/275
section 32	6th April 2005	2005/275
section 33	6th April 2005	2005/275
section 34	6th April 2005	2005/275
section 35	6th April 2005	2005/275
section 36 (partially)	10th February 2005	2005/275
section 36 (for all other purposes)	6th April 2005	2005/275
section 37	6th April 2005	2005/274
section 38 (partially)	10th February 2005	2005/275
section 38 (partially)	6th April 2005	2005/275
section 39	6th April 2005	2005/275
section 40	6th April 2005	2005/275
section 41 (partially)	6th April 2005	2005/275
section 42 (partially)	6th April 2005	2005/275
section 43 (partially)	10th February 2005	2005/275
section 43 (partially)	6th April 2005	2005/275
section 44 (partially)	10th February 2005	2005/275

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 44 (for all other purposes)	6th April 2005	2005/275
section 45 (partially)	10th February 2005	2005/275
section 45 (for all other purposes)	6th April 2005	2005/275
section 46	6th April 2005	2005/275
section 47 (partially)	6th April 2005	2005/275
section 48	6th April 2005	2005/275
section 49	6th April 2005	2005/275
section 50 (partially)	6th April 2005	2005/275
section 51	6th April 2005	2005/275
section 52 (partially)	10th February 2005	2005/275
section 52 (for all other purposes)	6th April 2005	2005/275
section 53	6th April 2005	2005/275
section 54	6th April 2005	2005/275
section 55	6th April 2005	2005/275
section 56	6th April 2005	2005/275
section 57 (partially)	10th February 2005	2005/275
section 57 (for all other purposes)	6th April 2005	2005/275
section 58	6th April 2005	2005/275
section 59 (partially)	10th February 2005	2005/275
section 59 (partially)	1st April 2005	2005/275
section 59 (for all other purposes)	6th April 2005	2005/275
section 60 (partially)	10th February 2005	2005/275
section 60 (for all other purposes)	6th April 2005	2005/275
section 61 (partially)	10th February 2005	2005/275
section 61 (for all other purposes)	6th April 2005	2005/275
section 62	6th April 2005	2005/275
section 63	6th April 2005	2005/275
section 64	6th April 2005	2005/275
section 65	6th April 2005	2005/275
section 66	6th April 2005	2005/275

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 67	6th April 2005	2005/275
section 68	6th April 2005	2005/275
section 69 (partially)	10th February 2005	2005/275
section 69 (for all other purposes)	6th April 2005	2005/275
section 70	6th April 2005	2005/275
section 71	6th April 2005	2005/275
section 72	6th April 2005	2005/275
section 73	6th April 2005	2005/275
section 74	6th April 2005	2005/275
section 75	6th April 2005	2005/275
section 76	6th April 2005	2005/275
section 77	6th April 2005	2005/275
section 78	6th April 2005	2005/275
section 79	6th April 2005	2005/275
section 80	6th April 2005	2005/275
section 81	6th April 2005	2005/275
section 82	6th April 2005	2005/275
section 83	6th April 2005	2005/275
section 84	6th April 2005	2005/275
section 85	6th April 2005	2005/275
section 86 (partially)	6th April 2005	2005/275
section 87	6th April 2005	2005/275
section 88	6th April 2005	2005/275
section 89	6th April 2005	2005/275
section 90 (partially)	6th April 2005	2005/275
section 91 (partially)	17th December 2004	2004/3350
section 91 (partially)	6th April 2005	2005/275
section 92	6th April 2005	2005/275
section 93 (partially)	10th February 2005	2005/275
section 93 (for all other purposes)	6th April 2005	2005/275
section 94	6th April 2005	2005/275
section 95 (partially)	6th April 2005	2005/275
section 96 (partially)	6th April 2005	2005/275

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 97 (partially)	10th February 2005	2005/275
section 97 (for all other purposes)	6th April 2005	2005/275
section 98	6th April 2005	2005/275
section 99	6th April 2005	2005/275
section 100	6th April 2005	2005/275
section 101 (partially)	6th April 2005	2005/275
section 102 (partially)	17th December 2004	2004/3350
section 102 (partially)	10th February 2005	2005/275
section 102 (for all other purposes)	6th April 2005	2005/275
section 103 (partially)	10th February 2005	2005/275
section 103 (for all other purposes)	6th April 2005	2005/275
section 104 (partially)	10th February 2005	2005/275
section 104 (for all other purposes)	6th April 2005	2005/275
section 105	6th April 2005	2005/275
section 106 (partially)	10th February 2005	2005/275
section 106 (for all other purposes)	6th April 2005	2005/275
section 107	17th December 2004	2004/3350
section 108 (partially)	17th December 2004	2004/3350
section 108 (partially)	6th April 2005	2005/275
section 109 (partially)	17th December 2004	2004/3350
section 110 (partially)	17th December 2004	2004/3350
section 110 (partially)	6th April 2005	2005/275
section 111	17th December 2004	2004/3350
section 112 (partially)	17th December 2004	2004/3350
section 112 (partially)	10th February 2005	2005/275
section 112 (partially)	6th April 2005	2005/275
section 113	6th April 2005	2005/275
section 114 (partially)	10th February 2005	2005/275
section 114 (for all other purposes)	6th April 2005	2005/275
section 115 (partially)	10th February 2005	2005/275



<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 115 (for all other purposes)	8th March 2005	2005/275
section 116	17th December 2004	2004/3350
section 117 (partially)	10th February 2005	2005/275
section 117 (partially)	1st April 2005	2005/275
section 119	6th April 2005	2005/275
section 120 (partially)	10th February 2005	2005/275
section 120 (for all other purposes)	6th April 2005	2005/275
section 121 (partially)	10th February 2005	2005/275
section 121 (partially)	6th April 2005	2005/275
section 122 (partially)	10th February 2005	2005/275
section 122 (for all other purposes)	6th April 2005	2005/275
section 123 (partially)	10th February 2005	2005/275
section 123 (for all other purposes)	6th April 2005	2005/275
section 124	6th April 2005	2005/275
section 125 (partially)	10th February 2005	2005/275
section 125 (for all other purposes)	6th April 2005	2005/275
section 126 (partially)	10th February 2005	2005/275
section 126 (partially)	8th March 2005	2005/275
section 126 (partially)	1st April 2005	2005/275
section 126 (for all other purposes)	6th April 2005	2005/275
section 127	6th April 2005	2005/275
section 128	6th April 2005	2005/275
section 129 (partially)	10th February 2005	2005/275
section 129 (for all other purposes)	6th April 2005	2005/275
section 130 (partially)	10th February 2005	2005/275
section 130 (for all other purposes)	6th April 2005	2005/275
section 131	6th April 2005	2005/275
section 132 (partially)	6th April 2005	2005/275
section 133 (partially)	10th February 2005	2005/275

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 133 (for all other purposes)	6th April 2005	2005/275
section 134 (partially)	10th February 2005	2005/275
section 134 (partially)	6th April 2005	2005/275
section 135 (partially)	10th February 2005	2005/275
section 135 (for all other purposes)	6th April 2005	2005/275
section 136	6th April 2005	2005/275
section 137	6th April 2005	2005/275
section 138 (partially)	10th February 2005	2005/275
section 138 (partially)	6th April 2005	2005/275
section 139 (partially)	10th February 2005	2005/275
section 139 (for all other purposes)	6th April 2005	2005/275
section 140 (partially)	10th February 2005	2005/275
section 140 (for all other purposes)	6th April 2005	2005/275
section 141 (partially)	10th February 2005	2005/275
section 141 (for all other purposes)	6th April 2005	2005/275
section 142	6th April 2005	2005/275
section 143 (partially)	10th February 2005	2005/275
section 143 (for all other purposes)	6th April 2005	2005/275
section 144	6th April 2005	2005/275
section 145 (partially)	10th February 2005	2005/275
section 145 (for all other purposes)	6th April 2005	2005/275
section 146 (partially)	10th February 2005	2005/275
section 146 (for all other purposes)	6th April 2005	2005/275
section 147 (partially)	10th February 2005	2005/275
section 147 (for all other purposes)	6th April 2005	2005/275
section 148 (partially)	10th February 2005	2005/275
section 148 (for all other purposes)	6th April 2005	2005/275
section 149	6th April 2005	2005/275

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 150 (partially)	10th February 2005	2005/275
section 150 (partially)	6th April 2005	2005/275
section 151 (partially)	10th February 2005	2005/275
section 151 (partially)	6th April 2005	2005/275
section 152 (partially)	10th February 2005	2005/275
section 152 (for all other purposes)	6th April 2005	2005/275
section 154 (partially)	6th April 2005	2005/275
section 160 (partially)	6th April 2005	2005/275
section 161 (partially)	6th April 2005	2005/275
section 162 (partially)	10th February 2005	2005/275
section 162 (for all other purposes)	6th April 2005	2005/275
section 167 (partially)	10th February 2005	2005/275
section 167 (for all other purposes)	6th April 2005	2005/275
section 172 (partially)	6th April 2005	2005/275
section 173 (partially)	6th April 2005	2005/275
section 174 (partially)	10th February 2005	2005/275
section 174 (partially)	1st April 2005	2005/275
section 175 (partially)	6th April 2005	2005/275
section 179 (partially)	10th February 2005	2005/275
section 179 (partially)	6th April 2005	2005/275
section 181 (partially)	10th February 2005	2005/275
section 181 (partially)	1st April 2005	2005/275
section 189 (partially)	10th February 2005	2005/275
section 189 (partially)	1st April 2005	2005/275
section 190 (partially)	10th February 2005	2005/275
section 190 (partially)	6th April 2005	2005/275
section 191	17th December 2004	2004/3350
section 192	6th April 2005	2005/275
section 193 (partially)	17th December 2004	2004/3350
section 193 (partially)	6th April 2005	2005/275
section 194	6th April 2005	2005/275
section 195	6th April 2005	2005/275

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 196	6th April 2005	2005/275
section 197	6th April 2005	2005/275
section 198	6th April 2005	2005/275
section 199	6th April 2005	2005/275
section 200	6th April 2005	2005/275
section 201	6th April 2005	2005/275
section 202	6th April 2005	2005/275
section 203 (partially)	10th February 2005	2005/275
section 203 (for all other purposes)	6th April 2005	2005/275
section 204 (partially)	6th April 2005	2005/275
section 205	6th April 2005	2005/275
section 206 (partially)	10th February 2005	2005/275
section 206 (partially)	6th April 2005	2005/275
section 207 (partially)	10th February 2005	2005/275
section 207 (for all other purposes)	6th April 2005	2005/275
section 208 (partially)	10th February 2005	2005/275
section 208 (for all other purposes)	6th April 2005	2005/275
section 209 (partially)	17th December 2004	2004/3350
section 209 (partially)	10th February 2005	2005/275
section 209 (partially)	1st April 2005	2005/275
section 209 (partially)	6th April 2005	2005/275
section 210 (partially)	17th December 2004	2004/3350
section 210 (partially)	10th February 2005	2005/275
section 210 (partially)	6th April 2005	2005/275
section 219	6th April 2005	2005/275
section 257	6th April 2005	2005/275
section 258 (partially)	10th February 2005	2005/275
section 258 (for all other purposes)	6th April 2005	2005/275
section 263	6th April 2005	2005/275
section 265	6th April 2005	2005/275
section 266	6th April 2005	2005/275
section 270 (partially)	10th February 2005	2005/275

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 270 (for all other purposes)	6th April 2005	2005/275
section 271 (partially)	10th February 2005	2005/275
section 271 (for all other purposes)	6th April 2005	2005/275
section 272 (partially)	10th February 2005	2005/275
section 272 (for all other purposes)	15th March 2005	2005/695
section 274	17th December 2004	2004/3350
section 275	6th April 2005	2005/275
section 276	6th April 2005	2005/275
section 277	17th December 2004	2004/3350
section 278 (partially)	15th March 2005	2005/695
section 278 (for all other purposes)	6th April 2005	2005/275
section 279	6th April 2005	2005/275
section 280 (partially)	15th March 2005	2005/695
section 280 (for all other purposes)	6th April 2005	2005/275
section 282	6th April 2005	2005/275
section 285	6th April 2005	2005/275
section 298 (partially)	6th April 2005	2005/275
section 300 (partially)	10th February 2005	2005/275
section 300 (partially)	8th March 2005	2005/275
section 300 (partially)	6th April 2005	2005/275
section 300 (partially)	6th April 2005	2005/695
section 301	6th April 2005	2005/275
section 307 (partially)	10th February 2005	2005/275
section 307 (partially)	8th March 2005	2005/275
section 307 (partially)	6th April 2005	2005/275
section 318 (partially)	10th February 2005	2005/275
section 318 (partially)	6th April 2005	2005/275
section 319 (partially)	10th February 2005	2005/275
section 319 (partially)	1st April 2005	2005/275
section 319 (partially)	6th April 2005	2005/275
section 320 (partially)	10th February 2005	2005/275

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 320 (partially)	1st April 2005	<a href="#">2005/275</a>
section 320 (partially)	6th April 2005	<a href="#">2005/275</a>
Schedule 1 (partially)	17th December 2004	<a href="#">2004/3350</a>
Schedule 1 (partially)	10th February 2005	<a href="#">2005/275</a>
Schedule 1 (partially)	15th March 2005	<a href="#">2005/695</a>
Schedule 1 (partially)	1st April 2005	<a href="#">2005/275</a>
Schedule 1 (partially)	6th April 2005	<a href="#">2005/275</a>
Schedule 1 (partially)	6th April 2005	<a href="#">2005/695</a>
Schedule 3	6th April 2005	<a href="#">2005/275</a>
Schedule 4 (partially)	17th December 2004	<a href="#">2004/3350</a>
Schedule 4 (partially)	10th February 2005	<a href="#">2005/275</a>
Schedule 4 (partially)	6th April 2005	<a href="#">2005/275</a>
Schedule 5 (partially)	17th December 2004	<a href="#">2004/3350</a>
Schedule 5 (partially)	6th April 2005	<a href="#">2005/275</a>
Schedule 7 (partially)	10th February 2005	<a href="#">2005/275</a>
Schedule 7 (for all other purposes)	6th April 2005	<a href="#">2005/275</a>
Schedule 9 (partially)	6th April 2005	<a href="#">2005/275</a>
Schedule 12 (partially)	10th February 2005	<a href="#">2005/275</a>
Schedule 12 (partially)	6th April 2005	<a href="#">2005/275</a>
Schedule 12 (partially)	6th April 2005	<a href="#">2005/695</a>
Schedule 13 (partially)	10th February 2005	<a href="#">2005/275</a>
Schedule 13 (partially)	1st April 2005	<a href="#">2005/695</a>
Schedule 13 (partially)	6th April 2005	<a href="#">2005/275</a>
Schedule 13 (partially)	6th April 2005	<a href="#">2005/695</a>