

**2005 No. 321 (C. 24)**

**PENSIONS**

**The Pensions (2005 Order) (Commencement No. 5 and Appointed Day) Order (Northern Ireland) 2005**

*Made* - - - - - *29th June 2005*

The Department for Social Development, in exercise of the powers conferred on it by Articles 1(2) and (6), 86(7) and 287(3) of the Pensions (Northern Ireland) Order 2005(a) and of all other powers enabling it in that behalf, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Pensions (2005 Order) (Commencement No. 5 and Appointed Day) Order (Northern Ireland) 2005.

(2) In this Order, “the Order” means the Pensions (Northern Ireland) Order 2005 and any reference to a numbered Article or Schedule is a reference to the Article of, or Schedule to, the Order bearing that number.

**Appointed days**

2.—(1) The day appointed for the purposes of Article 86(7) (procedure for issue and publication of codes of practice) for the coming into effect of the Pensions Regulator Code of Practice No. 2: Notifiable Events is 30th June 2005.

(2) The day appointed for the coming into operation of Article 105(7) (insolvency event, insolvency date and insolvency practitioner) is 30th June 2005.

(3) The day appointed for the coming into operation of—

(a) Articles 165, 166, 168 and 169 (entitlement to fraud compensation), and

(b) paragraph 70(5) of Schedule 10 (amendment of paragraph 1 of Schedule 1 to the 1999 Order), in so far as it relates to Chapter 4 of Part III of the Order, and Article 290(1) in so far as it so relates to that paragraph,

for the purpose only of authorising the making of regulations, is 14th July 2005, and for all other purposes, is 1st September 2005.

(4) The day appointed for the coming into operation of Article 192 except paragraphs (4)(e) and (5)(e) (reference of reviewable matter to the PPF Ombudsman)—

(a) for the purpose only of authorising the making of regulations, is 1st July 2005, and

(b) for all other purposes, is the day after the day on which the first regulations under that Article are made.

(5) The day appointed for the coming into operation of Article 193 except paragraph (2)(k) (investigation by PPF Ombudsman of complaints of maladministration) –

(a) for the purpose only of authorising the making of regulations, is 1st July 2005, and

- (b) for all other purposes, is the day after the day on which the first regulations under that Article are made.
- (6) The day appointed for the coming into operation of Articles 194 to 197 (referral of questions of law, publishing reports etc., determinations of the PPF Ombudsman and obstruction etc. of the PPF Ombudsman) is the first day after the day on which the first regulations made under Article 192 or 193 come into operation, whichever is the earlier.
- (7) The day appointed for the coming into operation of Article 216 (categories of pension scheme)—
- (a) for the purpose only of authorising the making of regulations, is 1st July 2005, and
  - (b) for all other purposes—
    - (i) in the case of an occupational pension scheme that has its main administration in the United Kingdom, is 22nd September 2005, and
    - (ii) in all other cases, is 6th April 2006.
- (8) The day appointed for the coming into operation of Article 233 (no indemnification for fines or civil penalties) is 30th June 2005.
- (9) The day appointed for the coming into operation of Article 260 (power to prescribe conditions by reference to Inland Revenue approval) is 1st July 2005.
- (10) The day appointed for the coming into operation of Article 292 (transitional adaptations etc.: section 322(1) of the Pensions Act 2004(a)) is 1st July 2005.
- (11) The day appointed for the coming into operation of paragraph 68 of Schedule 10 (amendment of Article 9(2)(a) of the 1999 Order), and Article 290(1) in so far as it relates to that paragraph, is 22nd September 2005.
- (12) The day appointed for the coming into operation of paragraph 70(3) of Schedule 10, in so far as it so relates to Articles 2 and 62, and Article 290(1) in so far as it relates to that paragraph, is 30th June 2005.
- (13) The day appointed for the coming into operation of Schedule 11 (repeals) in so far as it relates to the repeals in sections 24 and 25 of the Pension Schemes Act, and Article 291 in so far as it relates to those provisions, is 6th April 2006.
- (14) The day appointed for the coming into operation of the provisions of the Order specified in Part 1 of the Schedule to this Order—
- (a) for the purpose only of authorising the making of regulations, is 1st July 2005, and
  - (b) for all other purposes, is 22nd September 2005.
- (15) The day appointed for the coming into operation of the provisions of the Order specified in Part 2 of the Schedule to this Order—
- (a) for the purpose only of authorising the making of regulations, is 1st July 2005, and
  - (b) for all other purposes, is 6th April 2006.
- (16) The day appointed for the coming into operation of the provisions of the Order specified in Part 3 of the Schedule to this Order is 1st September 2005.

Sealed with the Official Seal of the Department for Social Development on 29th June 2005.

(L.S.)

*John O'Neill*

A senior officer of the Department for Social Development

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(a) 2004 c. 35

SCHEDULE

Article 2(14), (15) and (16)

PART 1

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 1st JULY 2005 FOR THE PURPOSE ONLY OF AUTHORISING THE MAKING OF REGULATIONS, AND ON 22nd SEPTEMBER 2005 FOR ALL OTHER PURPOSES

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 229	UK-based scheme to be trust with effective rules
Article 232	Activities of occupational pension schemes

PART 2

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 1st JULY 2005 FOR THE PURPOSE ONLY OF AUTHORISING THE MAKING OF REGULATIONS, AND ON 6th APRIL 2006 FOR ALL OTHER PURPOSES

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 246	Payments made by employers and members to occupational pension schemes
Article 261	Restrictions on commutation and age at which benefits may be received

PART 3

PROVISIONS OF THE ORDER COMING INTO OPERATION ON 1st SEPTEMBER 2005

<i>Provisions of the Order</i>	<i>Subject matter</i>
Article 156(2) to (6) except paragraph (5)(d)	Relationship with fraud compensation regime
Article 167	Recovery of value
Schedule 8, paragraphs 20 to 26, 29 and 30	Reviewable matters
Schedule 10, paragraphs 50(b), and 70(3) in so far as it relates to Chapter 4 of Part III of the Order, and Article 290(1) in so far as it relates to those provisions	Consequential amendments
Schedule 11, in so far as it relates to the specified repeals in relation to— the Pensions (Northern Ireland) Order 1995, Articles 78 to 84; the Welfare Reform and Pensions (Northern Ireland) Order 1999, Article 16, paragraph 1(2)(b)(ix) of Schedule 1 and paragraph 13 of Schedule 2, and Article 291 in so far as it relates to those provisions	Repeals

## EXPLANATORY NOTE

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

This Order makes further provision for the coming into operation of the following provisions of the Pensions (Northern Ireland) Order 2005 (“the Order”)—

Articles 105(7) and 233 and paragraph 70(3) of Schedule 10 (in part), on 30th June 2005;

Articles 260 and 292, on 1st July 2005;

Article 192 except paragraphs (4)(e) and (5)(e), for the purpose only of authorising the making of regulations, on 1st July 2005, and for all other purposes, on the day after the day on which the first regulations under that Article are made;

Article 193 except paragraph (2)(k), for the purpose only of authorising the making of regulations, on 1st July 2005, and for all other purposes, on the day after the day on which the first regulations under that Article are made;

Articles 194 to 197 on the first day after the day on which the first regulations made under Article 192 or 193 come into operation, whichever is the earlier;

Articles 229 and 232, for the purpose only of authorising the making of regulations, on 1st July 2005, and for all other purposes, on 22nd September 2005;

Article 216, for the purpose only of authorising the making of regulations, on 1st July 2005, and for all other purposes, and in respect of particular cases, on 22nd September 2005, and in all other cases, on 6th April 2006;

Articles 246 and 261, for the purpose only of authorising the making of regulations, on 1st July 2005, and for all other purposes, on 6th April 2006;

Articles 165, 166, 168 and 169 and paragraph 70(5) of Schedule 10 (in part), for the purpose only of authorising the making of regulations, on 14th July 2005, and for all other purposes, on 1st September 2005;

Articles 156(2) to (6) except paragraph (5)(d) and 167, paragraphs 20 to 26, 29 and 30 of Schedule 8, paragraphs 50(b), and 70(3) of Schedule 10 (in part), and Schedule 11 (in part), on 1st September 2005;

paragraph 68 of Schedule 10, on 22nd September 2005;

Schedule 11 (in part), on 6th April 2006.

This Order also appoints the day, for the purposes of Article 86(7) of the Order, for the coming into effect of the Pensions Regulator Code of Practice No. 2: Notifiable Events as 30th June 2005.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Pensions (Northern Ireland) Order 2005 have been brought into operation by the Pensions (2005 Order) (Commencement No. 1 and Consequential and Transitional Provisions) Order (Northern Ireland) 2005, the Pensions (2005 Order) (Commencement No. 2 and Transitional Provisions) Order (Northern Ireland) 2005, the Pensions (2005 Order) (Commencement No. 3, Appointed Day, Transitional Provisions and Amendment) Order (Northern Ireland) 2005 and the Pensions (2005 Order) (Commencement No. 4) Order (Northern Ireland) 2005 on the dates shown.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 2 (partially)	25th February 2005	2005 No. 48 (C. 5)
(partially)	6th April 2005	2005 No. 48 (C. 5)
(partially)	1st June 2005	2005 No. 280 (C. 20)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 3 (partially)	25th February 2005	2005 No. 48 (C. 5)
(partially)	6th April 2005	2005 No. 48 (C. 5)
Article 4 (partially)	25th February 2005	2005 No. 48 (C. 5)
(partially)	6th April 2005	2005 No. 48 (C. 5)
Article 5	25th February 2005	2005 No. 48 (C. 5)
Article 6	6th April 2005	2005 No. 48 (C. 5)
Article 7 (partially)	25th February 2005	2005 No. 48 (C. 5)
(partially)	6th April 2005	2005 No. 48 (C. 5)
	6th April 2005	2005 No. 166 (C. 12)
Article 8 (partially)	25th February 2005	2005 No. 48 (C. 5)
Articles 9 to 13	6th April 2005	2005 No. 48 (C. 5)
Article 14 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 15 (partially)	25th February 2005	2005 No. 48 (C. 5)
	6th April 2005	2005 No. 48 (C. 5)
Article 16 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 17 (partially)	25th February 2005	2005 No. 48 (C. 5)
	6th April 2005	2005 No. 48 (C. 5)
Article 18	6th April 2005	2005 No. 48 (C. 5)
Article 19 (partially)	25th February 2005	2005 No. 48 (C. 5)
	6th April 2005	2005 No. 48 (C. 5)
Article 20 (partially)	25th February 2005	2005 No. 48 (C. 5)
	6th April 2005	2005 No. 48 (C. 5)
Articles 21 to 25	6th April 2005	2005 No. 48 (C. 5)
Article 26 (partially)	25th February 2005	2005 No. 48 (C. 5)
	6th April 2005	2005 No. 48 (C. 5)
Articles 27 to 31	6th April 2005	2005 No. 48 (C. 5)
Article 32 (partially)	25th February 2005	2005 No. 48 (C. 5)
	6th April 2005	2005 No. 48 (C. 5)
Article 33	6th April 2005	2005 No. 48 (C. 5)
Article 34 (partially)	25th February 2005	2005 No. 48 (C. 5)
(partially)	6th April 2005	2005 No. 48 (C. 5)
Articles 35 and 36	6th April 2005	2005 No. 48 (C. 5)
Article 37 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 38 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 39 (partially)	25th February 2005	2005 No. 48 (C. 5)
(partially)	6th April 2005	2005 No. 48 (C. 5)
Articles 40 and 41 (partially)	25th February 2005	2005 No. 48 (C. 5)
	6th April 2005	2005 No. 48 (C. 5)
Article 42	6th April 2005	2005 No. 48 (C. 5)
Article 43 (partially)	6th April 2005	2005 No. 48 (C. 5)
Articles 44 and 45	6th April 2005	2005 No. 48 (C. 5)
Article 46 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 47	6th April 2005	2005 No. 48 (C. 5)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 48 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Articles 49 to 52	6th April 2005	2005 No. 48 (C. 5)
Article 53 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 54	6th April 2005	2005 No. 48 (C. 5)
Article 55 (partially) (partially)	25th February 2005 1st April 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 56 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Articles 57 to 63	6th April 2005	2005 No. 48 (C. 5)
Article 64 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Articles 65 to 80	6th April 2005	2005 No. 48 (C. 5)
Article 81 (partially)	6th April 2005	2005 No. 48 (C. 5)
Articles 82 to 84	6th April 2005	2005 No. 48 (C. 5)
Article 85 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 86 (partially)	25th February 2005 6th April 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5) 2005 No. 192 (C. 14)
Article 87	6th April 2005	2005 No. 48 (C. 5)
Article 88 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 89	6th April 2005	2005 No. 48 (C. 5)
Article 90 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 91 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 92 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Articles 93 to 95	6th April 2005	2005 No. 48 (C. 5)
Article 96 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 97 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 98 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 99	6th April 2005	2005 No. 48 (C. 5)
Article 101 (partially) (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 103 (partially) (partially)	25th February 2005 1st April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 104 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 105 (partially) (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Articles 106 and 107 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 108	6th April 2005	2005 No. 48 (C. 5)
Article 109 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 110 (partially) (partially) (partially)	25th February 2005 8th March 2005 1st April 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5) 2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Articles 111 and 112	6th April 2005	2005 No. 48 (C. 5)
Articles 113 and 114 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 115	6th April 2005	2005 No. 48 (C. 5)
Article 116 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 117 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 118 (partially) (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 119 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Articles 120 and 121	6th April 2005	2005 No. 48 (C. 5)
Article 122 (partially) (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Articles 123 to 125 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 126	6th April 2005	2005 No. 48 (C. 5)
Article 127 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 128	6th April 2005	2005 No. 48 (C. 5)
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Article 133	6th April 2005	2005 No. 48 (C. 5)
Article 134 (partially) (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 135 (partially) (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 136 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 138 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 144 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 145 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 146 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 148	6th April 2005	2005 No. 192 (C. 14)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 151 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 156 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 157 (partially) (partially)	25th February 2005 1st April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 158 (partially) (partially)	6th April 2005 20th June 2005	2005 No. 48 (C. 5) 2005 No. 280 (C. 20)
Article 159 (partially)	31st May 2005 20th June 2005	2005 No. 280 (C. 20) 2005 No. 280 (C. 20)
Article 162 (partially) (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 164 (partially) (partially)	25th February 2005 1st April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 171 (partially) (partially)	25th February 2005 1st April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 172 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 173	25th February 2005	2005 No. 48 (C. 5)
Article 174	6th April 2005	2005 No. 48 (C. 5)
Article 175 (partially) (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Articles 176 to 184	6th April 2005	2005 No. 48 (C. 5)
Article 185 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 186 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 187	6th April 2005	2005 No. 48 (C. 5)
Article 188 (partially) (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Articles 189 and 190 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 191 (partially) (partially) (partially)	25th February 2005 1st April 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 198	6th April 2005	2005 No. 48 (C. 5)
Article 234	6th April 2005	2005 No. 48 (C. 5)
Article 235 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 240	6th April 2005	2005 No. 48 (C. 5)
Articles 242 and 243	6th April 2005	2005 No. 48 (C. 5)
Articles 247 and 248 (partially)	25th February 2005 6th April 2005	2005 No. 48 (C. 5) 2005 No. 48 (C. 5)
Article 249	25th March 2005	2005 No. 166 (C. 12)
Articles 252 and 253	6th April 2005	2005 No. 48 (C. 5)
Article 254	25th February 2005	2005 No. 48 (C. 5)
Articles 255 and 257 (partially)	25th March 2005	2005 No. 166 (C. 12)



<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Articles 255 to 257	6th April 2005	2005 No. 48 (C. 5)
Article 259	6th April 2005	2005 No. 48 (C. 5)
Article 262	6th April 2005	2005 No. 48 (C. 5)
Article 274 (partially)	6th April 2005	2005 No. 48 (C. 5)
Article 275	6th April 2005	2005 No. 48 (C. 5)
Article 280 (partially)	25th February 2005	2005 No. 48 (C. 5)
(partially)	8th March 2005	2005 No. 48 (C. 5)
	6th April 2005	2005 No. 48 (C. 5)
Article 290 (partially)	25th February 2005	2005 No. 48 (C. 5)
(partially)	1st April 2005	2005 No. 48 (C. 5)
(partially)	6th April 2005	2005 No. 48 (C. 5)
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Article 291 (partially)	1st April 2005	2005 No. 48 (C. 5)
(partially)	1st April 2005	2005 No. 166 (C. 12)
(partially)	6th April 2005	2005 No. 48 (C. 5)
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(partially)	6th April 2005	2005 No. 192 (C. 14)
Schedule 1 (partially)	25th February 2005	2005 No. 48 (C. 5)
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Schedule 2	6th April 2005	2005 No. 166 (C. 12)
Schedule 3	6th April 2005	2005 No. 48 (C. 5)
Schedule 4 (partially)	25th February 2005	2005 No. 48 (C. 5)
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Schedule 6 (partially)	25th February 2005	2005 No. 48 (C. 5)
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(partially)	6th April 2005	2005 No. 48 (C. 5)
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(partially)	6th April 2005	2005 No. 48 (C. 5)
(partially)	6th April 2005	2005 No. 166 (C. 12)
(partially)	6th April 2005	2005 No. 192 (C. 14)





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Stationery Office Limited  
under the authority and  
superintendence of Carol  
Tullo, Controller of  
Her Majesty's Stationery  
Office being the Government  
Printer for Northern Ireland and  
the Officer appointed to print the  
Acts of the Northern Ireland Assembly  
Dd. N2202. C1. 7/05. Gp. 130. 14567.  
£3.00

ISBN 0-337-96074-7



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