

2012 No. 265 (C. 24)

PENSIONS

**The Pensions (2012 Act) (Commencement No. 2) Order
(Northern Ireland) 2012**

Made - - - -

29th June 2012

The Department for Social Development makes the following Order in exercise of the powers conferred by section 34(3) of the Pensions Act (Northern Ireland) 2012(a).

Citation and interpretation

1.—(1) This Order may be cited as the Pensions (2012 Act) (Commencement No. 2) Order (Northern Ireland) 2012.

(2) In this Order any reference to a numbered section or Schedule is to the section of, or Schedule to, the Pensions Act (Northern Ireland) 2012 bearing that number.

Appointed days

2.—(1) The day appointed for the coming into operation of—

- (a) section 5 (automatic re-enrolment where scheme membership interrupted);
- (b) section 7 (postponement or disapplication of automatic enrolment);
- (c) section 12 (test scheme standard for schemes that produce sum of money for provision of benefits);
- (d) section 15 (transitional period for defined benefits and hybrid schemes to be optional);
- (e) section 16 (arrangements where transitional conditions cease to be satisfied), and
- (f) section 33 (service of documents and electronic working),

in so far as not already in operation, is 30th June 2012.

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

- (a) section 6 (earnings trigger for automatic enrolment and re-enrolment);
- (b) section 17 (power of managers to modify by resolution), and
- (c) section 18 (no indemnification for civil penalties),

is 30th June 2012.

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

- (a) in Schedule 4 (pension protection fund)—
 - (i) paragraph 1 in so far as it relates to the provisions specified in heads (ii) and (iii);
 - (ii) paragraphs 5, 6 and 9 (requirements to obtain actuarial valuations), and

(iii) paragraph 14 (requirement to obtain protected benefits quotation), and
(b) section 22 in so far as it relates to those provisions,
for the purpose only of authorising the making of regulations, is 2nd July 2012 and for all other
purposes is 23rd July 2012.

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

(a) in Schedule 4—

(i) paragraph 1 in so far as it relates to the provisions specified in heads (ii) and (iii);

(ii) paragraphs 2 to 4, 7, 8 and 10 to 13 (requirements to obtain actuarial valuations), and

(iii) paragraphs 15 and 16 (requirement to obtain protected benefits quotation), and

(b) section 22 in so far as it relates to those provisions,

is 23rd July 2012.

Sealed with the Official Seal of the Department for Social Development on 29th June 2012

(L.S.)

Anne McCleary

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation certain provisions of the Pensions Act (Northern Ireland) 2012 (“the 2012 Act”).

Article 2(1) of the Order brings fully into operation the following sections of the 2012 Act on 30th June 2012—

- sections 5 and 7 which relate to automatic enrolment and re-enrolment;
- section 12 which relates to the test scheme standard for defined benefits schemes which produce a sum of money;
- sections 15 and 16 which relate to the transitional period for defined benefits and hybrid schemes in which the automatic enrolment duty can be delayed, and
- section 33 which relates to the service of documents and electronic working.

Article 2(2) of the Order brings the following provisions of the 2012 Act into operation on 30th June 2012—

- section 6 which relates to the earnings trigger for automatic enrolment and re-enrolment;
- section 17 which relates to the power of managers to modify the scheme by resolution, and
- section 18 which amends Article 233 of the Pensions (Northern Ireland) Order 2005 so as to prevent trustees subject to a civil penalty under section 40 or 41 of the Pensions (No. 2) Act (Northern Ireland) 2008 from being reimbursed from scheme funds.

Article 2(3) of the Order brings into operation section 22 and Schedule 4 (in part), which relate to the Pension Protection Fund, for the purpose only of authorising the making of regulations on 2nd July 2012 and for all other purposes on 23rd July 2012.

Article 2(4) of the Order brings into operation section 22 and Schedule 4 (in part), on 23rd July 2012.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into operation by an earlier commencement order as from the date shown.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Section 2	7th June 2012	2012 No. 233 (C. 19)
Section 3 (partially)	7th June 2012	2012 No. 233 (C. 19)
Section 9	7th June 2012	2012 No. 233 (C. 19)
Section 10 (partially)	7th June 2012	2012 No. 233 (C. 19)
Section 13 (partially)	7th June 2012	2012 No. 233 (C. 19)
Section 14 (partially)	7th June 2012	2012 No. 233 (C. 19)
Sections 20 and 21	7th June 2012	2012 No. 233 (C. 19)
Section 22 (partially)	7th June 2012	2012 No. 233 (C. 19)
Section 24	7th June 2012	2012 No. 233 (C. 19)
Section 32	7th June 2012	2012 No. 233 (C. 19)
Section 33 (partially)	7th June 2012	2012 No. 233 (C. 19)
Schedule 2 (partially)	7th June 2012	2012 No. 233 (C. 19)
Schedule 4 (partially)	7th June 2012	2012 No. 233 (C. 19)

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