

*These notes refer to the Pensions Act 2008 (c.30)
which received Royal Assent on 26 November 2008*

PENSIONS ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

17. The provisions of this Act extend to England and Wales and Scotland. Certain provisions within this Act also extend to Northern Ireland.

Territorial extent: Wales

18. The Act's effect in Wales is the same as in England. The Act contains no provisions which relate exclusively to Wales, or affect the National Assembly for Wales.

Territorial extent: Scotland

19. The Act generally applies in Scotland as it does in England. The power to initiate the new mechanism of pension compensation sharing on divorce (contained in Chapter 1 of Part 3) is conferred on courts in England and Wales by amendments of matrimonial and civil partnership legislation (contained in Schedule 5). The Act contains equivalent amendments to the Scottish matrimonial and civil partnership legislation (Schedule 6).
20. The Scottish Parliament's consent has been sought and obtained for the provisions in the Act that trigger the Sewel Convention. These provisions are contained in Schedule 7 to the Act. The Sewel Convention provides that Westminster will not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament.

Territorial Extent: Northern Ireland

21. Provisions relating to the Personal Accounts Delivery Authority and the scheme established under section 67 extend to Northern Ireland. The Act also contains provisions dealing with the Pensions Regulator Tribunal, information relating to private pensions policy and retirement planning, the Pension Protection Fund, the Fraud Compensation Fund and the extension of the Financial Assistance Scheme and these also apply in Northern Ireland. The approval of the Northern Ireland Assembly to the extension of these provisions has been given by way of a Legislative Consent Motion.