

# PENSIONS ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 6: General**

#### ***Section 143: Orders and regulations***

465. Most statutory instruments containing an order or regulations under this Act will be subject to the negative resolution procedure (i.e. they can be annulled on a resolution of either House of Parliament).
466. Those that have to be approved by both Houses (affirmative procedure) are listed in *subsection (5)*.

#### ***Section 144: Orders and regulations: supplementary, and***

#### ***Section 145: Power to make further provision***

467. *Section 144* permits an order or regulations under powers conferred by the Act to include consequential or transitional provision, etc. It also makes other provision about how those powers may be exercised.
468. *Section 145* allows the Secretary of State to make further provision in connection with giving the Act full effect and, in particular, allows him to amend primary or secondary legislation in connection the abolition of all protected rights for contracting out under section 106 and with the introduction of the scheme to be established under section 67.

#### ***Section 146: Pre consolidation amendments***

469. This section (in association with the repeal of section 321 of the PA 2004 by Part 6 of Schedule 10 to the Act) re-enacts a pre-consolidation order making power so that legislation made subsequent to the passing of the 2004 Act can also be included within the scope of such an order.
470. *Subsection (1)* provides a power to modify enactments listed in *subsection (2)* where in the opinion of the Secretary of State such modifications facilitate, or are desirable in connection with, the consolidation of any of those enactments.
471. *Subsection (3)* specifies that no order may be made unless a Bill consolidating the relevant enactments has been presented to either House of Parliament.
472. *Subsection (4)* provides that a pre-consolidation order made under this power may be brought into effect only by a provision contained in the Act which results from the consolidating Act.
473. *Subsection (5)* excludes from the scope of an order made under this power any provision which would fall within the legislative competence of the Scottish Parliament.

***Section 147: General financial provisions***

This section provides that expenditure incurred by the Secretary of State in consequence of the provisions of this Act is to be paid out of money provided by Parliament. Any sums received by the Secretary of State as a consequence of the provisions of this Act will be returned to the Consolidated Fund (the repository for most Government revenues).

***Section 148: Repeals***

474. This section introduces Schedule 11 which lists the enactments repealed by this Act.

***Section 149: Commencement***

475. This section provides for commencement (see below).

***Section 150: Extent***

476. The Act extends to England and Wales and Scotland. The following provisions also extend to Northern Ireland:

- In Part 1, Chapters 5 and 6 and section 99.
- Section 96 (2) to (7)
- Section 97
- Section 125 (2)
- Section 140 and 141
- Sections 143 to 146
- Sections 149 to 151

***Section 151: Short title***

477. This section sets out the short title of the Act.