



# Pension Schemes Act 2015

## 2015 CHAPTER 8

### PART 6

#### GENERAL

#### **83 Power to make consequential amendments**

- (1) The appropriate national authority may by regulations make provision that is consequential on any provision made by this Act.
- (2) Regulations under this section may amend, repeal, revoke or otherwise modify any primary or subordinate legislation (whenever passed or made).
- (3) In this section—
  - “appropriate national authority” means—
    - (a) in relation to provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998), the Department for Social Development in Northern Ireland, and
    - (b) in relation to any other provision, the Secretary of State or the Treasury;
  - “primary legislation” means—
    - (a) an Act;
    - (b) Northern Ireland legislation;
  - “subordinate legislation” means—
    - (a) subordinate legislation as defined by section 21(1) of the Interpretation Act 1978;
    - (b) an instrument made under Northern Ireland legislation.

#### **84 Regulations**

- (1) Regulations made by the Secretary of State or the Treasury under this Act are to be made by statutory instrument.

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- (2) A statutory instrument containing—
  - (a) the first regulations under section 8(3)(b), 9, 10, 11 or 21,
  - (b) regulations under section 48(3)(b), or
  - (c) regulations under section 83 that amend, repeal or otherwise modify a provision of primary legislation,
 (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (3) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subsection (3) does not apply to a statutory instrument containing regulations under section 89(4) or (6) only.

## **85 Regulations: Northern Ireland**

- (1) A power of the Department for Social Development in Northern Ireland to make regulations under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (2) Subsection (3) applies where regulations made by the Department for Social Development in Northern Ireland contain—
  - (a) provision made under section 51(3)(b), or
  - (b) provision made under section 83 that amends, repeals, revokes or otherwise modifies a provision of primary legislation,
 (whether alone or with other provision).
- (3) Where this subsection applies, the regulations—
  - (a) must be laid before the Northern Ireland Assembly after being made;
  - (b) take effect on such date as may be specified in the regulations but (without prejudice to the validity of anything done under them or to the making of new regulations) cease to have effect on the expiry of a period of 6 months from that date unless at some time before the expiry of that period the regulations are approved by a resolution of the Northern Ireland Assembly.
- (4) Any other regulations made by the Department for Social Development in Northern Ireland under this Act are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).
- (5) Subsection (4) does not apply to regulations containing provision under section 89(6) only.

## **86 Regulations: supplementary**

- (1) A power to make regulations under this Act may be used—
  - (a) to make different provision for different purposes;
  - (b) in relation to all or only some of the purposes for which it may be used.
- (2) Regulations under this Act may include incidental, supplementary, consequential, transitional, transitory or saving provision.

## **87 Crown application**

- (1) In this section “the relevant provisions” means—
  - (a) Part 2,
  - (b) section 36,
  - (c) section 37,
  - (d) in Chapter 2 of Part 4, sections 48, 49, 51 and 52, and
  - (e) in Chapter 3 of Part 4, sections 55 to 57 and 61 to 63.
- (2) The relevant provisions apply to a pension scheme managed by or on behalf of the Crown as they apply to other pension schemes.
- (3) Accordingly, references in those provisions to a person in the person's capacity as a trustee or manager of a pension scheme include the Crown, or a person acting on behalf of the Crown, in that capacity.
- (4) References in the relevant provisions to a person in the person's capacity as an employer include the Crown, or a person acting on behalf of the Crown, in that capacity.
- (5) Nothing in the relevant provisions applies to Her Majesty in Her private capacity (within the meaning of the Crown Proceedings Act 1947).

## **88 Extent**

- (1) This Act extends to England and Wales and Scotland only, subject to the following provisions of this section.
- (2) Any amendment or repeal made by this Act has the same extent as the enactment to which it relates.
- (3) Section 81 extends to Scotland only.
- (4) The following extend also to Northern Ireland—
  - (a) section 54(3);
  - (b) Chapter 5 of Part 4;
  - (c) this Part.
- (5) The following extend to Northern Ireland only—
  - (a) in Chapter 2 of Part 4, sections 51 and 52;
  - (b) in Chapter 3 of Part 4, sections 61 to 63;
  - (c) section 71(8) and (9).

## **89 Commencement**

- (1) The following come into force on the day on which this Act is passed—
  - (a) section 47 and Schedule 3;
  - (b) any other provision of Part 4 so far as is necessary for enabling the exercise on or after the day on which this Act is passed of any power to make provision by regulations;
  - (c) sections 78 and 79 and Schedule 5;
  - (d) section 80;
  - (e) this Part.

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- (2) Section 82 comes into force on 1 April 2015.
- (3) The following come into force on 6 April 2015—
  - (a) paragraphs 24, 30, 33 and 36 of Schedule 2 (and section 46 so far as relating to those provisions);
  - (b) Part 4, so far as not already in force.
- (4) The following come into force on such day or days as may be appointed by regulations made by the Secretary of State—
  - (a) Parts 1 to 3 other than paragraphs 24, 30, 33 and 36 of Schedule 2 (and section 46 so far as relating to those provisions);
  - (b) sections 77 and 81.
- (5) Regulations under subsection (4) may appoint different days for different purposes.
- (6) The Secretary of State or the Department for Social Development in Northern Ireland may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.

**90 Short title**

This Act may be cited as the Pension Schemes Act 2015.

**Changes to legislation:**

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