
STATUTORY INSTRUMENTS

2004 No. 3350 (C.157)

PENSIONS

**The Pensions Act 2004 (Commencement No. 1 and
Consequential and Transitional Provisions) Order 2004**

Made - - - - 16th December 2004

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 315(2) and (5) and 322(1) and (5)(a) of the Pensions Act 2004⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Pensions Act 2004 (Commencement No. 1 and Consequential and Transitional Provisions) Order 2004.

(2) In this Order—

“the 1995 Act” means the Pensions Act 1995⁽²⁾; and

“the Act” means the Pensions Act 2004.

Appointed day

2. The day appointed for the coming into force of the provisions of the Act specified in the Schedule to this Order is 17th December 2004.

Consequential amendment of the Occupational Pension Schemes (Pensions Compensation Provisions) Regulations 1997

3.—(1) The Occupational Pension Schemes (Pensions Compensation Provisions) Regulations 1997⁽³⁾ shall be amended in accordance with this article.

(2) In regulation 5 (amount of compensation)—

(a) in paragraph (2) for “The amount” to “section 83(3)” substitute “The amount or, as the case may be, the aggregate, shall not exceed the aggregate specified in section 83(3)⁽⁴⁾”;

(b) omit paragraph (5);

(1) 2004 c. 35.

(2) 1995 c. 26.

(3) S.I. 1997/665 as amended by S.I. 2001/1218.

(4) Section 83(3) is amended by section 277(4) of the Pensions Act 2004.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(c) in paragraph (6) for “section 83(3)(a)” substitute “section 83(3)(b)”.

(3) Omit regulations 3A(5) (protected liabilities – prescribed class of members), 6(5)(d)(6) (payments made in anticipation not to exceed the amount of the protected liabilities), 7 (mixed benefit schemes) and 10(7) (modifications for money purchase schemes).

Transitional modification

4. Where—

- (a) an application for compensation is made before 17th December 2004 under section 82 of the 1995 Act (applications for payments); and
- (b) the Board has not made a payment by that date under section 83 of the Act (amount of compensation),

section 83 shall have effect for the purposes of making that payment as if the amendments made by section 277(4) of the Act and the amendments made by article 3(2) above were in force at the time of the application.

Signed by authority of the Secretary of State for Work and Pensions.

16th December 2004

Malcolm Wicks
Minister of State,
Department for Work and Pensions

(5) Regulation 3A was inserted by S.I. [2001/1218](#).
(6) Paragraph (5)(d) of regulation 6 was substituted by S.I. [2001/1218](#).
(7) Regulation 10 was amended by S.I. [2001/1218](#).

SCHEDULE

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 17th DECEMBER 2004

<i>Provisions of the Act</i>	<i>Subject matter</i>
section 1	the Pensions Regulator
section 2 except subsection (3)	membership of the Regulator
section 3 in so far as it relates to those paragraphs of Schedule 1 specified below	further provision about the Regulator
section 4(1)(b)	Regulator's functions
section 5(3)	definitions of "stakeholder pension scheme" and "work-based pension scheme"
section 6	supplementary powers
section 8(2), (3), (7) and (8)(a)	non-executive functions
section 9	the Determinations Panel
section 10(9)(b) insofar as it relates to paragraph 18(2) of Schedule 1	functions exercisable by the Determinations Panel
section 12 except subsection (2)(c)	provision of information, education and assistance
section 91(1) to (9)	procedure for issue and publication of codes of practice
section 102(1), and (4) in so far as it relates to the paragraphs of Schedule 4 specified below	The Pensions Regulator Tribunal
section 107	the Board of the Pension Protection Fund
section 108 except subsections (3) and (4)	membership of the Board
section 109 in so far as it relates to the paragraphs of Schedule 5 specified below	further provision about the Board
section 110(3)	Board's functions
section 111	supplementary powers
section 112 except subsections (4)(a) and (5) to (8)	non-executive functions
section 116	grants
section 191	notices requiring provision of information
section 193(1), and (4) to (7) in so far as they relate to section 191	penalties relating to section 191
section 209(1) to (3)	the Ombudsman for the Board of the Pension Protection Fund
section 210(1) to (3)	Deputy PPF Ombudsmen
section 274	the Pensions Ombudsman and Deputy Pensions Ombudsman

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<i>Provisions of the Act</i>	<i>Subject matter</i>
section 277	amendments relating to the Pensions Compensation Board
Schedule 1, paragraphs 1 to 18, 20(3), 22 to 24, 29 to 32, 34, and 35(1) to (3), (4)(c) and 35(5) in so far as it relates to those sub-paragraphs	the Pensions Regulator
Schedule 4, paragraphs 1 to 7 and 17	the Pensions Regulator Tribunal
Schedule 5, paragraphs 1 to 13 except paragraph 13(3)(b), 14 to 17, 20 and 21, 23(b), 24 to 28 and 29(1) to (4).	the Board of the Pension Protection Fund

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into force on 17th December 2004 of provisions of the Pensions Act 2004 (c. 35) relating to the establishment of the Pensions Regulator and the Board of the Pension Protection Fund, and certain other provisions as specified in the Schedule, including section 277 of that Act, which makes amendments relating to the Pensions Compensation Board.

Article 3 amends the Occupational Pension Schemes (Pensions Compensation Provisions) Regulations 1997 (S.I.1997/665) as a consequence of the coming into force of section 277.

Article 4 makes a transitional provision to enable certain amendments (those that amend the manner of determining the amount of compensation payable by the Pensions Compensation Board) to apply to cases which are currently before the Pensions Compensation Board.