

2005 No. 275 (C.10)

PENSIONS

The Pensions Act 2004 (Commencement No. 2, Transitional Provisions and Consequential Amendments) Order 2005

Made - - - -

9th February 2005

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) of the Pensions Act 2004(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, interpretation and appointed days

Citation and interpretation

1.—(1) This Order may be cited as the Pensions Act 2004 (Commencement No. 2, Transitional Provisions and Consequential Amendments) Order 2005.

(2) In this Order—

“the 1993 Act” means the Pension Schemes Act 1993(b);

“the 1995 Act” means the Pensions Act 1995(c);

“the Act” means the Pensions Act 2004.

Appointed days

2.—(1) The day appointed for the coming into force of the provisions of the Act specified in Part 1 of the Schedule—

(a) for the purpose only of conferring power to make regulations or orders, as the case may be, is 10th February 2005; and

(b) for all other purposes, is 8th March 2005.

(2) The day appointed for the coming into force of the provisions of the Act specified in Part 2 of the Schedule—

(a) for the purpose only of conferring power to make regulations, is 10th February 2005; and

(b) for all other purposes, is 1st April 2005.

(3) Subject to paragraphs (8) and (10), the day appointed for the coming into force of the provisions of the Act specified in Part 3 of the Schedule—

(a) for the purpose only of conferring power to make regulations, orders or rules, as the case may be, is 10th February 2005; and

(a) 2004 c. 35.
(b) 1993 c. 48.
(c) 1995 c. 26.

(b) for all other purposes, is 6th April 2005.

(4) The day appointed for the coming into force of the provisions of the Act specified in Part 4 of the Schedule is 10th February 2005.

(5) The day appointed for the coming into force of the provisions of the Act specified in Part 5 of the Schedule is 8th March 2005.

(6) The day appointed for the coming into force of the provisions of the Act specified in Part 6 of the Schedule is 1st April 2005.

(7) Subject to paragraph (12), the day appointed for the coming into force of the provisions of the Act specified in Part 7 of the Schedule is 6th April 2005.

(8) Paragraph (3) does not apply as respects section 270 of the Act, so far as it affects sections 73 and 74 of the 1995 Act as they apply immediately before 6th April 2005 to any scheme which—

- (a) was regarded at that time by virtue of regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations 1996^(a) as having begun to be wound up for the purposes of those Regulations; or
- (b) in accordance with section 124(3A) to (3E) of the 1995 Act^(b) began to wind up before that date.

(9) In paragraph (8) the reference to a scheme includes a reference to any section of a scheme to which sections 73 and 74 of the 1995 Act apply as if it were a scheme by virtue of regulation 12 of those Regulations.

(10) Paragraph (3) does not apply as respects section 271 of the Act, so far as it affects section 75 of the 1995 Act as it applies immediately before 6th April 2005 to—

- (a) any scheme other than a money purchase scheme in the case of which a debt to the trustees or managers of the scheme has been treated as arising under section 75(1) of the 1995 Act before that date;
- (b) any scheme regarded at that time by virtue of regulation 2 of the Occupational Pension Schemes (Deficiency on Winding Up etc.) Regulations 1996^(c) as having begun to be wound up for the purposes of those Regulations; or
- (c) any scheme which in accordance with section 124(3A) to (3E) of the 1995 Act began to wind up before that date.

(11) In paragraph (10) the reference to a scheme includes a reference to any section of a scheme to which section 75 of the 1995 Act applies as if it were a scheme by virtue of regulation 4 or 8 of those Regulations.

(12) Paragraph (7) does not apply as respects section 265 of the Act, so far as it affects any period of paternity leave or adoption leave which began before 6th April 2005.

Transitional adaptations and modifications

Transitional provisions in relation to the Pensions Compensation Board

3.—(1) For the purposes of the provision of information by the Pensions Ombudsman to the Pensions Compensation Board section 149(6) of the 1993 Act shall have effect until 1st September 2005 as if there were inserted after the end of paragraph (ba) (as substituted by paragraph 25 of Schedule 12 to the Act)—

“(bb) the Pensions Compensation Board.”.

(a) S.I. 1996/3126.

(b) Subsections (3) to (3E) were inserted into section 124 by section 49(2) of the Child Support, Pensions and Social Security Act 2000 (c. 19)

(c) S.I. 1996/3128.

(2) The Table in section 158A(1) of the 1993 Act shall have effect until 1st September 2005 as if the entry relating to the Pensions Compensation Board (prior to its substitution by paragraph 26 of Schedule 12 to the Act) remained in place.

Transitional provision and saving in relation to section 175 of the 1993 Act (levies towards certain expenditure)

4. Notwithstanding anything in this Order, section 175(8) of the 1993 Act continues to apply to a levy for which any person was liable by virtue of section 175 of that Act immediately before 1st April 2005, but which has not been paid in full before that date, as it had effect immediately before that date, except that the reference to “the Registrar” shall be read as if it were a reference to “the Regulatory Authority”.

Consequential amendment of the Paternity and Adoption Leave Regulations 2002

5.—(1) The Paternity and Adoption Leave Regulations 2002(a) shall be amended in accordance with this article.

(2) In paragraph (2) of regulations 14 (incidents of the right to return after paternity leave) and 27 (incidents of the right to return from adoption leave) for the words from “paragraphs 5” to “family leave.” substitute “paragraphs 5, 5B and 6 of Schedule 5 to the Social Security Act 1989(b) (equal treatment under pension schemes: maternity absence, adoption leave and family leave).”.

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

9th February 2005

Malcolm Wicks
Minister of State,
Department for Work and Pensions

(a) S.I. 2002/2788; the relevant amending instrument is S.I. 2004/923.

(b) 1989 c. 24; paragraph 5 is amended by section 21(1) of, and paragraph 29 of Schedule 6 to, the Social Security Act 1990 (c. 27). Paragraphs 5A and 5B are inserted by section 265 of the Pensions Act 2004.

SCHEDULE

Article 2

PART 1

PROVISIONS OF THE ACT COMING INTO FORCE ON 10TH FEBRUARY 2005 FOR THE PURPOSE ONLY OF CONFERRING POWER TO MAKE REGULATIONS OR ORDERS, AS THE CASE MAY BE, AND ON 8TH MARCH 2005 FOR ALL OTHER PURPOSES

| <i>Provision of the Act</i> | <i>Subject matter</i> |
|---|---|
| section 115(3) so far as it relates to the definition of “borrowing limit” section 126(2) section 300(2) section 307(1)(b) and (3) | Board of Pension Protection Fund - borrowing eligible schemes dissolution of OPRA modification of the Act in relation to certain categories of schemes |

PART 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 10TH FEBRUARY 2005 FOR THE PURPOSE ONLY OF CONFERRING POWER TO MAKE REGULATIONS, AND ON 1ST APRIL 2005 FOR ALL OTHER PURPOSES

| <i>Provision of the Act</i> | <i>Subject matter</i> |
|---|---|
| section 59(2) section 117(1), (3) and (7)(a) section 126(1)(b) and (5) section 174(1) to (3) section 181(5) and (8) section 189(11)(a) section 209(7) and (8) Schedule 1, paragraph 26, and section 3 in so far as it relates to that paragraph Schedule 12, paragraph 28, and section 319(1) in so far as it relates to that paragraph Schedule 13, in so far as it relates to the repeal relating to section 175 of the 1993 Act, and section 320 in so far as it relates to that repeal | power to prescribe “registrable scheme” administration levy eligible schemes initial levy calculation, collection and recovery of levies fraud compensation levy PPF Ombudsman – levy the Pensions Regulator – collection of levy consequential amendment repeal |

PART 3

PROVISIONS OF THE ACT COMING INTO FORCE ON 10TH FEBRUARY 2005 FOR THE PURPOSE ONLY OF CONFERRING POWER TO MAKE REGULATIONS, ORDERS OR RULES, AS THE CASE MAY BE, AND ON 6TH APRIL 2005 FOR ALL OTHER PURPOSES

| <i>Provisions of the Act</i> | <i>Subject matter</i> |
|---|---|
| section 10(5)(a) | functions exercisable by the determination panel |
| section 19(7) | pension liberation: court's power to order restitution |
| section 21(4) | pension liberation: repatriation orders |
| section 23(10), paragraph (b)(i) of the definition of "the actuary" | freezing orders |
| section 24(7)(a) | consequences of freezing order |
| section 30(7)(c) | power to give a direction where freezing order ceases to have effect |
| section 36(2) and (3) | independent trustees |
| section 38(1)(b) | contribution notices where avoidance of employer debt |
| section 43(1)(b), (3)(c) and (9) | financial support directions |
| section 44(3)(a) and (4) | meaning of "service company" and "insufficiently resourced" |
| section 45(2)(b) | meaning of "financial support" |
| section 52(1)(b) and (7)(a) | restoration orders where transactions at an undervalue |
| section 57(1) to (4) | sections 39 to 56: partnerships and limited liability partnerships |
| section 60(2)(h) and (3) | registrable information |
| section 61(1) to (3) | the register: inspection, provision of information and reports etc |
| section 69(2), (3)(a)(ii) and (b)(ii) and (5) | duty to notify the Regulator of certain events |
| section 93(2)(q) | The Regulator's procedure in relation to its regulatory functions |
| section 97(5)(u) | special procedure: applicable cases |
| section 102(3) | the Pensions Regulator Tribunal |
| section 103(1)(c) | references to the Tribunal |
| section 104(6) | appeal on a point of law |
| section 106 (1) to (4) | legal assistance scheme |
| section 114(1)(b), (3) and (4) | statement of investment principles relating to the Board of the Pension Protection Fund |
| section 120(3) and (4) | duty to notify insolvency events in respect of employers |
| section 121(5) | insolvency event, insolvency date and insolvency practitioner |
| section 122(3), (5) and (8) | insolvency practitioner's duty to issue notices confirming status of scheme |
| section 123(5) | approval of notices issued under section 122 |
| section 125(4)(a) | binding notices confirming status of scheme |
| section 126(3) | eligible schemes |
| section 129(1)(b), (3) and (8) | applications and notifications for the purposes of section 128 |

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| section 130(5) and (8) | Board's duty where application or notification received under section 129 |
| section 133(3) | admission of new members, payment of contributions, etc. |
| section 134(3) in so far as it relates to paragraph (iii) of the definition of "relevant person" in paragraph (a) | directions |
| section 135(4) | restrictions on winding up, discharge of liabilities, etc. |
| section 138(10)(b) and (12) | payment of scheme benefits |
| section 139(6) | loans to pay scheme benefits |
| section 140(3)(b) and (6) | reviewable ill health pensions |
| section 141(2) and (6) | effect of a review |
| section 143(3) to (5) and (11) in so far as it relates to paragraphs (i) and (ii)(a) of the definition of "actuarial valuation" in paragraph (a) | Board's obligation to obtain valuation of assets and protected liabilities |
| section 145(4) | binding valuations |
| section 146(1) and (5) | schemes which become eligible schemes |
| section 147(1)(a) and (5) | new schemes created to replace existing schemes |
| section 148(8) | withdrawal following issue of section 122(4) notice |
| section 150(5) and (6)(a) to (c) | consequences of the Board ceasing to be involved with a scheme |
| section 151(4), (6), (8) in so far as it relates to paragraph (b) of the definition of "audited scheme accounts" and (9)(b) | application for reconsideration |
| section 152(4) and (8) | duty to assume responsibility following reconsideration |
| section 167(1) | modification of chapter where liabilities discharged during assessment period |
| section 179(1)(a), (2) in so far as it relates to paragraph (b)(i) of the definition of "the actuary" and (3) | valuations to determine scheme underfunding |
| section 190 | information to be provided to the Board etc |
| section 203(1) | provision of information to members of schemes etc |
| section 206(2) to (4) | meaning of "reviewable matters" |
| section 207 | review and reconsideration by the Board of reviewable matters |
| section 208(1) and (3) to (6) | investigation by the Board of complaints of maladministration |
| section 209(4)(a) to (d), (f) and (g) | PPF Ombudsman |
| section 210(6) | deputy PPF Ombudsman |
| section 258(2)(c)(ii) and (7) in so far as it relates to the definition of "relevant contributions" | form of pension protection on transfer of employment |
| section 270 | winding up |
| section 271 | debt due from the employer when assets are insufficient |
| section 272(1) to (4) | debt due from employer in the case of multi-employer schemes |

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| section 307(1)(a) and (c) | modification of the Act in relation to certain categories of schemes |
| section 318(4)(a) | general interpretation – meaning of “employer” |
| Schedule 4, paragraph 9 and section 102 in so far as it relates to that paragraph | tribunal procedure |
| Schedule 7, paragraphs 4(4), 6(4), 9(4), 12(4)(a), 13(4), 16(3)(b), 17(4)(a), 18(4), 20(4), (7) and (8), 23, 24(1), (2) and (6), 25(1), 26(7) only so far as it relates to paragraph (a) of the definition of “the compensation cap”, (9) and (10), 28(6) and (7), 31(2) and (3), 33, and 37(4), and section 162 in so far as it relates to those paragraphs | pension compensation provisions |

PART 4

PROVISIONS OF THE ACT COMING INTO FORCE ON 10TH FEBRUARY 2005

| <i>Provision of the Act</i> | <i>Subject matter</i> |
|---|--|
| section 11 | annual report to the Secretary of State |
| section 112(4)(a), (7) and (8) | non-executive functions |
| section 117(4) | administration levy |
| Schedule 1 paragraph 27 and section 3 in so far as it relates to that paragraph | The Pensions Regulator - accounts |
| Schedule 12, paragraphs 2 and 8, and section 319(1) in so far as it relates to those paragraphs | consequential amendments to the Superannuation Act 1972 (c. 11) and the Tribunals and Inquiries Act 1992 (c. 53) |

PART 5

PROVISIONS OF THE ACT COMING INTO FORCE ON 8TH MARCH 2005

| <i>Provision of the Act</i> | <i>Subject matter</i> |
|---|--|
| section 115(1), (2), (3) in so far as it is not already brought into force by this Order, and (4) | Pension Protection Fund borrowing |
| section 307(2) and (4) | modification of the Act in relation to certain categories of schemes |

PART 6

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 2005

| <i>Provisions of the Act</i> | <i>Subject matter</i> |
|--|--|
| section 117(2)(a), (5) and (6) | administration levy |
| section 126(1)(a) | eligible schemes |
| section 181(1)(a), (2)(a), (3), (4), (6) and (7) | calculation, collection and recovery of levies |

PART 7

PROVISIONS OF THE ACT COMING INTO FORCE ON 6TH APRIL 2005

| <i>Provisions of the Act</i> | <i>Subject matter</i> |
|--|--|
| In so far as not already brought into force, sections 19, 21, 23, 24, 30, 36, 38 except subsections (4) and (7)(g), 43 except subsection (7)(e), 44, 45, 52, 57, 59 to 61, 69, 93, 97, 102, 103, 104, 106, 114, 120, 122, 123, 125, 126, 129, 130, 133, 134 except subsection (2)(d), 135, 138 except subsection (10)(a), 139, 140, 141, 143, 145 to 148, 150 except subsection (6)(d), 151 except paragraph (a) in the definition of “audited scheme accounts” and (12)(a), 152, 167, 179 except subsection (1)(b), 203, 206 except subsection (5), 208 and 258 | provisions relating to the Pensions Regulator, the Board of the Pension Protection Fund and miscellaneous provisions |
| section 2(3) | membership of the Regulator |
| section 4(1)(a), (2) and (3) | Regulator’s functions |
| section 5(1) and (2) | Regulator’s objectives |
| section 7 | transfer of Opra’s functions to the Regulator |
| section 8, in so far as not already brought into force | non-executive functions |
| sections 13 to 17 | new powers in respect of occupational and personal pension schemes |
| section 18, except subsections (3)(b) and (4)(b) | pension liberation: interpretation |
| section 20(1), (2), (3)(a) and (b) and (4) to (11) | pension liberation: restraining orders |
| section 22 | powers to wind up occupational pension schemes |
| sections 25 to 29, 31 and 32 | provisions relating to freezing orders |
| sections 33 to 35 and 37 | trustees of occupational pension schemes |
| sections 39, 40, 41(1) to (9), (10)(a) to (e), (11) and (12), and 42(1), (2)(a) and (b) and (3) to (5) | contribution notices where avoidance of employer debt |
| section 46 | financial support directions: clearance statements |

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| section 47(1) to (3), (4)(a) to (f), and (5) | contribution notices where non-compliance with financial support direction |
| sections 48 and 49 | the sum specified in a section 47 contribution notice, content and effect of such a notice |
| section 50(1) to (9), (10)(a) to (e) and (11) | section 47 contribution notice: relationship with employer debt |
| section 51 | sections 43 to 50: interpretation |
| sections 53 to 56 | transactions at an undervalue |
| section 58 | Regulator's right to apply under section 423 of Insolvency Act 1986 |
| sections 62 to 68 | register of schemes, register of prohibited trustees and collecting information relevant to the PPF |
| sections 70 to 89 (except section 86(2)) | duty to report breaches of the law, provisions on reports and on information |
| section 90(1), (2)(a) to (j) and (3) to (7) | codes of practice |
| section 91(10) to (12) | procedure for issue and publication of codes of practice |
| section 92 | revocation of codes of practice |
| section 94 | publication of procedure in relation to regulatory functions |
| section 95(1)(a) and (b)(i), (2) and (3) | application of standard and special procedure |
| section 96(1) to (5), (6)(a) to (t) and (v) | standard procedure |
| sections 98 to 100 | special procedure, compulsory review, and duty to have regard to the interests of members etc |
| section 101(1), (2)(a) to (c) and (3) to (5) | powers to vary or revoke orders, notices or directions etc |
| section 105 | redetermination etc by the Tribunal |
| section 108(4) | membership of the Board |
| section 110(1)(a) | the Board's functions |
| section 112(5) and (6) | non-executive functions |
| section 113 | investment of funds relating to the Board of the Pension Protection Fund |
| section 119 | annual reports to the Secretary of State |
| section 121(1) to (4), (6), (8), (9)(a), (10) and (11) | insolvency event, insolvency date and insolvency practitioner |
| section 124 | Board's duty where there is a failure to comply with section 122 |
| section 127 | duty to assume responsibility for schemes following insolvency event |
| section 128 | duty to assume responsibility for schemes following application or notification |
| section 131 | protected liabilities |
| section 132 except subsection (6) | assessment periods |
| section 136 | power to validate contraventions of section 135 |
| section 137 | definitions |
| section 142 | approval of valuation |
| section 144 | circumstances in which Board ceases to be involved with an eligible scheme |
| section 149 | requirement to wind up schemes with sufficient assets to meet protected liabilities |
| section 154(1), (2)(a) and (c), and (6) to (15) | |

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| section 160(1) to (3), (5), (6), and (7) in so far as it relates to section 172(1) | transfer notice |
| section 161(2)(c) | effect of Board assuming responsibility for a scheme |
| section 172(1) | relationship with fraud compensation |
| section 173(1)(c) to (e), (g) to (i) and (3)(b) to (d), (h) and (i) | Pension Protection Fund |
| section 175(2)(a)(i) and (iii) and (3)(a) | definition of risk-based pension protection levy |
| section 192, and section 193 in so far as it relates to section 192 | entry of premises, and penalties |
| section 194 | warrants |
| section 195 | offence of providing false or misleading information to the Board |
| section 196 | use of information |
| sections 197 to 202 | disclosure of information |
| section 204(1) and (2) | interpretation |
| section 205 | reports |
| section 209(6) | PPF Ombudsman |
| sections 210(4) and (5) and 211 | Deputy PPF Ombudsmen |
| section 219 | backdating the winding up of eligible schemes |
| section 257 | pension protection on transfer of employment |
| section 263 | short service benefit |
| section 265 | paternity leave and adoption leave |
| section 266 | inalienability of occupational pension |
| section 272(13) and (14) | debt due from the employer in the case of multi-employer schemes |
| section 275 | jurisdiction |
| section 276 | investigations |
| sections 278 to 280 | annual increases in rates of pension |
| section 282 | meaning of “working life” in Pension Schemes Act 1993 |
| section 285 | meaning of “stakeholder pension scheme” |
| section 298(4) and (5)(b) | disclosure of state pension information |
| section 300(3) to (5) | dissolution of OPRA |
| section 301 | transfer of employees from OPRA to the Regulator |
| Schedule 1, paragraphs 20(1), (2) and (4) to (7), 24, 25, 28, 33, 35(4)(a) and (b) and 35(5) in so far as it relates to paragraph 35(4)(a) and (b), and section 3 in so far as it relates to those paragraphs | the Pensions Regulator |
| Schedule 3 | restricted information held by the Regulator: certain permitted disclosures to facilitate exercise of functions |
| Schedule 4, paragraphs 8, 10 to 16, and 19 to 21 | the Pensions Regulator Tribunal |
| Schedule 5, paragraphs 18(2)(f) to (h), 19, 22(1) to (3) and (5) to (7) and 23(a), and section 109 in so far as it relates to those paragraphs | the Board of the Pension Protection Fund |
| Schedule 7, and section 162, in so far as not already brought into force | pension compensation provisions |

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| Schedule 9, paragraphs 1 to 19 | reviewable matters |
| Schedule 12, paragraphs 1, 5(1) and (3), 6, 24(a) and (c), 25, 26, 76(2)(a) and (4) and 79, and section 319(1) insofar as it relates to those paragraphs | consequential amendments |
| Schedule 13, in so far as it relates to— | repeals |
| the Parliamentary Commissioner Act 1967, Schedule 2, the entry relating to the Occupational Pensions Regulatory Authority; | |
| the House of Commons Disqualification Act 1975, Schedule 1, Part 2, the entry relating to the Occupational Pensions Regulatory Authority; | |
| the Northern Ireland Assembly Disqualification Act 1975, Schedule 1, Part 2, the entry relating to the Occupational Pensions Regulatory Authority; | |
| the Tribunals and Inquiries Act 1992, Schedule 1, Part 1, paragraph 35(g); the 1995 Act, the specified repeals in sections 51(1), 54(3), and 162(1), and Schedule 3, paragraph 21 and Schedule 4, paragraph 21(13); | |
| the Child Support, Pensions and Social Security Act 2000, section 54; | |
| the Freedom of Information Act 2000, Schedule 1, Part 6, the entries relating to the Occupational Pensions Regulatory Authority, and the Registrar of Occupational and Personal Pension Schemes; | |
| and section 320 in so far as it relates to those provisions | |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into force of provisions of the Pensions Act 2004 (c. 35) on the following dates—

10th February for the purpose only of conferring power to make regulations or orders relating to the borrowing limit for the Board of the Pension Protection Fund, dissolution of the Occupational Pensions Regulatory Authority, and modification of the Act in relation to certain categories. The provisions in question are brought fully into force on 9th March 2005;

10th February 2005 for the purpose only of conferring power to make regulations relating to various levies for the Pensions Regulator and the Board of the Pension Protection Fund. The provisions in question are brought fully into force on 1st April 2005;

10th February 2005 for the purpose only of conferring power to make regulations, orders or rules relating in particular to the functions of the Pensions Regulator (including the Pensions Regulator Tribunal), and the Board of the Pension Protection Fund. The provisions in question are brought fully into force on 6th April 2005,

10th February 2005 for provisions relating in particular to governance of the Pensions Regulator and the Board of the Pension Protection Fund;

8th March 2005 for other provisions relating to borrowing of the Board of the Pension Protection Fund and for modification of the Act in relation to certain categories of scheme;

1st April 2005 for other provisions relating to levies in relation to the Pensions Regulator and the Board of the Pension Protection Fund; and

6th April 2005 for provisions relating in particular to the functions of the Pensions Regulator and the Board of the Pension Protection Fund, the dissolution of OPRA and provisions relating to paternity leave and adoption leave.

This Order also makes transitional adaptations and modifications and consequential amendments.

Article 3 transitionally modifies section 149(6) of the Pension Schemes Act 1993 (c. 48) to insert a reference to the Pensions Compensation Board as a person to whom the Pensions Ombudsman may continue to disclose information until 1st September 2005, and to retain a reference to the Pensions Compensation Board as a person to whom the Secretary of State may disclose information until that date.

Article 4 makes transitional provision in relation the collection of levy which was due before but which remains unpaid on 1st April 2005.

Article 5 consequentially amends the Paternity and Adoption Leave Regulations 2002 (S.I. 2002/2788) to include cross references to provisions relating to paternity leave and adoption leave inserted into Schedule 5 to the Social Security Act 1989 (c. 24) by section 265 of the Pensions Act 2004.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-------------------------|---------------------------------|-----------------|
| section 1 | 17th December 2004 | 2004/3350 |
| section 2 (partially) | 17th December 2004 | 2004/3350 |
| section 3 (partially) | 17th December 2004 | 2004/3350 |
| section 4 (partially) | 17th December 2004 | 2004/3350 |
| section 5 (partially) | 17th December 2004 | 2004/3350 |
| section 6 | 17th December 2004 | 2004/3350 |
| section 8 (partially) | 17th December 2004 | 2004.3350 |
| section 9 | 17th December 2004 | 2004/3350 |
| section 10 (partially) | 17th December 2004 | 2004.3350 |
| section 12 | 17th December 2004 | 2004/3350 |
| section 91 (partially) | 17th December 2004 | 2004/3350 |
| section 102 (partially) | 17th December 2004 | 2004/3350 |
| section 107 | 17th December 2004 | 2004/3350 |
| section 108 (partially) | 17th December 2004 | 2004/3350 |
| section 109 (partially) | 17th December 2004 | 2004/3350 |
| section 110 (partially) | 17th December 2004 | 2004/3350 |
| section 111 | 17th December 2004 | 2004/3350 |
| section 112 (partially) | 17th December 2004 | 2004/3350 |
| section 116 | 17th December 2004 | 2004/3350 |
| section 191 | 17th December 2004 | 2004/3350 |
| section 193 (partially) | 17th December 2004 | 2004/3350 |
| section 209 (partially) | 17th December 2004 | 2004/3350 |
| section 210 (partially) | 17th December 2004 | 2004/3350 |
| section 274 | 17th December 2004 | 2004/3350 |
| section 277 | 17th December 2004 | 2004/3350 |
| Schedule 1 (partially) | 17th December 2004 | 2004/3350 |
| Schedule 4 (partially) | 17th December 2004 | 2004/3350 |
| Schedule 5 (partially) | 17th December 2004 | 2004/3350 |

2005 No. 275 (C.10)

PENSIONS

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