

2005 No. 356 (C.13)

PENSIONS

**The Armed Forces (Pensions and Compensation) Act 2004
(Commencement No. 2) Order 2005**

Made - - - - *21st February 2005*

The Secretary of State, in exercise of the powers conferred upon him by section 8 of the Armed Forces (Pensions and Compensation) Act 2004^(a) hereby makes the following Order:

Citation and Interpretation

1.—(1) This Order may be cited as the Armed Forces (Pensions and Compensation) Act 2004 (Commencement No.2) Order 2005.

(2) In this Order, “the Act” means the Armed Forces (Pensions and Compensation) Act 2004.

Commencement

2.—(1) The provisions of the Act specified in column 1 of Schedule 1 shall come into force on 22nd February 2005 but, where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision concerned shall come into force on that date only for that purpose.

(2) The provisions of the Act specified in column 1 of Schedule 2 shall come into force on 6th April 2005 but, where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision concerned shall come into force on that date only for that purpose.

Signed on behalf of the Secretary of State for Defence

21st February 2005

Ivor Caplin
Parliamentary Under Secretary of State
Ministry of Defence

SCHEDULE 1

Article 2(1)

Provisions coming into force on 22nd February 2005

<i>Column 1</i>	<i>Column 2</i>
Section 1	
Section 3	
Section 5	Commenced, in so far as it is not already in force, for the purposes of the provisions of Schedule 1 to the Act commenced by article 2(1) of this Order.
In Schedule 1, paragraph 1	Commenced, in so far as it is not already in force, for the purposes of the other provisions of Schedule 1 to the Act commenced by article 2(1) of this Order.
In Schedule 1, paragraph 4	Commenced for the purpose of making regulations under sections 6A, 6C and 6D of the Pensions Appeal Tribunals Act 1943(a).
In Schedule 1, paragraph 6	Commenced, in so far as it is not already in force, for the purpose of making regulations under sections 6A, 6C and 6D of the Pensions Appeal Tribunals Act 1943.
In Schedule 1, paragraph 9	Commenced for the purpose of the Lord Chancellor making regulations under sections 6A, 6C and 6D of the Pensions Appeal Tribunals Act 1943.

^(a) 1943 c. 39

SCHEDULE 2

Article 2(2)

Provisions coming into force on 6th April 2005

<i>Column 1</i>	<i>Column 2</i>
Section 2	
Section 5	Commenced in so far as it is not already in force.
Section 7(1) and (2)	
Section 7(4)	Commenced, in so far as it is not already in force, for the purposes of the provisions of Schedule 3 to the Act commenced by article 2(2) of this Order.
In Schedule 1, paragraph 1	Commenced in so far as it is not already in force.
In Schedule 1, paragraph 3	
In Schedule 1, paragraph 4	Commenced in so far as it is not already in force.
In Schedule 1, paragraph 5	
In Schedule 1, paragraph 6	Commenced in so far as it is not already in force.
In Schedule 1, paragraphs 7 and 8	
In Schedule 1, paragraph 9	Commenced in so far as it is not already in

	force.
In Schedule 1, paragraph 10.	
Schedule 3	Commenced, in so far as it is not already in force, except in so far as it relates to the repeal of the Patriotic Fund Reorganisation Act 1903(a), the repeal of section 6 of the Naval and Military War Pensions, &c., Act 1915(b), the repeal of section 7 of the War Pensions (Administrative Provisions) Act 1918(c) and the repeal of section 2 of the Royal Patriotic Fund Corporation Act 1950(d).

^(a) 1903 c.20

^(b) 1915 c.83

^(c) 1918 c.57

^(d) 1950 c.10

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the second Commencement Order made under the Armed Forces (Pensions and Compensation) Act 2004 (“the Act”).

Article 2(1) brings into force on 22nd February 2005 the provisions of the Act listed in column 1 of Schedule 1 to the Order. Where a particular purpose is specified in column 2 of the Schedule, the corresponding provision comes into force on 22nd February 2005 for that purpose only. Sections 1 and 3 of the Act provide that the Secretary of State may establish or modify pension and compensation schemes for the armed and reserve forces. Section 5 of and provisions in Schedule 1 to the Act are brought into force for purposes relating to regulation-making powers exercised under sections 6A, 6C and 6D of the Pensions Appeal Tribunals Act 1943.

Article 2(2) brings into force on 6th April 2005 the provisions of the Act listed in column 1 of Schedule 2 to the Order. Where a particular purpose is specified in column 2 of the Schedule, the corresponding provision comes into force on 6th April 2005 for that purpose only. Schedule 1 to the Act amends the Pensions Appeal Tribunals Act 1943. The other provisions which are brought into force make arrangements in relation to payments due to deceased members of the armed and reserve forces, amend the Forfeiture Act 1982 (c.34) and the Social Security Act 1998 (c.14), and repeal the provisions set out in Schedule 3 to the Act (save as set out in column 2 of Schedule 2 to the Order).

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 4	21 January 2005	2005/116 (C.4)
Section 5 partially	21 January 2005	2005/116 (C.4)
Section 7(3)	21 January 2005	2005/116 (C.4)
Section 7(4) partially	21 January 2005	2005/116 (C.4)
In Schedule 1, paragraph 1 partially	21 January 2005	2005/116 (C.4)
In Schedule 1, paragraph 2	21 January 2005	2005/116 (C.4)
In Schedule 1, paragraph 6 partially	21 January 2005	2005/116 (C.4)
Schedule 3 partially	21 January 2005	2005/116 (C.4)

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