2006 No. 560 (C. 13)

PENSIONS

The Pensions Act 2004 (Commencement No. 9) Order 2006

Made - - - 2nd March 2006

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 315(2) and 322(1) of the Pensions Act 2004(a):

Citation and interpretation

- 1.—(1) This Order may be cited as the Pensions Act 2004 (Commencement No. 9) Order 2006.
- (2) In this Order "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, is 9th March 2006;
 - (b) for all other purposes, is 6th April 2006.
- (2) The day appointed for the coming into force of the provisions of the Act specified in Part 2 of the Schedule is 1st April 2006.
- (3) The day appointed for the coming into force of the provisions of the Act specified in Part 3 of the Schedule is 6th April 2006.

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

Stephen C. Timms
Minister of State,
Department for Work and Pensions

2nd March 2006

PART 1

PROVISIONS OF THE ACT COMING INTO FORCE ON 9th MARCH 2006 FOR THE PURPOSE ONLY OF CONFERRING POWER TO MAKE REGULATIONS AND ON 6th APRIL 2006 FOR ALL OTHER PURPOSES

Provisions of the Act	Subject Matter
section 249(2)	requirement for knowledge and understanding:
	supplementary
sections 250 and 251	payment of surplus to employer and transitional
	power to amend scheme

PART 2 PROVISIONS OF THE ACT COMING INTO FORCE ON 1st APRIL 2006

Provisions of the Act	Subject Matter
section 151(8), in so far as it is not already in	application for reconsideration: definitions
force	
section 173(1)(b), in so far as it is not already in	Pension Protection Fund
force	
section 177(9), in so far as it is not already in	amounts to be raised by the pension protection
force	levies: definitions

PART 3 PROVISIONS OF THE ACT COMING INTO FORCE ON 6th APRIL 2006

Provisions of the Act	Subject Matter
section 18, in so far as it is not already in force	pension liberation: interpretation
section 86, in so far as it is not already in force	disclosure for facilitating exercise of functions by other supervisory authorities
section 160(7), in so far as it is not already in force	transfer notice
section 165	guaranteed minimum pensions
section 169(1) and (2)(a) to (c)	discharge of liabilities in respect of compensation
section 173(1)(a) and (f), and (3), in so far as it is not already in force	Pension Protection Fund
section 204, in so far as it is not already in force	sections 190 to 203: interpretation
sections 247, 248 and 249, in so far as they are not already in force	requirement for knowledge and understanding: individual trustees, corporate trustees and supplementary
section 254	representative of non-European scheme to be treated as trustee
section 267	voluntary contributions

section 268

section 306(2)(j) and (k), (4) and (5) section 321

Schedule 4, in so far as it is not already in force, and section 102 in so far as it is not already in force

Schedule 5, paragraph 18(2), in so far as it is not already in force, and section 109 in so far as it relates to that paragraph

Schedule 12, in so far as it relates to—

paragraphs 5, in so far as it is not already in force, 10, 11(1), in so far as it relates to sub-paragraph (2), and (2), 14 to 17, 21 and 22, 27, 29, 33, 48, 57 and 58, 62 in so far as it is not already in force, 64 and 65 and 76(3), in so far as it is not already in force

and section 319(1) in so far as it relates to those provisions

Schedule 13, in so far as it relates to the repeals there specified in relation to—

the Pension Schemes Act 1993(a), sections 111, 111A(10), 111B, 132, 148(5), 149(1), (1A) and (1B), 149(3), 149(6), 149(8), 151(1) and (3), 158, 177(5), 181(1) so far as it relates to the definition of "voluntary contributions requirements", and Schedule 9;

the Pensions Act 1995(**b**), sections 38(2)(b), 69, 71A(4), 72B(7) and (8)(b), 76, 87(5)(a), 88(4)(a), 118(3), 119, 124(1) (in so far as it relates to the definitions of "member-nominated director" and "member-nominated trustee"), 142(5), 178(2), Schedule 2, Schedule 3 paragraphs 12 and 44(a)(ii) and Schedule 6;

the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995(c);

the Bank of England Act 1998(d);

the Welfare Reform and Pension Act 1999(e), Schedule 2 paragraphs 3(1)(a) and 13 and Schedule 12;

payments made by employers to personal pension schemes overriding requirements pre-consolidation amendments The Pensions Regulator Tribunal

delegation

consequential amendments

repeals

⁽a) 1993 c.48.

⁽b) 1995 c.26.

⁽c) 1995 c.40.

⁽d) 1998 c.11.

⁽e) 1999 c.30.

the Child Support, Pensions and Social Security Act 2000(a);

the Employment Act 2002(b),

and section 320 in so far as it relates to those provisions.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further provision for the coming into force of provisions of the Pensions Act 2004 (c.35) ("the Act").

Article 2(1) appoints the day for the coming into force of the provisions of the Act specified in Part 1 of the Schedule as 9th March 2006 for the purposes of conferring power to make regulations and 6th April 2006 for all other purposes. Those provisions are—

section 249(2) (requirement for knowledge and understanding: supplementary);

sections 250 and 251 (payment of surplus to employer and transitional power to amend scheme).

Article 2(2) appoints the day for the coming into force of the provisions of the Act specified in Part 2 of the Schedule as 1st April 2006. Those provisions are—

section 151(8) (application for reconsideration: definition of "audited scheme accounts"), in so far as it is not already in force;

section 173(1)(b) (pension protection fund), in so far as it is not already in force;

section 177(9), in so far as it is not already in force (amount to be raised by the pension protection levies: definitions).

Article 2(3) appoints the day for the coming into force of the provisions of the Act specified in Part 3 of the Schedule as 6th April 2006. Those provisions include—

section 18 (pension liberation: interpretation), in so far as it is not already in force;

section 86 (disclosure for facilitating exercise of functions by other supervisory authorities), in so far as it is not already in force;

section 160(7) (transfer notice), in so far as it is not already in force;

section 165 (guaranteed minimum pensions);

section 169(1) and (2)(a) to (c) (discharge of liabilities in respect of compensation);

section 173(1)(a), and (f) and (3), in so far as it is not already in force (pension protection fund);

section 204 (sections 190 to 203: interpretation);

sections 247, 248 and 249, in so far as it is not already in force (requirement for knowledge and understanding: individual trustees, corporate trustees and supplementary); section 254 (representative of non-European scheme to be treated as a trustee);

⁽a) 2000 c.19.

⁽b) 2002 c.22.

section 267 (voluntary contributions);

section 268 (payments made by employers to personal pension schemes);

section 306(2)(j) and (k), (4) and (5) (overriding requirements);

section 321 (pre-consolidation amendments);

Schedule 4, in so far as it is not already in force, and section 102 in so far as it is not already in force;

Schedule 5, paragraph 18(2) (delegation), and section 109 in so far as it relates to that paragraph;

provisions in Schedule 12 (minor and consequential amendments), and section 319(1) in so far as it relates to those provisions;

provisions in Schedule 13 (repeals), and section 320 in so far as it relates to those provisions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Pensions Act 2004 have been brought into force on the dates shown by commencement orders before the date of this Order. Some of these provisions will not be in force on the date that this Order is made.

Provision	Date of	S.I. No.
	Commencement	
section 1	17th December 2004	2004/3350
section 2 (partially)	17th December 2004	2004/3350
section 2 (for all other purposes)	6th April 2005	2005/275
section 3 (partially)	17th December 2004	2004/3350
section 3 (partially)	10th February 2005	2005/275
section 3 (partially)	1st April 2005	2005/275
section 4 (partially)	17th December 2004	2004/3350
section 4 (for all other purposes)	6th April 2005	2005/275
section 5 (partially)	17th December 2004	2004/3350
section 5 (for all other purposes)	6th April 2005	2005/275
section 6	17th December 2004	2004/3350
section 7	6th April 2005	2005/275
section 8 (partially)	17th December 2004	2004/3350
section 8 (for all other purposes)	6th April 2005	2005/275
section 9	17th December 2004	2004/3350
section 10 (partially)	17th December 2004	2004/3350
section 10 (partially)	10th February 2005	2005/275
section 10 (partially)	6th April 2005	2005/275
section 10 (for all other purposes)	6th April 2005	2005/695
section 11	10th February 2005	2005/275
section 12 (partially)	17th December 2004	2004/3350
section 13	6th April 2005	2005/275
section 14	6th April 2005	2005/275

section 15	6th April 2005	2005/275
section 16	6th April 2005	2005/275
section 17	6th April 2005	2005/275
section 18 (partially)	6th April 2005	2005/275
section 19 (partially)	10th February 2005	2005/275
section 19 (for all other purposes)	6th April 2005	2005/275
section 20 (partially)	6th April 2005	2005/275
section 21 (partially)	10th February 2005	2005/275
section 21 (for all other purposes)	6th April 2005	2005/275
section 22	6th April 2005	2005/275
section 23 (partially)	10th February 2005	2005/275
section 23 (for all other purposes)	6th April 2005	2005/275
section 24 (partially)	10th February 2005	2005/275
section 24 (for all other purposes)	6th April 2005	2005/275
section 25	6th April 2005	2005/275
section 26	6th April 2005	2005/275
section 27	6th April 2005	2005/275
section 28	6th April 2005	2005/275
section 29	6th April 2005	2005/275
section 30 (partially)	10th February 2005	2005/275
section 30 (for all other purposes)	6th April 2005	2005/275
section 31	6th April 2005	2005/275
section 31	6th April 2005	2005/275
section 32	6th April 2005	2005/275
section 34	6th April 2005	2005/275
section 35	6th April 2005	2005/275
section 35 section 36 (partially)	10th February 2005	2005/275
section 36 (for all other purposes)	6th April 2005	2005/275
section 37	6th April 2005	2005/275
section 37 section 38 (partially)	10th February 2005	2005/275
section 38 (partially)	6th April 2005	2005/275
section 39	6th April 2005	2005/275
section 40	6th April 2005	2005/275
section 41 (partially)	6th April 2005	2005/275
section 42 (partially)	6th April 2005	2005/275
section 42 (partially)	10th February 2005	2005/275
section 43 (partially)	6th April 2005	2005/275
section 44 (partially)	10th February 2005	2005/275
section 44 (for all other purposes)	6th April 2005	2005/275
section 44 (for an other purposes)	10th February 2005	2005/275
4 2/	6th April 2005	2005/275
section 45 (for all other purposes) section 46	6th April 2005	2005/275
	6th April 2005	
section 47 (partially)	±	2005/275
section 48	6th April 2005	2005/275
section 49	6th April 2005	2005/275
section 50 (partially)	6th April 2005	2005/275
section 51	6th April 2005	2005/275
section 52 (partially)	10th February 2005	2005/275
section 52 (for all other purposes)	6th April 2005	2005/275
section 53	6th April 2005	2005/275
section 54	6th April 2005	2005/275
section 55	6th April 2005	2005/275

section 56	6th April 2005	2005/275
section 57 (partially)	10th February 2005	2005/275
section 57 (for all other purposes)	6th April 2005	2005/275
section 58	6th April 2005	2005/275
section 59 (partially)	10th February 2005	2005/275
section 59 (partially)	1st April 2005	2005/275
section 59 (for all other purposes)	6th April 2005	2005/275
section 60 (partially)	10th February 2005	2005/275
section 60 (for all other purposes)	6th April 2005	2005/275
section 61 (partially)	10th February 2005	2005/275
section 61 (for all other purposes)	6th April 2005	2005/275
section 62	6th April 2005	2005/275
section 63	6th April 2005	2005/275
section 64	6th April 2005	2005/275
section 65	6th April 2005	2005/275
section 66	6th April 2005	2005/275
section 67	6th April 2005	2005/275
section 68	6th April 2005	2005/275
section 69 (partially)	10th February 2005	2005/275
section 69 (for all other purposes)	6th April 2005	2005/275
section 70	6th April 2005	2005/275
section 71	6th April 2005	2005/275
section 72	6th April 2005	2005/275
section 73	6th April 2005	2005/275
section 74	6th April 2005	2005/275
section 75	6th April 2005	2005/275
section 76	6th April 2005	2005/275
section 77	6th April 2005	2005/275
section 78	6th April 2005	2005/275
section 79	6th April 2005	2005/275
section 80	6th April 2005	2005/275
section 81	6th April 2005	2005/275
section 82	6th April 2005	2005/275
section 83	6th April 2005	2005/275
section 84	6th April 2005	2005/275
section 85	6th April 2005	2005/275
section 86 (partially)	6th April 2005	2005/275
section 87	6th April 2005	2005/275
section 88	6th April 2005	2005/275
section 89	6th April 2005	2005/275
section 90 (partially)	6th April 2005	2005/275
section 90 (for all other purposes)	14th November 2005	2005/2447
section 91 (partially)	17th December 2004	2004/3350
section 91 (for all other purposes)	6th April 2005	2005/275
section 92	6th April 2005	2005/275
section 93 (partially)	10th February 2005	2005/275
section 93 (for all other purposes)	6th April 2005	2005/275
section 94	6th April 2005	2005/275
section 95 (partially)	6th April 2005	2005/275
section 96 (partially)	6th April 2005	2005/275
section 97 (partially)	10th February 2005	2005/275
section 97 (for all other purposes)	6th April 2005	2005/275
section 98	6th April 2005	2005/275

section 99	6th April 2005	2005/275
section 100	6th April 2005	2005/275
section 101 (partially)	6th April 2005	2005/275
section 102 (partially)	17th December 2004	2004/3350
section 102 (partially)	10th February 2005	2005/275
section 102 (for all other purposes)	6th April 2005	2005/275
section 103 (partially)	10th February 2005	2005/275
section 103 (for all other purposes)	6th April 2005	2005/275
section 104 (partially)	10th February 2005	2005/275
section 104 (for all other purposes)	6th April 2005	2005/275
section 105	6th April 2005	2005/275
section 106 (partially)	10th February 2005	2005/275
section 106 (for all other purposes)	6th April 2005	2005/275
section 107	17th December 2004	2004/3350
section 108 (partially)	17th December 2004	2004/3350
section 108 (partially)	6th April 2005	2005/275
section 109 (partially)	17th December 2004	2004/3350
section 109 (partially)	6th April 2005	2005/275
section 109 (partially)	1st September 2005	2005/2447
section 109 (partially)	1st January 2006	2005/3331
section 109 (partially)	1st April 2006	2005/3331
section 110 (partially)	17th December 2004	2004/3350
section 110 (partially)	6th April 2005	2005/275
section 110 (partially)	1st September 2005	2005/1720
section 110 (partially) section 110 (for all other purposes)	9th December 2005	2005/3331
section 111	17th December 2004	2004/3350
section 112 (partially)	17th December 2004	2004/3350
section 112 (partially)	10th February 2005	2005/275
section 112 (partially)	6th April 2005	2005/275
section 113 (partially)	6th April 2005	2005/275
section 113 section 114 (partially)	10th February 2005	2005/275
section 114 (partially) section 114 (for all other purposes)	6th April 2005	2005/275
	10th February 2005	2005/275
section 115 (partially)	_	
section 115 (for all other purposes)	8th March 2005	2005/275
section 116	17th December 2004	2004/3350
section 117 (partially)	10th February 2005	2005/275
section 117 (partially)	1st April 2005	2005/275
section 119	6th April 2005	2005/275
section 120 (partially)	10th February 2005	2005/275
section 120 (for all other purposes)	6th April 2005	2005/275
section 121 (partially)	10th February 2005	2005/275
section 121 (partially)	6th April 2005	2005/275
section 121 (partially)	30th June 2005	2005/1720
section 122 (partially)	10th February 2005	2005/275
section 122 (for all other purposes)	6th April 2005	2005/275
section 123 (partially)	10th February 2005	2005/275
section 123 (for all other purposes)	6th April 2005	2005/275
section 124	6th April 2005	2005/275
section 125 (partially)	10th February 2005	2005/275
section 125 (for all other purposes)	6th April 2005	2005/275
section 126 (partially)	10th February 2005	2005/275
section 126 (partially)	8th March 2005	2005/275
section 126 (partially)	1st April 2005	2005/275

section 126 (for all other purposes)	6th April 2005	2005/275
section 127	6th April 2005	2005/275
section 128	6th April 2005	2005/275
section 129 (partially)	10th February 2005	2005/275
section 129 (for all other purposes)	6th April 2005	2005/275
section 130 (partially)	10th February 2005	2005/275
section 130 (for all other purposes)	6th April 2005	2005/275
section 131	6th April 2005	2005/275
section 132 (partially)	6th April 2005	2005/275
section 133 (partially)	10th February 2005	2005/275
section 133 (for all other purposes)	6th April 2005	2005/275
section 134 (partially)	10th February 2005	2005/275
section 134 (partially)	6th April 2005	2005/275
section 135 (partially)	10th February 2005	2005/275
section 135 (for all other purposes)	6th April 2005	2005/275
section 136	6th April 2005	2005/275
section 137	6th April 2005	2005/275
section 138 (partially)	10th February 2005	2005/275
section 138 (partially)	6th April 2005	2005/275
section 139 (partially)	10th February 2005	2005/275
section 139 (for all other purposes)	6th April 2005	2005/275
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section 160 (partially)	6th April 2005	2005/275
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section 161 (partially)	1st January 2006	2005/273
section 161 (partially)	6th April 2006	2005/3331
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