STATUTORY INSTRUMENTS

2010 No. 1145 (C. 74)

PENSIONS

The Pensions Act 2008 (Commencement No. 7 and Saving, Consequential and Incidental Provisions) Order 2010

Made - - - - 31st March 2010

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 144(2) and (4) and 149(1) of the Pensions Act 2008(**a**).

Citation

1. This Order may be cited as the Pensions Act 2008 (Commencement No. 7 and Saving, Consequential and Incidental Provisions) Order 2010.

Commencement of provisions

2. Section 124(2) and (6) of the Pensions Act 2008 (financial assistance scheme), in so far as not already in force, comes into force on 31st March 2010.

Saving

3.—(1) This article applies for the purposes of any regulations made under section 286 of the Pensions Act 2004 (financial assistance scheme for members of certain pension schemes)(**b**) prior to this Order being made.

(2) Where this article applies, section 286 shall continue to have effect as it was in force immediately before the making of this Order until such time as further regulations made under that section come into force.

Consequential and incidental provisions

4.—(1) In the Financial Assistance Scheme Regulations 2005(**c**)—

(a) in regulation 2(1) (interpretation) after the definition of "scheme manager" insert—

""scheme's pension liabilities", in respect of a member of a qualifying pension scheme, means the liabilities of the scheme to, or in respect of, the member in respect of pensions or other benefits (including increases in pensions);";

(b) in regulation 15(5) (qualifying members)(**d**) for sub-paragraph (c) substitute—

(**a**) 2008 c.30.
(**b**) 2004 c.35. Section 286 was amended by section 18 of the Pensions Act 2007 (c.22) and section 124 of the Pensions Act 2008 and is modified in its application to multi-employer schemes by regulation 76 of S.I. 2005/441.
(**c**) S.I. 2005/1986 as amended by S.I. 2005/3256, 2006/3370, 2007/3581, 2008/1432, 2008/1903, 2008/3069, 2008/3241, 2009/792 and 2009/1851.
(**d**) Regulation 15(5) was amended by S.I. 2007/3581 and 2008/1903.

"(c) the scheme's pension liabilities in respect of that person have not been satisfied in full.".

(2) In regulation 2(1) of the Financial Assistance Scheme (Provision of Information and Administration of Payments) Regulations 2005(**a**) (interpretation)—

(a) in the definition of "member" for paragraph (a)(ii) substitute—

"(ii) the scheme's pension liabilities in respect of that person have not been satisfied in full;";

(b) after the definition of "scheme manager" insert—

""scheme's pension liabilities", in respect of a member of a qualifying pension scheme, means the liabilities of the scheme to, or in respect of, the member in respect of pensions or other benefits (including increases in pensions);".

(3) The amendments made by this article have effect from 1st April 2010.

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

Angela Eagle
Minister of State,
Department for Work and Pensions

31st March 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 124(2) and (6) of the Pensions Act 2008 (c.30) (financial assistance scheme). These provisions make amendments in relation to the definition of "qualifying member" in section 286(2) of the Pensions Act 2004 (c.35). Section 124(2) and (6) were brought into force on 19th December 2008 for limited purposes. This Order brings those provisions into force for all remaining purposes from 31st March 2010.

The Order saves section 286 in its unamended form for the purposes of existing regulations under that section until such time as new regulations made under the section come into force.

The Order also makes consequential and incidental provisions amending the Financial Assistance Scheme Regulations 2005 (S.I. 2005/1986) and the Financial Assistance Scheme (Provision of Information and Administration of Payments) Regulations 2005 (S.I. 2005/2189). The amendments insert a definition of "scheme's pension liabilities" in both, make changes in relation to the definition of "qualifying member" in the former and amend the definition of "member" in the latter.

A full impact assessment has not been published for this Order as it has only a negligible impact on the private and voluntary sectors.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Pensions Act 2008 are brought into force by Statutory Instruments which were made before this Order was made.

Provision	*Date of Commencement*	*S.I. No.*
sections 62 to 64	26th January 2009	2009/82
section 74	1st July 2009	2009/1566
section 75 (for all remaining purposes)	5th July 2010	2010/10

(**a**) S.I. 2005/2189 as amended by S.I. 2005/3256, 2007/3581, 2008/1903, 2009/792 and 2009/1851.

section 76	5th July 2010	2010/10
section 99	5th July 2010	2010/10
section 100	6th April 2009	2009/82
section 101 (partially)	6th April 2009	2009/82
section 101 (for all other purposes)	6th April 2009	2009/809
section 122 (partially)	1st April 2009	2009/809
section 124(2) and (6) (partially)	19th December 2008	2008/3241
section 126 (for all remaining purposes)	29th June 2009	2009/1566
section 128	26th January 2009	2009/82
section 129 (partially)	26th February 2010	2010/467
section 130	6th April 2009	2009/82
section 132	26th January 2009	2009/82
section 138	26th January 2009	2009/82
section 139	6th April 2009	2009/82
section 148 (partially)	6th April 2009	2009/82
Schedule 1 (for all remaining purposes)	5th July 2010	2010/10
Schedule 2 Parts 1 and 3	6th April 2009	2009/82
Schedule 2 Part 2	6th April 2009	2009/809
Schedule 8 (partially)	1st April 2009	2009/809
Schedule 9 (for all remaining purposes)	29th June 2009	2009/1566
Schedule 10 (partially)	26th February 2010	2010/467
Schedule 11 Part 2	6th April 2009	2009/82

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

STATUTORY INSTRUMENTS

2010 No. 1145 (C. 74)

PENSIONS

The Pensions Act 2008 (Commencement No. 7 and Saving, Consequential and Incidental Provisions) Order 2010

£4.00

E6799 04/2010 106799T 19585