STATUTORY INSTRUMENTS

2009 No. 1682 (S. 9)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

PENSIONS

The Scottish Parliamentary Pensions Act 2009 (Consequential Modifications) Order 2009

Made - - - -	*2nd July 2009*
Coming into force - -	*1st September 2009*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(5) of the Scotland Act 1998(**a**).

In accordance with section 115(1) of, and paragraphs 1, 2 and 3 of Schedule 7 to, that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Scottish Parliamentary Pensions Act 2009 (Consequential Modifications) Order 2009 and shall come into force on 1st September 2009.

(2) This Order extends to England and Wales and Scotland.

Modifications

2. The modifications specified in the Schedule shall have effect.

ANN McKECHIN
Parliamentary Under Secretary of State
Scotland Office
Ministry of Justice

Dover House,
London
2nd July 2009

(**a**) 1998 c.46.

SCHEDULE

Article 2

MODIFICATIONS OF PUBLIC GENERAL ACTS

The Pensions Act 1995 (c.26)

1. In section 11(7)(b) of the Pensions Act 1995 (powers to wind up schemes) after "any enactment" insert "(including the Scottish Parliamentary Pensions Act 2009 (asp 1))".

The Pensions Act 2004 (c.35)

2. In section 249A(3)(**a**) of the Pensions Act 2004 (schemes exempt from requirement for internal controls), after paragraph (c) insert—

"(d) the Scottish Parliamentary Pension Scheme as defined in section 4 of the Scottish Parliamentary Pensions Act 2009 (asp 1).".

(**a**) Section 249A of the Pensions Act 2004 was inserted by S.I. 2005/3379, Regulation 2.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of the Scottish Parliamentary Pensions Act 2009 ("the 2009 Act"). The Schedule to the Order makes modifications of primary legislation in consequence of the 2009 Act.

Paragraph 1 of the Schedule amends section 11(7) of the Pensions Act 1995 ("the 1995 Act") so that the Pensions Regulator continues, in limited circumstances, to have the power to adapt, amend or repeal the legislation which contains the rules of the Scottish Parliamentary Pension Scheme and the First Minister and Presiding Officer Pension Scheme. Section 11 of the 1995 Act applies to both schemes by virtue of their status as public service pension schemes for the purpose of the Pension Schemes Act 1993 (c.48) as conferred under the Occupational Pension Schemes (Public Service Pension Schemes) Regulations 2009 (S.I. 2009/).

Paragraph 2 of the Schedule amends section 249A(3) of the Pensions Act 2004 so that the Scottish Parliamentary Pension Scheme continues to be exempt from the requirement for internal controls in section 249A.

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