

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

Pensions Act 2004 (c. 35)

243.—(1) The Pensions Act 2004 is amended as follows.

(2) In section 44(2) (meaning of “service company”)—

(a) in paragraph (a) for “within the meaning given by section 735(1) of the Companies Act 1985” substitute “ as defined in section 1(1) of the Companies Act 2006 ”;

(b) in paragraph (c)—

(i) for “accounts” substitute “ individual accounts ”, and

(ii) for “section 226 of that Act” substitute “ Part 15 of that Act ”.

(3) In section 45(2)(b) (meaning of financial support: group of companies), for “within the meaning given in section 736 of the Companies Act 1985” substitute “ within the meaning of section 1159 of the Companies Act 2006 ”.

(4) In section 51 (interpretation of sections 43 to 50), for subsection (1) substitute—

“(1) In sections 43 to 50—

“group of companies” means a holding company and its subsidiaries (and references to a member of a group of companies are to be read accordingly); and

“holding company” and “subsidiary” have the meaning given by section 1159 of the Companies Act 2006.”.

(5) In section 57 (application of provisions to partnerships and LLPs)—

(a) in subsection (2)(d), for “section 736 of the Companies Act 1985” substitute “ section 1159 of the Companies Act 2006 ”;

(b) in subsection (6), for paragraph (a) substitute—

“(a) a limited liability partnership registered under the Limited Liability Partnerships Act 2000, or”.

(6) In section 87(2) (Pensions Regulator: persons to whom disclosure permitted), in paragraph (c) (ii) omit “of the Companies (Northern Ireland) Order 1989 or”.

(7) In section 121(10) (meaning of “insolvency event” etc: interpretation), in the definition of “company”, for “within the meaning given by section 735(1) of the Companies Act 1985” substitute “ as defined in section 1(1) of the Companies Act 2006 ”.

(8) In section 201(2) (Board of Pension Protection Fund: persons to whom disclosure permitted), in paragraph (c)(ii) omit “of the Companies (Northern Ireland) Order 1989 or”.

(9) In section 243(3) (supplementary provisions relating to member-nominated trustees and directors: interpretation), in the definition of “company”, for “within the meaning given by section 735(1) of the Companies Act 1985” substitute “ as defined in section 1(1) of the Companies Act 2006 ”.

(10) In section 248(8) (requirement for knowledge and understanding: corporate trustees), for “within the meaning given by section 735(1) of the Companies Act 1985” substitute “ as defined in section 1(1) of the Companies Act 2006 ”.

(11) In section 306(4) (provisions overriding company's memorandum and articles), for “memorandum or articles”, in each place where it occurs, substitute “ articles ”.

(12) In Schedule 3 (Pensions Regulator: permitted disclosure to facilitate exercise of functions)—

Changes to legislation: *There are currently no known outstanding effects for the The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, Paragraph 243. (See end of Document for details)*

- (a) in the entry relating to persons authorised to exercise powers under companies legislation omit—
 - (i) in the first column, paragraph (b), and
 - (ii) in the second column, “or that Article”;
 - (b) in the entry relating to the Department of Enterprise, Trade and Investment in Northern Ireland, omit paragraphs (a) and (c) and the word “or” at the end of paragraph (b);
 - (c) omit the entry relating to inspectors appointed by that Department and functions under Part 15 of the Companies (Northern Ireland) Order 1986;
 - (d) in the entry relating to any body carrying on activities concerned with any of the matters set out in section 16(2) of the Companies (Audit, Investigations and Community Enterprise) Act 2004 ^{MI}, in the first column—
 - (i) omit “or Article 16(2) of the Companies (Audit, Investigations and Community Enterprise) (Northern Ireland) Order 2005”, and
 - (ii) for “(within the meaning given by section 736 of the Companies Act 1985 or Article 4 of the Companies (Northern Ireland) Order 1986)” substitute “ (as defined in section 1159 of the Companies Act 2006) ”.
- (13) In Schedule 8 (Board of Pensions Protection Fund: permitted disclosure to facilitate exercise of functions)—
- (a) in the entry relating to persons authorised to exercise powers under (amongst other powers) section 447 of the Companies Act 1985 omit—
 - (i) in the first column, paragraph (b), and
 - (ii) in the second column, “or that Article”;
 - (b) in the entry relating to the Department of Enterprise, Trade and Investment in Northern Ireland, omit paragraphs (a) and (c) and the word “or” at the end of paragraph (b);
 - (c) omit the entry relating to inspectors appointed by that Department and functions under Part 15 of the Companies (Northern Ireland) Order 1986.

Marginal Citations

- MI** The entry relating to any body carrying on activities concerned with any of the matters set out in section 16(2) of the [Companies \(Audit, Investigations and Community Enterprise\) Act 2004 \(c.27\)](#) was inserted by [S.I. 2006/2937](#), [article 2\(b\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, Paragraph 243.