

S.I. No. 398 of 2003

**PENSIONS (AMENDMENT) ACT, 2002 (SECTION 5 (EXCEPT IN SO FAR AS THAT SECTION IS ALREADY IN OPERATION) AND SECTIONS 8 AND 58) (COMMENCEMENT) ORDER, 2003**

The Minister for Social and Family Affairs, in exercise of the powers conferred on her by section 1 of the Pensions (Amendment) Act, 2002 (No.18 of 2002), hereby orders as follows:

**Citation.** 1. This Order may be cited as the Pensions (Amendment) Act, 2002 (Section 5 (except in so far as that section is already in operation) and sections 8 and 58) (Commencement) Order, 2003.

**Commencement.** 2. The 2nd day of September 2003 is appointed as the day on which section 5 (except in so far as that section is already in operation) and sections 8 and 58 of the Pensions (Amendment) Act, 2002 comes into operation.

**GIVEN** under the Official Seal of the Minister for Social and Family Affairs, this 2<sup>nd</sup> day of September 2003.

**L.S.** MARY COUGHLAN  
Minister for Social and Family Affairs

## **EXPLANATORY NOTE**

**(This note is not part of the Instrument and does not purport to be a legal interpretation.)**

Section 5 of the Pensions (Amendment) Act, 2002 inserted a new Part XI into the Pensions Act, 1990 to provide for a Pensions Ombudsman.

Section 8 of the Pensions (Amendment) Act, 2002 amends section 3 of the Pensions Act, 1990 to allow the Pensions Ombudsman bring and prosecute proceedings for a summary offence under the Act in relation to a breach of specified provisions.

Section 58 amends the Ombudsman Act, 1980 so as to ensure that matters within the remit of the Pensions Ombudsman will be not be capable of being dealt with by the public service Ombudsman under the provisions of the Ombudsman Act, 1980.

This order provides for the commencement of those sections.

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