STATUTORY RULES OF NORTHERN IRELAND

2008 No. 116

PENSIONS

The Occupational Pension Schemes (Internal Dispute Resolution Procedures) (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2008

Made - - - -	*13th March 2008*
Coming into operation	*6th April 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 109(1)(d) and 177(2) to (4) of the Pension Schemes (Northern Ireland) Act 1993(**1**) and Articles 50(8)(c) and (9)(c) and 166(1) to (3) of the Pensions (Northern Ireland) Order 1995(**2**), and now vested in it(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Internal Dispute Resolution Procedures) (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2008 and shall come into operation on 6th April 2008.

(2) In these Regulations any reference to a numbered Article is a reference to the Article of the Pensions (Northern Ireland) Order 1995 bearing that number.

(3) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Information requirements

2.—(1) When the trustees or managers of an occupational pension scheme receive (or, as the case may be, the specified person(**5**) receives) an application under the relevant procedure, they must as soon as is reasonably practicable—

(**1**) 1993 c. 49
(**2**) S.I. 1995/3213 (N.I. 22); Article 50 is substituted by Article 250 of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)) as amended by section 14 of the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.))
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) 1954 c. 33 (N.I.)
(**5**) *See* Article 50(4A) of the Pensions (Northern Ireland) Order 1995

(a) inform the applicant that TPAS (the Pensions Advisory Service)(**6**) is available to assist members and beneficiaries of the scheme in connection with any difficulty with the scheme, and

(b) give the applicant the contact details for TPAS.

(2) For the purposes of paragraph (1)—

(a) the relevant procedure is a procedure for the application for the resolution of a pension dispute under Article 50(4) (requirement for dispute resolution arrangements), and

(b) "member" has the meaning given to it in Articles 121(1)(**7**) (interpretation of Part II) and 122(4) (Article 121: supplementary).

(3) When the trustees or managers of an occupational pension scheme notify the applicant of their decision on the matters in dispute in accordance with Article 50(5)(b), the notification shall include—

(a) a statement that the Pensions Ombudsman appointed under section 145(2) of the Pension Schemes Act 1993(**8**) may investigate and determine any complaint or dispute of fact or law, in relation to a scheme made or referred in accordance with the Pension Schemes (Northern Ireland) Act 1993, and

(b) the Pensions Ombudsman's contact details.

Exempted schemes

3. An occupational pension scheme of a description prescribed for the purposes of Article 50(8)(c) is a scheme in relation to which the sole trustee of the scheme is a company and all members of the scheme are directors of that company.

Exempted disputes

4. A dispute of a description prescribed for the purposes of Article 50(9)(c) is a dispute in respect of which a notice of appeal has been issued by the complainant in accordance with—

(a) regulation H2 of the Royal Ulster Constabulary Pensions Regulations 1988(**9**) (appeal to medical referee);

(b) regulation 30 of the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006(**10**) (appeal to independent medical referee);

(c) rule 2 of Part 6 of the Firefighters' Compensation Scheme (Northern Ireland) 2007 set out in the Annex to the Firefighters' Compensation Scheme Order (Northern Ireland) 2007(**11**) (appeal to medical referee);

(d) article 66 of the Firefighters' Pension Scheme (Northern Ireland) 2007 set out in the Annex to the Firefighters' Pension Scheme Order (Northern Ireland) 2007(**12**) (appeal against opinion on a medical issue);

(**6**) The Pensions Advisory Service's address for correspondence is 11 Belgrave Road, London, SW1V 1RB
(**7**) The definition of "member" was amended by paragraph 50(2) of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**8**) 1993 c. 48; section 145(2) was amended by section 274(1) of the Pensions Act 2004 (c. 35)
(**9**) S.R. 1988 No. 374
(**10**) S.R. 2006 No. 268
(**11**) S.R. 2007 No. 143
(**12**) S.R. 2007 No. 144

(e) article 47 of the New Firefighters' Pension Scheme (Northern Ireland) (appeal against opinion on a medical issue) set out in the Annex to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007(**13**), or

(f) regulation 68 of the Police Pension (Northern Ireland) Regulations 2007(**14**) (appeal to independent medical referee).

Transitional provisions

5.—(1) Any disagreement which was ongoing before 6th April 2008 under arrangements made and implemented under Article 50(1) shall continue until the procedure under those arrangements comes to an end, as if the relevant legislative provisions governing those arrangements were still in operation.

(2) For the purposes of paragraph (1) the relevant legislative provisions are—

(a) Article 50 as it was in operation immediately before 6th April 2008, and

(b) the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations (Northern Ireland) 1996(**15**).

(3) In the case of any relevant application, regulation 3 of the Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations (Northern Ireland) 1997(**16**) (exclusion from jurisdiction: use of internal disputes procedure) shall apply as it had effect before 6th April 2008.

(4) For the purposes of paragraph (3), "relevant application" means an application concerning a complaint or dispute made—

(a) to an occupational pension scheme under the arrangements required by Article 50, and

(b) before 6th April 2008.

Consequential and miscellaneous amendments

6.—(1) In regulation 3 of the Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations (Northern Ireland) 1997 (exclusion from jurisdiction: use of internal disputes procedure)—

(a) in paragraph (1) for "the arrangements required by Article 50(2)(b)" substitute "Article 50(5)(b)", and

(b) in paragraph (2) for "Article 50(2)(a) or (b)" substitute "Article 50(5)(b)".

(2) In Schedule 1 to the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997(**17**) (basic information about the scheme)—

(a) in paragraph 25 for "Article 50(7)" substitute "Article 50(8)", and

(b) in paragraph 26(**18**) for "OPAS", in both places where it occurs, substitute "TPAS".

(3) In the table in Schedule 2 to the Stakeholder Pension Schemes Regulations (Northern (Ireland) 2000(**19**) (regulations applying to schemes which are or have been registered under Article 4)—

(a) omit the entry relating to the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations (Northern Ireland) 1996(**20**), and

(**13**) S.R. 2007 No. 215
(**14**) S.R. 2007 No. 476
(**15**) S.R. 1996 No. 203 as amended by S.R. 1999 No. 486 and S.R. 2005 No. 536
(**16**) S.R. 1997 No. 39
(**17**) S.R. 1997 No. 98; relevant amending Regulations are S.R. 1999 No. 486
(**18**) Paragraph 26 was amended by regulation 13(4) of S.R. 1999 No. 486
(**19**) S.R. 2000 No. 262; the relevant amending Regulations are S.R. 2001 No. 119
(**20**) The entry relating to the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations (Northern Ireland) 1996 was inserted by regulation 18(2) of S.R. 2001 No. 119

(b) at the end add—

"The Occupational Pension Schemes (Internal Dispute Resolution Procedures) (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2008	The whole of the Regulations".

Revocations

7. The provisions specified in column (1) of the Schedule are revoked to the extent mentioned in column (3).

Sealed with the Official Seal of the Department for Social Development on 13th March 2008

(L.S.)

John O'Neill
A senior officer of the Department for Social Development

SCHEDULE Regulation 7

Revocations

Column (1) *Citation*	*Column (2)* *Reference*	*Column (3)* *Extent of revocation*
The Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations (Northern Ireland) 1996	S.R. 1996 No. 203	The whole Regulations
The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1999	S.R. 1999 No. 486	Regulation 2
The Stakeholder Pension Schemes (Amendment No. 2) Regulations (Northern Ireland) 2001	S.R. 2001 No. 119	Regulation 18(2)
The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order (Northern Ireland) 2005	S.R. 2005 No. 536	Paragraph 4 of Schedule 2

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are mainly consequential upon Article 250 of the Pensions (Northern Ireland) Order 2005 ("the 2005 Order") as amended by section 14 of the Pensions Act (Northern Ireland) 2008.

Articles 50, 50A and 50B of the Pensions (Northern Ireland) Order 1995 ("the 1995 Order"), as substituted by Article 250 of the 2005 Order, include much of the detail contained in the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations (Northern Ireland) 1996 ("the 1996 Regulations").

Regulation 2 requires trustees or managers to make persons who apply for the resolution of a pension dispute ("applicants") aware that the Pensions Advisory Service is available to assist them, and that the Pensions Ombudsman is available to investigate and determine any complaint or dispute, as part of the notification to the applicants of the trustees' or managers' or specified person's decision in relation to the pension dispute.

Regulation 3 describes an occupational pension scheme in relation to which the requirement for dispute resolution arrangements does not apply.

Regulation 4 describes exempted disputes for the purposes of Article 50 of the 1995 Order.

Regulation 5 provides for transitional provision, to deal with cases already being considered under the internal dispute resolution procedures as they were prior to the coming into operation of these Regulations, and also to deal with cases excluded from being considered by the Pensions Ombudsman because they were already being considered under internal dispute resolution procedures prior to the coming into operation of these Regulations.

Regulation 6 makes consequential amendments and updates references to the Pensions Advisory Service.

Regulation 7 revokes the 1996 Regulations and makes consequential revocations.

The Pensions (2005 Order) (Commencement No. 11) Order (Northern Ireland) 2008 (S.R. 2008 No. 104 (C. 4)) provides for the coming into operation of Article 250 of the 2005 Order, which substitutes Article 50 of the 1995 Order, one of the enabling provisions under which these Regulations are made, for the purposes only of authorising the making of regulations, on 12th March 2008 and for all other purposes on 6th April 2008.

As these Regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain, the requirement to consult under Article 117(1) of the 1995 Order does not apply by virtue of paragraph (2)(e) of that Article.