
STATUTORY INSTRUMENTS

2005 No. 255

The Pensions (Northern Ireland) Order 2005

PART III

THE BOARD OF THE PENSION PROTECTION FUND

CHAPTER 6

REVIEWS, APPEALS AND MALADMINISTRATION

References to the PPF Ombudsman

Reference of reviewable matter to the PPF Ombudsman

192.—(1) Regulations must make provision—

- (a) for a reviewable matter to be referred to the PPF Ombudsman following a reconsideration decision under regulations made under paragraph (1)(b) of, or by virtue of paragraph (3) (b) of, Article 189 in respect of the matter, and
- (b) for the PPF Ombudsman—
 - (i) to investigate and determine what (if any) is the appropriate action for the Board to take in relation to the matter, and
 - (ii) to remit the matter to the Board with directions for the purpose of giving effect to his determination.

(2) Regulations under paragraph (1) must make provision about the making of references to the PPF Ombudsman, including provision—

- (a) about the descriptions of persons who may make them,
- (b) about the manner of making such references, including the times by which they are to be made, and
- (c) for prescribed persons to be notified of—
 - (i) references made under the regulations, and
 - (ii) determinations and directions given under the regulations.

(3) Regulations under paragraph (1) must—

- (a) require the PPF Ombudsman to conduct an oral hearing in relation to any reviewable matter referred to him under the regulations or to dispose of the matter on the basis of written representations,
- (b) enable the PPF Ombudsman to consider evidence relating to the matter which was not available to the Board or the Reconsideration Committee, and
- (c) make other provision about the procedure for conducting investigations, and reaching and giving determinations, under the regulations, including the times by which determinations are to be given.

Changes to legislation: *The Pensions (Northern Ireland) Order 2005, Section 192 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) The provision that may be made by virtue of paragraph (3)(c) includes provision—
- (a) conferring rights on prescribed persons—
 - (i) to make representations to the PPF Ombudsman in relation to a reviewable matter referred to him by virtue of this Article,
 - (ii) to be heard or represented at any oral hearing by the PPF Ombudsman in relation to such a matter,
 - (b) about the consideration of evidence by the PPF Ombudsman, including—
 - (i) production of documents,
 - (ii) oral hearings,
 - (iii) expert evidence,
 - (iv) attendance of witnesses,
 - (c) conferring rights on prescribed persons to continue a reference made by a person who has died or is otherwise unable to act for himself,
 - (d) as to the costs or expenses of prescribed persons,
 - (e) conferring rights on prescribed persons to apply for a stay in relation to prescribed legal proceedings which begin after the reference is made and conferring power on the relevant court to make an order staying the proceedings if it is satisfied of prescribed matters, and
 - (f) for securing that any determination or direction of the PPF Ombudsman under the regulations is binding on prescribed persons.
- (5) Regulations under paragraph (1) may include provision—
- (a) conferring power on the PPF Ombudsman to direct the Board to pay such compensation as he considers appropriate to such persons as he may direct,
 - (b) conferring power on the Board to make such payments,
 - (c) conferring power on the PPF Ombudsman to direct that—
 - (i) any determinations, directions or other decisions which are made by the Board in accordance with any determination or direction given by him, or
 - (ii) any variations, revocations or substitutions of its determinations, directions or other decisions which are made by the Board in accordance with any determination or direction given by him,
 are to be treated as if they were made at such time (which may be a time prior to his determination or direction) as he considers appropriate,
 - (d) conferring power on the PPF Ombudsman to direct that any notice varied, substituted, issued or given by the Board in accordance with any determination or direction given by him is to be treated—
 - (i) as if it were issued or given at such time (which may be a time prior to his determination or direction) as he considers appropriate;
 - (ii) as if it became binding for the purposes of this Part at the time at which he gives his determination or direction or at such later time as he considers appropriate,
 - (e) prescribing the circumstances in which any determination or other act of the Board in accordance with any determination or direction given by the PPF Ombudsman, is not to be treated as being a reviewable matter for the purposes of this Chapter, and
 - (f) conferring such other powers on the Board as may be required when a matter is remitted to it (including such powers as the Board may have on making a review decision or reconsideration decision under regulations made under Article 189(1)).

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 6 para. 21(2)(c)-(cc) substituted for (b)(c) by [2008 c. 13 \(N.I.\) Sch. 6 para. 11](#)
- art. 2(4)(b)(viii)-(x) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 21\(3\)\(b\)](#)
- art. 19(1A) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 24\(3\)](#)
- art. 19(10A) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 24\(5\)](#)
- art. 34(1)-(1B) substituted for art. 34(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 25](#)
- art. 34(7)(da) inserted by [2021 c. 1 Sch. 8 para. 3\(2\)](#)
- art. 39(1)-(1B) substituted for art. 39(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 26\(2\)](#)
- art. 48(1)-(1B) substituted for art. 48(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 27](#)
- art. 75(1)(a)(iib) inserted by [2021 c. 1 Sch. 8 para. 8\(2\)](#)
- art. 110(1)-(1B) substituted for art. 110(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 29](#)
- art. 191(5) added by [2008 c. 13 \(N.I.\) Sch. 9 para. 6](#)
- art. 267(4)(f) and word inserted by [2021 c. 1 Sch. 6 para. 20\(b\)](#)