
STATUTORY INSTRUMENTS

2005 No. 255

The Pensions (Northern Ireland) Order 2005

PART II

THE PENSIONS REGULATOR

The Determinations Panel

Functions exercisable by the Determinations Panel

- 7.—(1) The Determinations Panel is to exercise on behalf of the Regulator—
- (a) the power to determine, in the circumstances described in paragraph (2), whether to exercise a reserved regulatory function, and
 - (b) where it so determines to exercise a reserved regulatory function, the power to exercise the function in question.
- (2) Those circumstances are—
- (a) where the Regulator considers that the exercise of the reserved regulatory function may be appropriate, or
 - (b) where an application is made under, or by virtue of, any of the provisions listed in paragraph (6) for the Regulator to exercise the reserved regulatory function.
- (3) Where paragraph (1) applies, the powers mentioned in that paragraph are not otherwise exercisable by or on behalf of the Regulator.
- (4) For the purposes of this Part, a function of the Regulator is a “reserved regulatory function” if it is a function listed in Schedule 2.
- (5) Regulations may amend Schedule 2 by—
- (a) adding any function of the Regulator conferred by, or by virtue of, this or any other statutory provision,
 - (b) omitting any such function, or
 - (c) altering the description of any such function contained in that Schedule.
- (6) The provisions referred to in paragraph (2)(b) are—
- (a) Article 16(10) (application to permit payments out of an account that is subject to a restraining order);
 - (b) Article 22(2) (application for order validating action taken in contravention of freezing order);
 - (c) Article 37(7) (application for the issue of a revised contribution notice under Article 37(9));
 - (d) Article 46(7) (application for the issue of a revised contribution notice under Article 46(9));

Changes to legislation: *The Pensions (Northern Ireland) Order 2005, Cross Heading: The Determinations Panel is up to date with all changes known to be in force on or before 16 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*

- (e) Article 3(3) of the 1995 Order (application for revocation of prohibition order);
 - [^{F1}(ea) Article 3A(3) of that Order (application for waiver of prohibition);]
 - (f) Article 4(5) of that Order (application for revocation of a suspension order);
 - (g) Article 7(5A) of that Order (application for appointment of a trustee under Article 7(3) (a) or (c) of that Order);
 - (h) Article 29(5) of that Order (application for waiver of disqualification);
 - [^{F2}(ha) Article 58(7) of that Order (power of the Regulator in prescribed circumstances to extend or further extend the period referred to in Article 58(6) of that Order in relation to a schedule of contributions);
 - (hb) Article 60(7) of that Order (power of the Regulator in prescribed circumstances to extend or further extend the period applicable under Article 60(3) of that Order in relation to securing an increase in value);]
 - (i) Article 69(1) of that Order (application for order authorising modification or modifying a scheme);
 - (j) Article 71A(2) of that Order (application for modifying a scheme to secure winding up);
 - (k) section 95(4A) of the Pension Schemes Act (application for extension under section 95(4) of that Act of a period for compliance);
 - (l) section 97J(6)(a) of that Act (application for extension under section 97J(2) of that Act of a period for compliance).
- (7) Regulations may amend paragraph (6) by—
- (a) adding any provision of this or any other statutory provision to the list in that paragraph, or
 - (b) omitting or altering the description of any provision mentioned in that list.
- (8) The Panel may be authorised under paragraph 1(3) or (5) of Schedule 1 to exercise further functions of the Regulator on behalf of the Regulator.
- (9) The Panel may authorise any of its members or any of its sub-committees to exercise on its behalf—
- (a) any of the functions of the Regulator which are exercisable by the Panel on behalf of the Regulator, or
 - (b) any of the functions of the Panel under Article 88(3) or 94(11) or paragraph 18(2) of Schedule 1 to the Pensions Act 2004 (c. 35) (procedure).
- (10) This Article is subject to any regulations made by the Department under paragraph 2 of Schedule 1 (power to limit or permit delegation of functions).

F1 [Art. 7\(6\)\(ea\)](#) inserted (16.7.2015) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(1), [Sch. 19 para. 6](#); [S.R. 2015/307](#), art. 2(1)(o)

F2 [SR 2005/357](#)

Changes to legislation:

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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\(b\)](#)