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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 138**

**PENSIONS**

**The Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations (Northern Ireland) 2005**

*Made* - - - - *18th March 2005*

*Coming into operation* *6th April 2005*

The Department for Social Development, in exercise of the powers conferred on it by Articles 189 and 287(1) to (3) of the Pensions (Northern Ireland) Order 2005<sup>(1)</sup>, and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations (Northern Ireland) 2005 and shall come into operation on 6th April 2005.

(2) In these Regulations –

“the Order” means the Pensions (Northern Ireland) Order 2005 and any reference to a numbered Article or Schedule is a reference to the Article of, or the Schedule to, the Order bearing that number;

“employer”, in relation to an occupational pension scheme that has no active members, includes every person who was the employer of persons in the description of employment to which the scheme relates immediately before the time at which the scheme ceased to have any active members in relation to it;

“employer”, in relation to a multi-employer scheme, or a section of a multi-employer scheme, includes –

(a) in the case of a scheme that has no active members, every person who was the employer of persons in the description of employment to which the scheme, or section, relates immediately before the time at which the scheme, or section, ceased to have any active members in relation to it unless, after that time –

(i) a debt under Article 75 of the 1995 Order<sup>(2)</sup> (deficiencies in the assets) becomes due from that person to the scheme, or section, and

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(1) S.I.2005/255 (N.I. 1); Part II is modified in its application to partially guaranteed schemes by S.R. 2005 No. 55, in its application to hybrid schemes by S.R. 2005 No. 84, and in its application to multi-employer schemes by S.R. 2005 No. 91

(2) Article 75 is amended by Article 248 of the Pensions (Northern Ireland) Order 2005

- (ii) either –
  - (aa) the full amount of the debt has been paid by that person to the trustees or managers of the scheme, or section, or
  - (bb) in circumstances where a legally enforceable agreement has been entered into between that person and the trustees or managers of the scheme, or section, the effect of which is to reduce the amount which is payable in respect of the debt, the reduced amount of the debt has been paid in full by that person to those trustees or managers; and
- (b) in any other case, any person who has ceased to be the employer of persons in the description of employment to which the scheme, or section, relates unless –
  - (i) at the time when he so ceased, the scheme, or section was not being wound up and continued to have active members in relation to it; and
  - (ii) a debt under Article 75 of the 1995 Order became due at that time from that person to the scheme, or section, and either –
    - (aa) the full amount of the debt has been paid by that person to the trustees or managers of the scheme, or section, or
    - (bb) in circumstances where a legally enforceable agreement has been entered into between that person and the trustees or managers of the scheme, or section, the effect of which is to reduce the amount which is payable in respect of the debt, the reduced amount of the debt has been paid in full by that person to those trustees or managers;

“interested person” means, in relation to a reviewable matter specified in any paragraph in column 1 of the Schedule to these Regulations, the person prescribed in relation to that matter in the corresponding paragraph in column 2 or, as the case may be, a representative of that person appointed under regulation 28.

### **Duty to give a review decision**

2. The Board must give a review decision on any reviewable matter on the written application of an interested person.

### **Time for making an application for a review decision**

3.—(1) Subject to paragraph (2), any application for a review decision on any reviewable matter must be made –

- (a) in the case of an application concerning the approval of a valuation under Article 128(2) (a) (approval of valuation), by sending it to the Board before the end of a period of two months beginning with the date on which the trustees or managers of the scheme provide a summary of the valuation to members of the scheme in accordance with regulations made under Article 185(1)(b)(ii) (provision of information to members of schemes etc.);
- (b) in the case of an application concerning the determination of a person’s entitlement to compensation under Article 146 (the pension compensation provisions), at any time after the determination is made;
- (c) in all other cases, by sending it to the Board before the end of a period of 28 days beginning with the date on which the Board issues the determination, direction or other decision in respect of the reviewable matter.

(2) Subject to paragraph (3), where the circumstances of a case are such that, in the opinion of the Board, it is reasonable for an application to be made after the end of the period specified in

paragraph (1)(a) or (c), the Board must give a review decision if the application is made within such further period as the Board considers to be reasonable.

- (3) Paragraph (2) shall not apply to –
- (a) the issue of a notice under Article 106 (insolvency practitioner’s duty to issue notices confirming status of scheme) by virtue of Article 108 (Board’s duty where there is a failure to comply with Article 106);
  - (b) the issue of a determination notice under Article 107(4) (approval of notices issued under Article 106);
  - (c) the issue of –
    - (i) a scheme failure notice under Article 114(2) (Board’s duty where application or notification received under Article 113), or
    - (ii) a withdrawal notice under Article 114(3);
  - (d) the issue of a notice under Article 120(2) (power to validate contraventions of Article 119);
  - (e) the approval of the valuation under Article 128(2)(a) (approval of valuation);
  - (f) the issue of a withdrawal notice under Article 130(2)(a) (schemes which become eligible schemes);
  - (g) the issue of a withdrawal notice under Article 131(2)(a) (new schemes created to replace existing schemes);
  - (h) the issue of a withdrawal notice under Article 132(3) or (4) (withdrawal following issue of Article 106(4) notice);
  - (i) the issue of a determination notice under Article 136(3) (duty to assume responsibility following reconsideration); or
  - (j) the issue of a determination notice under Article 137(6) (closed schemes).

**Matters to be addressed or included in an application for a review decision**

- 4.—(1) An application for a review decision on any reviewable matter must include –
- (a) the name and address of the interested person making the application;
  - (b) the date on which any –
    - (i) determination;
    - (ii) direction, or
    - (iii) other decision,was issued by the Board;
  - (c) the grounds on which the application is made;
  - (d) in the case of a representative, the name and address of the person represented by him.
- (2) An application must be signed and dated by the interested person.

**Notice of an application for a review decision**

5. On receipt of an application made under regulation 3 the Board must, if it is of the opinion that an interested person other than the person making the application may be materially affected by the review decision, notify that person –

- (a) that an application has been received; and
- (b) of the grounds on which the application has been made.

### **Review decisions other than on an application**

6.—(1) The Board may give a review decision in respect of a reviewable matter otherwise than on an application.

(2) Paragraph (1) does not apply to any reviewable matter specified in regulation 3(3)(a) to (j) in respect of which there has been any determination, direction, or other decision which has become binding by virtue of or under the Order.

### **Notice of reviews other than on application**

7.—(1) Where the Board decides to give a review decision in respect of a reviewable matter under regulation 6(1) it must notify any interested person.

(2) For the purposes of paragraph (1) an interested person means a person who, in the opinion of the Board, may be materially affected by the review decision or, as the case may be, the representative of that person appointed under regulation 28.

### **Provision of written representations to the Board**

8.—(1) Subject to paragraph (2) –

- (a) an interested person notified by the Board under regulation 5 of an application for a review decision on any reviewable matter; or
- (b) an interested person notified under regulation 7(1),

may make written representations to the Board in respect of that matter.

(2) Any representations made under paragraph (1) must be received by the Board by such time as the Board may reasonably require.

### **Matters to be considered in giving a review decision**

9.—(1) In giving a review decision under regulation 2 the Board must take into account –

- (a) any information or documentation provided by the interested person making the application;
- (b) any representations made by an interested person in accordance with regulation 8(1)(a);
- (c) any other matters that appear to it to be relevant, including any relevant change of circumstances since the determination, direction or other decision was made or the failure occurred.

(2) In giving a review decision under regulation 6(1) the Board must take into account –

- (a) any representations made by an interested person or, as the case may be, a representative of that person in accordance with regulation 8(1)(b);
- (b) any other matters that appear to it to be relevant, including any relevant change of circumstances since the determination, direction or other decision was made or the failure occurred.

### **Time for giving review decision**

10.—(1) Subject to paragraph (2), the Board must give a review decision under regulation 2 before the end of a period of 28 days beginning with –

- (a) the date on which it receives the application for a review decision; or

- (b) the last date by which any documents or information that the Board has required a person to provide in accordance with a notice given under Article 173 (notices requiring provision of information) are to have been provided,

whichever is the later.

(2) If the Board is not able to give a review decision before the end of the period specified in paragraph (1) it must send an interim reply to –

- (a) the interested person making the application; and
- (b) any interested person notified of the application under regulation 5,

setting out the reasons for the delay and the expected date for issuing the review decision.

(3) Subject to paragraph (4), the Board must give a review decision under regulation 6(1) before the end of a period of 28 days beginning with –

- (a) the date on which the Board notified any interested person that it had decided to give a review decision in respect of a reviewable matter otherwise than on an application; or
- (b) the last date by which any documents or information that the Board has required a person to provide in accordance with a notice given under Article 173 (notices requiring provision of information) are to have been provided,

whichever is the later.

(4) If the Board is not able to give a review decision before the end of the period specified in paragraph (3) it must send an interim reply to any person notified of the decision under regulation 7(1) setting out the reasons for the delay and the expected date for issuing the review decision.

### **Powers on giving a review decision**

**11.** In giving a review decision under regulation 2 or 6(1) the Board may –

- (a) vary or revoke the determination, direction or other decision already made by the Board in respect of the reviewable matter;
- (b) substitute a different determination, direction or decision;
- (c) provide for such variations, revocations or substitutions, or any determinations, directions or other decisions made as a result of the review decision, to be treated as if they were made at such time (which may be a time prior to the making of the review decision) as the Board considers appropriate;
- (d) provide for any notice varied, substituted, issued or given by the Board as a result of the review decision to be treated as if it were issued or given at such time (which may be a time prior to the making of the review decision) as the Board considers appropriate;
- (e) deal with the matters arising on the review decision as if they had arisen on the original determination, direction or decision;
- (f) pay such compensation as the Board considers appropriate to such persons as it may determine;
- (g) make savings and transitional provision.

### **Matters to be included in a review decision**

**12.** A review decision given under regulation 2 or 6(1) must be given in writing and must include –

- (a) reasons for the decision;
- (b) an explanation as to whether and, if so, to what extent that decision –

- (i) varies or revokes a determination, direction, or other decision already made by the Board in respect of the reviewable matter;
- (ii) substitutes a different determination, direction or decision, or
- (iii) varies or substitutes a notice issued or given by the Board;
- (c) references to any relevant legislation;
- (d) a statement that if a person notified of the review decision under regulation 13(1) or (3) is dissatisfied with it he may refer the matter to the Reconsideration Committee for a reconsideration decision;
- (e) the address at which the Reconsideration Committee may be contacted.

### **Notice of a review decision**

13.—(1) The Board must send a copy of a review decision given under regulation 2 to the interested persons specified in paragraph (2).

- (2) The interested persons specified for the purposes of paragraph (1) are –
  - (a) the interested person who made the application for a review under regulation 2;
  - (b) any other interested person notified of the application by the Board in accordance with regulation 5.

(3) The Board must send a copy of a review decision given under regulation 6(1) to a person notified in accordance with regulation 7(1) of the Board's decision to give a review decision in respect of a reviewable matter otherwise than on application.

(4) The Board must also send a copy of the review decision given under regulations 2 or 6(1) to the Regulator if the Regulator was entitled to notification of the determination, direction or other decision in respect of which the review decision has been given by virtue of or under the Order.

### **Duty to give a reconsideration decision**

14.—(1) Where the Board has given a review decision the Reconsideration Committee must reconsider the reviewable matter and give a reconsideration decision on the written application of an interested person.

(2) For the purposes of paragraph (1) an interested person means a person sent a copy of the review decision in accordance with regulation 13(1) or (3).

### **Time for making an application to reconsider**

15.—(1) Subject to paragraph (2), an application to reconsider a reviewable matter and give a reconsideration decision must be made by sending it to the Reconsideration Committee within 28 days of the date of issue of the review decision.

(2) Subject to paragraph (3), where the circumstances of the case are such that, in the opinion of the Reconsideration Committee, it is reasonable for an application to be made after the end of the period specified in paragraph (1), the Reconsideration Committee must give a reconsideration decision if the application is made within such further period as the Reconsideration Committee considers to be reasonable.

- (3) Paragraph (2) shall not apply to –
  - (a) the issue of a notice under Article 106 (insolvency practitioner's duty to issue notices confirming status of scheme) by virtue of Article 108 (Board's duty where there is a failure to comply with Article 106);

- (b) the issue of a determination notice under Article 107(4) (approval of notices issued under Article 106);
- (c) the issue of –
  - (i) a scheme failure notice under Article 114(2) (Board’s duty where application or notification received under Article 113), or
  - (ii) a withdrawal notice under Article 114(3);
- (d) the issue of a notice under Article 120(2) (power to validate contraventions of Article 119);
- (e) the approval of the valuation under Article 128(2)(a) (approval of valuation);
- (f) the issue of a withdrawal notice under Article 130(2)(a) (schemes which become eligible schemes);
- (g) the issue of a withdrawal notice under Article 131(2)(a) (new schemes created to replace existing schemes);
- (h) the issue of a withdrawal notice under Article 132(3) or (4) (withdrawal following issue of Article 106(4) notice);
- (i) the issue of a determination notice under Article 136(3) (duty to assume responsibility following reconsideration); or
- (j) the issue of a determination notice under Article 137(6) (closed schemes).

**Matters to be addressed or included in an application to reconsider a reviewable matter**

**16.**—(1) An application to reconsider a reviewable matter and give a reconsideration decision must include –

- (a) the name and address of the interested person making the application;
  - (b) the date on which any –
    - (i) determination;
    - (ii) direction, or
    - (iii) other decision,was issued by the Board;
  - (c) the date of the review decision in respect of the reviewable matter;
  - (d) the grounds on which the application is made;
  - (e) in the case of a representative, the name and address of the person represented by him.
- (2) An application must be signed and dated by the interested person making the application.

**Notice of an application to reconsider**

**17.** On receipt of an application made under regulation 15 the Reconsideration Committee must, if it is of the opinion that an interested person other than the person making the application may be materially affected by the reconsideration decision, notify that person –

- (a) that an application has been received; and
- (b) of the grounds on which the application has been made.

**Reconsideration decisions other than on an application**

**18.**—(1) The Reconsideration Committee may reconsider a reviewable matter and give a reconsideration decision otherwise than on an application.

(2) Paragraph (1) does not apply to any reviewable matter specified in regulation 15(3)(a) to (j) in respect of which there has been a determination, direction or other decision which has become binding by virtue of or under the Order.

#### **Notice of decision to reconsider other than on an application**

**19.**—(1) Where the Board decides to reconsider a reviewable matter and give a reconsideration decision under regulation 18(1) it must notify any interested person.

(2) For the purposes of paragraph (1) an interested person means a person who, in the opinion of the Board, may be materially affected by the reconsideration decision or, as the case may be, a representative of that person appointed under regulation 28.

#### **Provision of written representation**

**20.**—(1) Subject to paragraph (2) –

- (a) an interested person notified of an application for reconsideration of a reviewable matter under regulation 17; or
- (b) an interested person notified of the Reconsideration Committee’s decision to reconsider a reviewable matter and give a reconsideration decision under regulation 19(1),

may make written representations to the Reconsideration Committee in respect of that matter.

(2) Any representations made under paragraph (1) must be received by the Reconsideration Committee by such time as it may reasonably require.

#### **Matters to be considered in giving a reconsideration decision**

**21.**—(1) In giving a reconsideration decision under regulation 14(1) the Reconsideration Committee must take into account –

- (a) any information or documentation provided by the interested person making the application;
- (b) any representations made by an interested person in accordance with regulation 20(1)(a);
- (c) any other matters that appear to it to be relevant, including any relevant change of circumstances since the determination, direction or other decision was made or the failure occurred.

(2) In giving a reconsideration decision under regulation 18(1) the Reconsideration Committee must take into account –

- (a) any representations made by an interested person in accordance with regulation 20(1)(b);
- (b) any other matters that appear to it to be relevant, including any relevant change of circumstances since the determination, direction or other decision was made or the failure occurred.

#### **Time for giving a reconsideration decision**

**22.**—(1) Subject to paragraph (2), the Reconsideration Committee must give a reconsideration decision under regulation 14(1) before the end of a period of 28 days beginning with the date on which –

- (a) it receives an application to reconsider a reviewable matter and give a reconsideration decision in accordance with regulation 14(1); or



- (b) the last date by which any documents or information that the Reconsideration Committee has required a person to provide in accordance with a notice given under Article 173 (notices requiring provision of information) are to have been provided,

whichever is the later.

(2) If the Reconsideration Committee is not able to give a reconsideration decision before the end of the period specified in paragraph (1) it must send an interim reply to –

- (a) the interested person who made the application;
- (b) any person notified of the application in accordance with regulation 17,

setting out the reasons for the delay and the expected date for issuing the review decision.

(3) Subject to paragraph (4), the Reconsideration Committee must give a reconsideration decision in respect of a reviewable matter under regulation 18(1) before the end of a period of 28 days beginning with –

- (a) the date on which the Board notified any interested person under regulation 19(1) that it had decided to give a review decision in respect of a reviewable matter otherwise than on an application; or
- (b) the last date by which any documents or information that the Board has required a person to provide in accordance with a notice given under Article 173 (notices requiring provision of information) are to have been provided,

whichever is the later.

(4) If the Reconsideration Committee is not able to give a reconsideration decision under regulation 18(1) before the end of the period specified in paragraph (3) it must send an interim reply to any person notified of the decision to reconsider the reviewable matter and give a reconsideration decision setting out the reasons for the delay and the expected date for issuing the review decision.

### **Powers on giving a reconsideration decision**

**23.** In giving a reconsideration decision under regulation 14(1) or 18(1) the Reconsideration Committee may –

- (a) vary or revoke a determination, direction or other decision already made by the Board in respect of the reviewable matter;
- (b) substitute a different determination, direction or decision;
- (c) provide for such variations, revocations or substitutions, or any determinations, directions or other decisions made as a result of the review decision or reconsideration decision, to be treated as if they were made at such time (which may be prior to the making of the review decision or reconsideration decision) as the Board considers appropriate;
- (d) provide for any notice varied, substituted, issued or given by the Board as a result of the reconsideration decision, to be treated as if it were issued or given at such time (which may be a time prior to the making of the reconsideration decision) as the Board considers appropriate;
- (e) deal with the matters arising on the reconsideration decision as if they had arisen on the original determination, direction or decision;
- (f) pay such compensation as the Board considers appropriate to such persons as it may determine; and
- (g) make savings and transitional provision.

### **Matters to be included in a reconsideration decision**

**24.** A reconsideration decision given under regulation 14(1) or 18(1) must be given in writing and must include –

- (a) reasons for the decision;
- (b) an explanation as to whether and, if so, to what extent that decision –
  - (i) varies or revokes a determination, direction or other decision already made by the Board in respect of the reviewable matter,
  - (ii) substitutes a different determination, direction or decision,
  - (iii) varies or substitutes a notice issued or given by the Board;
- (c) references to any relevant legislation;
- (d) a statement that if a person notified of the reconsideration decision under regulation 25 is dissatisfied with it he may refer the matter to the PPF Ombudsman;
- (e) the address at which the PPF Ombudsman may be contacted.

### **Notice of a reconsideration decision**

**25.—(1)** The Reconsideration Committee must send a copy of a reconsideration decision given under regulation 14(1) to the interested persons specified in paragraph (2).

- (2) The interested persons specified for the purposes of paragraph (1) are –
  - (a) the interested person who made the application for reconsideration of the reviewable matter under regulation 14(1);
  - (b) any other interested person notified of the application under regulation 17.

(3) The Reconsideration Committee must send a copy of a reconsideration decision given under regulation 18(1) to the interested persons notified in accordance with regulation 19(1) of the Reconsideration Committee’s decision to reconsider the reviewable matter and give a reconsideration decision otherwise than on an application.

(4) The Reconsideration Committee must also send a copy of a reconsideration decision given under regulation 14(1) or 18(1) to the Regulator if the Regulator was entitled to notification of the determination, direction or other decision in respect of which the reconsideration decision has been given by virtue of or under the Order.

### **Independence of the Reconsideration Committee**

**26.** Where the Board establishes a Reconsideration Committee for the purposes of Article 189(1)(b), paragraph 15 of Schedule 5 to the Pensions Act 2004(3) (the Board of the Pension Protection Fund: committees) shall apply as if after sub-paragraph (5) there were inserted the following sub-paragraph –

“(6) A Reconsideration Committee (or any sub-committee established by the Reconsideration Committee under sub-paragraph (2)) established by the Board for the purposes of Article 189(1)(b) of the Pensions (Northern Ireland) Order 2005 must not include any person concerned in the reviewable matter in respect of which the reconsideration decision is to be made.”.

## **Representation**

27.—(1) An interested person may by sending written notice to the Board appoint a person to act as his representative for the purposes of these Regulations.

(2) Where an interested person –

- (a) dies;
- (b) is a minor; or
- (c) is otherwise incapable of acting for himself,

the Board may allow a person to represent him.

(3) For the purposes of paragraphs (1) and (2) an interested person includes a person who is an interested person for the purposes of regulation 7 or 19.

Sealed with the Official Seal of the Department for Social Development on 18th March 2005.

L.S.

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

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Regulation 1(2)

Column 1 <i>Paragraph of Schedule 8 which specifies the reviewable matter</i>	Column 2 <i>Interested person</i>
1. Paragraphs 1 and 2	<ul style="list-style-type: none"> <li>(a) (a) The trustees or managers of the scheme;</li> <li>(b) the insolvency practitioner or the former insolvency practitioner who issued the Article 106 notice;</li> <li>(c) any insolvency practitioner in relation to the employer (who does not fall within sub-paragraph (b)); and</li> <li>(d) if there is no insolvency practitioner in relation to the employer, the employer.</li> </ul>
2. Paragraph 3	<ul style="list-style-type: none"> <li>(a) (a) The trustees or managers of the scheme;</li> <li>(b) the insolvency practitioner or former insolvency practitioner mentioned in Article 108(1);</li> <li>(c) any insolvency practitioner in relation to the employer (who does not fall within sub-paragraph (b)); and</li> <li>(d) if there is no insolvency practitioner in relation to the employer, the employer.</li> </ul>
3. Paragraph 3A(4)	<ul style="list-style-type: none"> <li>(a) (a) The trustees or managers of the scheme;</li> <li>(b) the actuary in relation to the scheme; and</li> <li>(c) any person appointed to act as an insolvency practitioner in relation to the scheme.</li> </ul>
4. Paragraph 4	<ul style="list-style-type: none"> <li>(a) (a) The trustees or managers of the scheme; and</li> <li>(b) the employer.</li> </ul>
5. Paragraph 5	5. A relevant person as defined by Article 118(3)(a) or any regulations made under that Article.
6. Paragraph 6	<ul style="list-style-type: none"> <li>(a) (a) The trustees or managers of the scheme; and</li> <li>(b) any person directly affected by the determination.</li> </ul>

(4) Paragraph 3A is inserted by regulation 4(a) of S.R. 2005 No. 127

Column 1 <i>Paragraph of Schedule 8 which specifies the reviewable matter</i>	Column 2 <i>Interested person</i>
7. Paragraph 7	7. The trustees or managers of the eligible scheme in respect of which the trustees or managers have made an application under Article 123(2).
8. Paragraph 8(5)	8. The trustees or managers of the eligible scheme in respect of which the Board's failure to obtain the valuation has occurred.
9. Paragraph 9	(a) (a) The trustees or managers of the eligible scheme in respect of which the Board has obtained a valuation under Article 127; and (b) the members of that scheme or, where a member has died, any person entitled to present payment of a pension by reason of rights under the scheme in respect of a deceased member.
10. Paragraph 10	10. In respect of a withdrawal notice under – (a) Article 130, the trustees or managers of the eligible scheme or the employer in relation to that scheme; (b) Article 131, the trustees or managers of the new scheme or the employer in relation to that scheme.
11. Paragraph 11	(a) (a) The trustees or managers of the eligible scheme; and (b) the employer.
12. Paragraphs 12, 13 and 14	12. The trustees or managers of the eligible scheme.
13. Paragraph 15	13. The trustees or managers of the eligible scheme or the employer in relation to that scheme.
14. Paragraph 15A(6)	14. The trustees or managers of the eligible scheme.
15. Paragraph 15B	15. The trustees or managers of the eligible scheme in respect of which the Board has obtained a valuation under Article 144(4A).
16. Paragraph 16	16. The person entitled to compensation under Article 146.

(5) Paragraphs 8 and 9 are modified by regulation 3 of S.R. 2005 No. 127

(6) Paragraphs 15A and 15B are inserted by regulation 3(c) of S.R. 2005 No. 127

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Column 1 <i>Paragraph of Schedule 8 which specifies the reviewable matter</i>	Column 2 <i>Interested person</i>
17. Paragraph 17	17. The member of the eligible scheme or the person concerned under Article 147(4)(b).
18. Paragraph 17A(7)	18. The person entitled to a payment under Article 150(2).
19. Paragraphs 18 and 19	(a) (a) The trustees or managers of the scheme; and (b) any other person prescribed in regulations made under Article 164(2)(b).

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations provide for the review and reconsideration by the Board of the Pension Protection Fund (“the Board”) of the reviewable matters specified in Schedule 8 to the Pensions (Northern Ireland) Order 2005 (“the Order”).

The Board is established by section 107 of the Pensions Act 2004 (c. 35) (“the Act”) to provide compensation for members of certain occupational pension schemes in the event of the insolvency of the scheme’s sponsoring employer and where the pension scheme is underfunded at a certain level.

Regulation 1 provides for citation, commencement and interpretation and, in particular, defines for the purposes of these Regulations the interested persons who may apply for a review decision on a reviewable matter.

Regulation 2 provides that the Board must give a review decision on any reviewable matter on the written application of an interested person.

Regulation 3 prescribes the period within which an application for a review decision must be made and provides for the circumstances in which the Board must give a review decision following an application made outside that period.

Regulation 4 sets out the matters to be addressed or included in an application for a review decision on any reviewable matter.

Regulation 5 provides for the Board to notify certain persons who may be materially affected by the review decision that an application has been received and of the grounds on which it has been made.

Regulation 6 provides that the Board may give a review decision otherwise than on an application on certain reviewable matters.

Regulation 7 provides that where the Board decides to give a review decision otherwise than on an application it must notify certain persons.

(7) Paragraph 17A is inserted by regulation 4(b) of S.R. 2005 No. 127

Regulation 8 provides that interested persons may make written representations to the Board by such time as the Board may require.

Regulation 9 sets out the matters to be considered by the Board in giving a review decision under regulation 2 or 6(1).

Regulation 10 provides for the period within which the Board must give a review decision and for an interim reply to be given setting out the reasons for any delay and the expected date for issuing the decision. Similar provision is made in respect of a review decision made otherwise than on an application.

Regulation 11 sets out the powers that the Board has in giving a review decision under regulation 2 or 6(1), including a power to vary, revoke or substitute a determination to pay compensation and to make saving and transitional provision.

Regulation 12 provides for a review decision to be given in writing and for the matters to be included in the decision.

Regulation 13 provides that the Board must send a copy of a review decision to certain persons.

Regulation 14 provides that where the Board has given a review decision and an interested person makes an application for the reviewable matter to be reconsidered the Reconsideration Committee must give a reconsideration decision.

Regulation 15 provides that an application for reconsideration must be made in writing and must be made by sending it to the Reconsideration Committee within 28 days of the date of issue of the review decision and for the circumstances in which the Reconsideration Committee may accept an application made outside that period and give a reconsideration decision.

Regulation 16 sets out the matters to be addressed or included in an application for a reconsideration decision.

Regulation 17 provides for the Reconsideration Committee to notify certain persons that an application has been received and of the grounds on which it has been made.

Regulation 18 provides that the Reconsideration Committee may give a reconsideration decision otherwise than on an application on certain reviewable matters.

Regulation 19 provides that where the Reconsideration Committee decides to give a reconsideration decision otherwise than on an application it must notify certain persons.

Regulation 20 provides that an interested person may make written representations to the Reconsideration Committee by such time as the Reconsideration Committee may require.

Regulation 21 sets out the matters to be considered by the Reconsideration Committee in giving a reconsideration decision under regulation 14(1) or 18(1).

Regulation 22 provides for the period within which the Reconsideration Committee must give a reconsideration decision and for an interim reply to be given setting out the reasons for any delay and the expected date for issuing the decision. Similar provision is also made in respect of a reconsideration decision made otherwise than on an application.

Regulation 23 sets out the powers that the Reconsideration Committee has in giving a reconsideration decision under regulation 14(1) or 18(1).

Regulation 24 sets out the procedure for reaching and giving a reconsideration decision.

Regulation 25 provides that the Reconsideration Committee must send a copy of a reconsideration decision to certain persons.

Regulation 26 modifies paragraph 15 of Schedule 5 to the Act to provide that a Reconsideration Committee (or any sub-committee established by it) must not include any person concerned with the reviewable matter in respect of which a reconsideration decision is to be made.

Regulation 27 provides for the appointment of a representative.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Article 189 of the Order, under which these Regulations are made, was brought into operation, for the purpose only of authorising the making of regulations, on 25th February 2005 and for all other purposes on 6th April 2005, by virtue of the Pensions (2005 Order) (Commencement No. 1 and Consequential and Transitional Provisions) Order (Northern Ireland) 2005 (S.R. 2005 No. 48 (C. 5)).

As these Regulations are made before the end of the period of six months beginning with the coming into operation of the provisions of the Order by virtue of which they are made, the requirement to consult under Article 289(1) of the Order does not apply by virtue of paragraph (2)(c) of that Article.