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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

**The Pensions (Northern Ireland) Order 2005**

**PART III**

**THE BOARD OF THE PENSION PROTECTION FUND**

**CHAPTER 6**

**REVIEWS, APPEALS AND MALADMINISTRATION**

*Review etc. by the Board*

**Review and reconsideration by the Board of reviewable matters**

**189.**—(1) Regulations must—

- (a) provide for the Board, on the written application of an interested person, to give a decision (“a review decision”) on any reviewable matter, and
- (b) require a committee of the Board constituted for the purposes of this Article (the “Reconsideration Committee”), on the written application of an interested person following a review decision, to reconsider the reviewable matter and give a decision (“a reconsideration decision”).

(2) In paragraph (1) “interested person”, in relation to a reviewable matter, means a person of a description prescribed in relation to reviewable matters of that description.

(3) Regulations under paragraph (1) may—

- (a) permit a review decision in respect of a reviewable matter of a prescribed description to be made otherwise than on an application, and
- (b) permit a reconsideration decision in respect of such a matter to be made otherwise than on an application.

(4) Regulations under paragraph (1) must provide for the Board’s powers on making a review decision or reconsideration decision to include power—

- (a) to vary or revoke the determination, direction or other decision already made by the Board in respect of the reviewable matter,
- (b) to substitute a different determination, direction or decision,
- (c) to 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 a time prior to the making of the review decision or reconsideration decision) as the Board considers appropriate,
- (d) to provide for any notice varied, substituted, issued or given by the Board as a result of the review decision or 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 review decision or reconsideration decision) as the Board considers appropriate,
- (e) generally to deal with the matters arising on the review decision or reconsideration decision as if they had arisen on the original determination, direction or decision,
  - (f) to pay such compensation as the Board considers appropriate to such persons as it may determine, and
  - (g) to make savings and transitional provision.
- (5) Regulations under paragraph (1) must include provision—
- (a) about applications under the regulations for a review decision or reconsideration decision in respect of a reviewable matter, including the times by which they are to be made,
  - (b) requiring notice—
    - (i) of such applications, or
    - (ii) of a decision of the Board or the Reconsideration Committee by virtue of paragraph (3) to give a review decision or reconsider a reviewable matter otherwise than on such an application,to be given to interested persons in relation to the matter,
  - (c) with a view to securing that individuals concerned in giving a reconsideration decision were not concerned in the reviewable matter in respect of which the decision is to be made,
  - (d) as to the procedure for reaching and giving decisions under the regulations, including—
    - (i) rights of interested persons to make representations to the Reconsideration Committee on a reconsideration under regulations made under paragraph (1)(b), and
    - (ii) the times by which decisions are to be given, and
  - (e) requiring notice of the review decision or the reconsideration decision in respect of a reviewable matter to be given to interested persons in relation to the matter.
- (6) Provision required by paragraph (5)(c) may modify paragraphs 15 and 16 of Schedule 5 to the Pensions Act 2004 (c. 35) (membership and procedure of committees of the Board).