
DRAFT STATUTORY INSTRUMENTS

2005 No.

The Pensions (Northern Ireland) Order 2005

PART II

THE PENSIONS REGULATOR

The Pensions Regulator Tribunal

References to the Tribunal

97.—(1) A reference to the Tribunal under this Order must be made—

- (a) in the case of a reference under Article 91(3) (referral following determination under standard procedure), during the period of 28 days beginning with the day on which the determination notice in question is given,
- (b) in the case of a reference under Article 94(7) (referral following determination under special procedure), during the period of 28 days beginning with the day on which the final notice in question is given, or
- (c) in either case, during such other period as may be specified in rules made under section 102 of the Pensions Act 2004 (c. 35).

(2) Subject to rules made under section 102 of the Pensions Act 2004, the Tribunal may allow a reference to be made after the end of the relevant period specified in or under paragraph (1).

(3) On a reference, the Tribunal may consider any evidence relating to the subject-matter of the reference, whether or not it was available to the Regulator at the material time.

(4) On a reference, the Tribunal must determine what (if any) is the appropriate action for the Regulator to take in relation to the matter referred to the Tribunal.

(5) On determining a reference, the Tribunal must remit the matter to the Regulator with such directions (if any) as the Tribunal considers appropriate for giving effect to its determination.

(6) Those directions may include directions to the Regulator—

- (a) confirming the Regulator's determination and any order, notice or direction made, issued or given as a result of it;
- (b) to vary or revoke the Regulator's determination, and any order, notice or direction made, issued or given as a result of it;
- (c) to substitute a different determination, order, notice or direction;
- (d) to make such savings and transitional provision as the Tribunal considers appropriate.

(7) The Regulator must act in accordance with the determination of, and any direction given by, the Tribunal (and accordingly Articles 91 to 94 (standard and special procedure) do not apply).

(8) The Tribunal may, on determining a reference, make recommendations as to the procedure followed by the Regulator or the Determinations Panel.

(9) An order of the Tribunal may be enforced as if it were an order of a county court.

Appeal on a point of law

98.—(1) A party to a reference to the Tribunal may with permission appeal to the Court of Appeal on a point of law arising from a decision of the Tribunal disposing of the reference.

(2) “Permission” means permission given by—

- (a) the Tribunal, or
- (b) if it is refused by the Tribunal, by the Court of Appeal.

(3) If, on an appeal under paragraph (1), the Court considers that the decision of the Tribunal was wrong in law, it may—

- (a) remit the matter to the Tribunal for rehearing and determination by it under Article 97, or
- (b) itself make a determination.

(4) An appeal may not be brought from a decision of the Court of Appeal under paragraph (3) except with the leave of—

- (a) the Court of Appeal, or
- (b) the House of Lords.

(5) Rules made under section 102 of the Pensions Act 2004 (c. 35) may make provision for regulating or prescribing any matters incidental to or consequential on an appeal under this Article.

Redetermination etc. by the Tribunal

99.—(1) This Article applies where an application is made to the Tribunal for permission under Article 98(2)(a) to appeal from a decision of the Tribunal disposing of a reference.

(2) If the person who constitutes, or is the chairman of, the Tribunal for the purposes of dealing with that application considers that the decision of the Tribunal disposing of the reference was wrong in law, he may set aside the decision and refer the matter—

- (a) for rehearing and redetermination by the Tribunal under Article 97, or
- (b) for rehearing and determination under that Article by a differently constituted Tribunal.

Disclosure of information

100. In Article 442(1) of the Companies Order (exceptions from restrictions on publication and disclosure) after sub-paragraph (m) insert—

“(n) for the purposes of proceedings before the Pensions Regulator Tribunal.”.