



Pensions Act 1995

1995 CHAPTER 26

PART I

OCCUPATIONAL PENSIONS

Questioning the decisions of the Authority

96 Review of decisions

- (1) Subject to the following provisions of this section and to section 97, any determination by the Authority of a question which it is within their functions to determine shall be final.
- (2) The Authority must, on the application of any person (“the applicant”) at any time within the prescribed period, review any determination of theirs—
 - (a) to make an order against the applicant under section 3,
 - (b) to require the applicant to pay a penalty under section 10 of this Act or section 168(4) of the Pension Schemes Act 1993, or
 - (c) to disqualify the applicant from being a trustee of any trust scheme under section 29(3) or (4).
- (3) The Authority may on the application of a person appearing to them to be interested—
 - (a) at any time review any other such determination of theirs as is mentioned in subsection (1) (including a determination given by them on a previous review), if they are satisfied that there has been a relevant change of circumstances since the determination was made, or that the determination was made in ignorance of a material fact or based on a mistake as to a material fact or was erroneous in point of law,
 - (b) at any time within a period of six months from the date of the determination, or within such longer period as they may allow in any particular case, review such a determination on any ground.
- (4) The Authority’s powers on a review under subsection (2) or (3) include power—
 - (a) to vary or revoke any determination or order previously made,

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- (b) to substitute a different determination or order, and
 - (c) generally to deal with the matters arising on the review as if they had arisen on the original determination;
- and also include power to make savings and transitional provisions.
- (5) Subject to subsection (6), regulations may make provision with respect to the procedure to be adopted on any application for a review under subsection (2) or (3) or under any corresponding provision in force in Northern Ireland and generally with respect to such applications and reviews.
- (6) Nothing in subsection (5) shall be taken to prevent such a review being entered upon by the Authority without an application being made.