
STATUTORY INSTRUMENTS

1993 No. 1978

PENSIONS

The County Court (Pensions Ombudsman) (Enforcement of Directions and Determinations) Rules 1993

Made - - - - - *4th August 1993*

Coming into force - - - *1st September 1993*

The Secretary of State for Social Security in exercise of the powers conferred on him by section 59J(1) and (2) of the Social Security Pensions Act 1975(1) and of all other powers enabling him in that behalf hereby makes the following rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the County Court (Pensions Ombudsman) (Enforcement of Directions and Determinations) Rules 1993 and shall come into force on 1st September 1993.

(2) In these Rules, “the principal Act” means the Social Security Pensions Act 1975(1) and an Order referred to by number means the Order so numbered in the County Court Rules 1981(2).

Enforcement of direction for the payment of money

2.—(1) Subject to paragraph (2) of this rule, wherever the Pensions Ombudsman directs the payment of money, the County Court Rules 1981(2) concerning the enforcement of payment of judgment debts shall apply to the direction as if it were a county court judgment.

(2) A direction by the Pensions Ombudsman for the payment of money shall not be enforced, whether by issue of a warrant of execution or otherwise, unless the applicant for enforcement has filed with his application a copy of the direction, certified by the Pensions Ombudsman to be a true copy of the original.

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- (1) 1975 c. 60. Section 59J was inserted by the Social Security Act 1990 (c. 27), section 12(1) and Schedule 3. See also the Personal and Occupational Pensions Schemes (Pensions Ombudsman) Regulations 1991 (S.I.1991/588).
(1) 1975 c. 60. Section 59J was inserted by the Social Security Act 1990 (c. 27), section 12(1) and Schedule 3. See also the Personal and Occupational Pensions Schemes (Pensions Ombudsman) Regulations 1991 (S.I.1991/588).
(2) S.I. 1981/1687; the relevant amending instruments are S.I. 1982/1140, 1794, 1983/1716, 1984/878, 1985/566, 1269, 1986/1189, 1987/493, 1989/236, 1838, 2426, 1990/516, 1764, 1991/1126, 1328, 1882, 1992/793, 1965 and 1993/711.
(2) S.I. 1981/1687; the relevant amending instruments are S.I. 1982/1140, 1794, 1983/1716, 1984/878, 1985/566, 1269, 1986/1189, 1987/493, 1989/236, 1838, 2426, 1990/516, 1764, 1991/1126, 1328, 1882, 1992/793, 1965 and 1993/711.

Enforcement of direction to take or refrain from taking any step

3.—(1) Subject to paragraph (2) of this rule, wherever the Pensions Ombudsman directs a person to take, or refrain from taking, any step, the County Court Rules 1981⁽²⁾ concerning the enforcement of a judgment, in particular Order 29 (committal for breach of order or undertaking), shall apply to the direction as if it were a county court judgment or Order.

(2) The procedure provided by Order 29, rule 1(3) for a county court, at the request of the judgment creditor, to issue a copy of the judgment or order indorsed with a notice as to the consequences of disobedience, shall not apply to a direction of the Pensions Ombudsman unless the applicant has filed with his request a copy of the direction, certified by the Pensions Ombudsman to be a true copy of the original.

Signed by authority of the Secretary of State for Social Security.

Henley
Parliamentary Under-Secretary of State,
Department of Social Security
4th August 1993

(2) S.I. 1981/1687; the relevant amending instruments are S.I. 1982/1140, 1794, 1983/1716, 1984/878, 1985/566, 1269, 1986/1189, 1987/493, 1989/236, 1838, 2426, 1990/516, 1764, 1991/1126, 1328, 1882, 1992/793, 1965 and 1993/711.

EXPLANATORY NOTE

(This note is not part of the Rules)

By sections 59A to H of the Social Security Pensions Act 1975 (inserted by the Social Security Act 1990) the post of Pensions Ombudsman is created and he is given powers to investigate complaints about the management of an occupational or personal pension scheme and to make directions or determinations binding upon the managers or trustees of the scheme. By section 59H(5) such a direction or determination shall be enforceable in a county court as if it were a judgment or order of that court. Rule 2 provides the mechanism for enforcement of directions for the payment of money. Rule 3 so provides for directions to take, or refrain from taking, any step.

The Rules do not impose any costs on business.