
STATUTORY INSTRUMENTS

2005 No. 690

The Pensions Regulator Tribunal Rules 2005

PART 1

Introduction

Citation and commencement

1. These Rules may be cited as the Pensions Regulator Tribunal Rules 2005 and shall come into force on 6th April 2005.

Interpretation

2.—(1) A reference in these Rules—

- (a) to a rule by number alone means the rule so numbered in these Rules;
- (b) to a section or Schedule by number alone means the section or Schedule so numbered in the Pensions Act 2004; and
- (c) to an Article by number alone means the Article so numbered in the Pensions (Northern Ireland) Order 2005.

(2) In these Rules, unless the context requires otherwise—

“the 2004 Act” means the Pensions Act 2004;

“the 2005 Order” means the Pensions (Northern Ireland) Order 2005;

“appeal” means appeal (or an appeal) under—

- (i) section 104(1) to the Court of Appeal or the Court of Session; or
- (ii) Article 98(1) to the Court of Appeal in Northern Ireland,

from a decision of the Tribunal disposing of a reference, and “appellant” means a party applying for permission to appeal;

“applicant” means a person who makes a referral to the Tribunal and, if there is more than one such person, “applicant” means each such person;

“Chairman” means the person from time to time acting as chairman of the Tribunal in respect of a reference;

“determination notice” means the determination notice given by the Regulator under the standard procedure by virtue of section 96(2)(d) or Article 91(2)(d);

“direction” includes any direction, summons or order given or made by the Tribunal;

“document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information—

- (i) in legible form; or
- (ii) in a form from which it can readily be produced in a legible form;

“file” means send to the Tribunal;

“final notice” means the final notice given by the Regulator under the special procedure by virtue of section 98(2)(e) or Article 93(2)(e);

“further material” means documents which—

- (i) were considered by the Regulator in reaching or maintaining the Regulator’s determination; or
- (ii) were obtained by the Regulator in connection with the matter to which a determination notice (standard procedure) or final notice (special procedure) relates (whether they were obtained before or after giving that notice) but which were not considered by it in reaching or maintaining that decision,

but does not include documents which were relied on in support of the Regulator’s determination;

“party” means the applicant or the Regulator (or, if there is more than one applicant, any of the applicants or the Regulator) and “other party” shall be construed accordingly;

“pension scheme” means any pension scheme as defined under section 1 of the Pension Schemes Act 1993(1) and which is relevant to the Regulator’s determination;

“President” means the President of the Pensions Regulator Tribunal appointed under paragraph 2 of Schedule 4;

“protected item” has the meaning provided by section 311(2) or Article 283(2);

“Regulator’s determination” means the determination of the Regulator which is the subject matter of—

- (i) a determination notice (standard procedure) and which has been referred to the Tribunal by virtue of section 96(3) or Article 91(3); or
- (ii) a final notice (special procedure) and which has been referred to the Tribunal by virtue of section 99(7) or Article 94(7);

“reference” means a reference to the Tribunal under section 96(3) or Article 91(3) (standard procedure) or section 99(7) or Article 94(7) (special procedure);

“reference notice” means a notice filed under rule 4(1);

“the register” means the register maintained in accordance with rule 31;

“the Regulator” means the Pensions Regulator established under section 1;

“reply” means a reply filed by the applicant under rule 6(1);

“representations” means written representations or (with the consent of the Tribunal, or at its request) oral representations;

“response document” means—

- (i) in relation to the Regulator, its statement of case; and
- (ii) in relation to the applicant, his reply;

“the Secretary” means the person from time to time appointed as secretary to the Tribunal, being a member of staff appointed under paragraph 5(1) of Schedule 4;

“special procedure” means that part of the Regulator’s procedure which is provided for under section 98 or Article 93;

“standard procedure” means that part of the Regulator’s procedure which is provided for under section 96 or Article 91;

“statement of case” means a statement filed by the Regulator under rule 5(1);

“supplementary statement” means a statement that is supplementary to a response document and filed in accordance with a direction given under rule 12(f); and

“the Tribunal” means the Pensions Regulator Tribunal established under section 102.

(3) Unless the context requires otherwise, anything permitted or required by these Rules to be done by a party may be done by any representative of that party.

Application of these Rules

3. These Rules apply to all references to the Tribunal.