
STATUTORY INSTRUMENTS

2005 No. 824

The Pension Protection Fund (PPF Ombudsman) Order 2005

Restrictions on the disclosure of information

7.—(1) The PPF Ombudsman must not disclose any information which he obtains for the purposes of an investigation under section 213 or 214 of the Act unless—

- [^{F1}(a) the disclosure is to a person specified in paragraph (2) and the PPF Ombudsman considers that disclosure would enable or assist that person to discharge that person's functions;
- (b) the disclosure is to a person specified in paragraph (3) and the PPF Ombudsman considers that disclosure is necessary to enable the PPF Ombudsman to carry out his functions.]

(2) The persons specified in this paragraph are—

- (a) the Board;
- (b) the Regulator;
- (c) the Pensions Compensation Board ^{M1};
- (d) the Pensions Ombudsman ^{M2};
- [^{F2}(e) the Financial Conduct Authority;
- (ea) the Prudential Regulation Authority;]
- (f) any government department (including a Northern Ireland department);
- (g) a person appointed under—
 - (i) section 167 of the Financial Services and Markets Act 2000 (appointment of persons to carry out general investigations);
 - (ii) subsection (3) or (5) of section 168 of that Act (appointment of persons to carry out investigations in particular cases); or
 - (iii) section 284 of that Act (power to investigate),
to conduct an investigation;
- (h) an inspector appointed under Part XIV of the Companies Act 1985 ^{M3} or under Part XV of the Companies (Northern Ireland) Order 1986^{M4};
- (i) a body designated under section 326(1) of the Financial Services and Markets Act 2000 (designation of professional bodies); [^{F3};
- [^{F4}(j) a recognised investment exchange, a recognised clearing house^{F5}...[^{F6}, a third country central counterparty, a recognised CSD^{F5}... or a third country CSD] (as defined by section 285 of that Act); ^{F7}...]
- (k) ^{F7}

[^{F8}(3) The persons specified in this paragraph are—

- (a) the Board;

- (b) the person who referred a matter to him in accordance with regulations made under section 213 or 214 of the Act or a representative of such a person appointed under those regulations;
- (c) any person who has been notified of the reference of that matter; and
- (d) any person providing an expert opinion or other evidence in connection with the reference of that matter.]

- F1** Art. 7(1)(a)(b) substituted (21.7.2005) by Pension Protection Fund (PPF Ombudsman) Amendment Order 2005 (S.I. 2005/2023), arts. 1(1), **2(a)**
- F2** Art. 7(2)(e)(ea) substituted for art. 7(2)(e) (1.4.2013) by The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 (S.I. 2013/472), **Sch. 2 para. 105**
- F3** Word in art. 7(2)(i) substituted (21.7.2005) by Pension Protection Fund (PPF Ombudsman) Amendment Order 2005 (S.I. 2005/2023), arts. 1(1), **2(b)(i)**
- F4** Art. 7(2)(j) substituted (1.4.2013) by The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013 (S.I. 2013/504), regs. 1(2), **38(2)** (with regs. 52-58)
- F5** Words in art. 7(2)(j) omitted (31.12.2020) by virtue of The Occupational and Personal Pension Schemes (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/192), regs. 1, **21(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in art. 7(2)(j) substituted (28.11.2017) by The Central Securities Depositories Regulations 2017 (S.I. 2017/1064), reg. 1, **Sch. para. 29** (with regs. 7(4), 9(1))
- F7** Art. 7(2)(k) and preceding word omitted (19.9.2013) by virtue of The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013 (S.I. 2013/2042), art. 1(2), **Sch. para. 59**
- F8** Art. 7(3) added (21.7.2005) by Pension Protection Fund (PPF Ombudsman) Amendment Order 2005 (S.I. 2005/2023), arts. 1(1), **2(c)**

Marginal Citations

- M1** See section 78(1) of the Pensions Act 1995 (c. 26) which establishes the Pensions Compensation Board.
- M2** See section 145 of the Pension Schemes Act 1993 (c. 48) which establishes the Pensions Ombudsman.
- M3** 1985 c. 6. Part XIV of the Companies Act 1985 (as amended) provides that the Secretary of State may appoint one or more inspectors to investigate a company and its affairs.
- M4** S.I. 1986/1032 (N.I. 6).

Changes to legislation:

There are currently no known outstanding effects for the The Pension Protection Fund (PPF Ombudsman) Order 2005, Section 7.