# SCHEDULES

## SCHEDULE 1

Section 3(1).

## AMENDMENTS

The Pension Schemes (Northern Ireland) Act 1993 (c. 49)

**1.** In section 170(1)(d) of the Pension Schemes (Northern Ireland) Act 1993 (levies towards certain expenditure) for "the Pensions Regulator Tribunal" substitute "a tribunal in relation to a decision of the Regulatory Authority".

## The Pensions (Northern Ireland) Order 1995 (NI 22)

- 2. The Pensions (Northern Ireland) Order 1995 is amended as follows.
- 3. In Article 3 (prohibition orders)—
  - (a) in paragraph (4)—
    - (i) in sub-paragraph (a) for "the Tribunal" substitute "a tribunal"; and
    - (ii) in sub-paragraph (b) for "the Tribunal's determination" substitute "the determination of the tribunal concerned"; and
  - (b) omit paragraph (8).
- 4. In Article 4 (suspension orders)—
  - (a) in paragraph (5A)—
    - (i) in sub-paragraph (a) for "the Tribunal" substitute "a tribunal"; and
    - (ii) in sub-paragraph (b) for "the Tribunal's determination" substitute "the determination of the tribunal concerned"; and
  - (b) omit paragraph (7).

#### The Pensions Act 2004 (c. 35)

5. The Pensions Act 2004 is amended as follows.

**6.** For the cross-heading preceding section 102 (the Pensions Regulator Tribunal) substitute "References to a tribunal".

7. Omit section 102 (the Pensions Regulator Tribunal).

**8.** In section 106(1) (legal assistance scheme) for "the Tribunal" substitute "a tribunal in relation to a decision of the Regulator".

**9.** In section 310(4) (admissibility of statements) after paragraph (n) of the definition of "information requirement" add—

"(o) Tribunal Procedure Rules so far as applying to decisions of the Regulator;".

**10.** In section 318(1) (general interpretation) omit the definition of "the Tribunal".

11. Omit Schedule 4 (the Pensions Regulator Tribunal).

## The Pensions (Northern Ireland) Order 2005 (NI 1)

- 12. The Pensions (Northern Ireland) Order 2005 is amended as follows.
- **13.** In Article 2(2) (interpretation)—
  - (a) after the definition of "enactment" insert-

""First-tier Tribunal" and "Upper Tribunal" mean those tribunals established under section 3 of the Tribunals, Courts and Enforcement Act 2007;";

(b) after the definition of "statutory provision" insert—

""Tribunal Procedure Rules" has the same meaning as in the Tribunals, Courts and Enforcement Act 2007."; and

(c) omit the definition of "the Tribunal".

14. In Article 91 (standard procedure)—

- (a) in paragraph (5)(a) omit "(see Article 97(1))"; and
- (b) at the end add—

"(7) In this Article "the Tribunal", in relation to any reference under paragraph (3), means—

- (a) the First-tier Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the First-tier Tribunal is to hear the reference;
- (b) the Upper Tribunal, in any other case.".
- 15. In Article 94 (compulsory review)—
  - (a) in paragraph (8)(a) omit "(see Article 97(1))"; and
  - (b) at the end add—

"(13) In this Article "the Tribunal", in relation to any reference under paragraph (7), means—

(a) the First-tier Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the First-tier Tribunal is to hear the reference; (b) the Upper Tribunal, in any other case.".

**16.** For the cross-heading preceding Article 97 (the Pensions Regulator Tribunal) substitute "*References to a tribunal*".

17. Before Article 97 insert—

### **"Offences**

**96A.**—(1) This Article applies in respect of proceedings before a tribunal in relation to a decision of the Regulator.

(2) A person is guilty of an offence if that person, without reasonable excuse, refuses or fails—

- (a) to attend following the issue of a summons by the tribunal, or
- (b) to give evidence.

(3) A person guilty of an offence under paragraph (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person is guilty of an offence if that person, without reasonable excuse—

- (a) alters, suppresses, conceals or destroys a document which that person is or is liable to be required to produce for the purposes of proceedings before the tribunal, or
- (b) refuses to produce a document when so required.
- (5) A person guilty of an offence under paragraph (4) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(6) In this Article "document" includes information recorded in any form and, in relation to information recorded otherwise than in a legible form, references to its production include references to producing a copy of the information in a legible form, or in a form from which it can readily be produced in a legible form.".

**18.** In Article 97 (references to the Tribunal)—

- (a) in the heading for "to the Tribunal" substitute "in relation to decisions of the Regulator";
- (b) omit paragraphs (1) to (2);
- (c) after paragraph (2) insert—

"(2A) This Article applies to references to a tribunal in relation to a decision of the Regulator.";

- (d) in paragraph (3) for "the Tribunal" substitute "the tribunal concerned";
- (e) in paragraphs (4) and (5)—
  - (i) for "the Tribunal" (in the first place) substitute "the tribunal concerned"; and
  - (ii) for "the Tribunal" (in the second place) substitute "it"; and
- (f) in paragraphs (6)(d) and (7) to (9) for "Tribunal" substitute "tribunal concerned".
- 19. Omit Article 98 (appeal on a point of law).
- **20.** Omit Article 99 (redetermination etc. by the Tribunal).

**21.** In Article 282(4) (admissibility of statements) after paragraph (n) of the definition of "information requirement" add—

"(o) Tribunal Procedure Rules so far as applying to decisions of the Regulator;".

**22.** In paragraph 44(b)(ii) of Schedule 2 (the reserved regulatory functions - functions under this Order) for "the Tribunal" substitute "a tribunal".

**23.** In Schedule 3 (restricted information held by the Regulator: certain permitted disclosures to facilitate exercise of functions) after the entry for the Pensions Regulator Tribunal insert—

"The First-tier Tribunal.	Functions relating to decisions of the Regulator.
The Upper Tribunal.	Functions relating to decisions of the Regulator.".

**24.** In Schedule 7 (restricted information held by the Board: certain permitted disclosures to facilitate exercise of functions) after the entry for the Pensions Regulator Tribunal insert—

"The First-tier Tribunal.	Functions relating to decisions of the Regulator.
The Upper Tribunal.	Functions relating to decisions of the Regulator.".

## The Companies Act 2006 (c. 46)

**25.** The Companies Act 2006 is amended as follows.

26. In Part A of Part 2 of Schedule 2 (specified persons, descriptions of disclosures etc. for the purposes of section 948 - specified descriptions of

disclosures) in paragraph 50 for "the Pensions Regulator Tribunal" substitute "a tribunal in relation to a decision of the Pensions Regulator".

**27.** In paragraph 73 of Schedule 11A (specified persons, descriptions, disclosures etc. for the purposes of section 1224A - specified descriptions of disclosures) for "the Pensions Regulator Tribunal" substitute "a tribunal in relation to a decision of the Pensions Regulator".

#### The Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13)

28. The Pensions (No. 2) Act (Northern Ireland) 2008 is amended as follows.

**29.** In section 40(5)(g) (fixed penalty notices) for "the Pensions Regulator Tribunal" substitute "a tribunal".

**30.** In section 41(2)(b) and (6)(f) (escalating penalty notices) for "the Pensions Regulator Tribunal" substitute "a tribunal".

**31.** In section 44 (references to the Pensions Regulator Tribunal)—

- (a) in the heading for "the Pensions Regulator Tribunal" substitute "First-tier Tribunal or Upper Tribunal";
- (b) in subsections (1) and (3) for "the Pensions Regulator Tribunal" substitute "the Tribunal"; and
- (c) after subsection (4) insert—

"(4A) In this section "the Tribunal", in relation to a reference under this section, means—

- (a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the reference;
- (b) the First-tier Tribunal, in any other case.".

**32.** In section 53 (review of notices and references to Pensions Regulator Tribunal) in the heading and in subsection (2) for "Pensions Regulator Tribunal" substitute "First-tier Tribunal or Upper Tribunal".

**33.** In section 117(1) (interpretation)—

(a) after the definition of "the Employment Rights Order" insert—

"First-tier Tribunal" and "Upper Tribunal" mean those tribunals established under section 3 of the Tribunals, Courts and Enforcement Act 2007;";

(b) after the definition of "statutory provision" add—

""Tribunal Procedure Rules" has the same meaning as in the Tribunals, Courts and Enforcement Act 2007.".