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*Status: Point in time view as at 06/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010, Cross Heading: The Pensions (Northern Ireland) Order 2005 (NI 1). (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

#### AMENDMENTS

##### *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;

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(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.”;

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- (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—

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

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**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—

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

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