

## 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;

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*Status: This is the original version (as it was originally enacted).*

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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.”;

- (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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*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.”.