
STATUTORY INSTRUMENTS

1995 No. 3213

The Pensions (Northern Ireland) Order 1995

PART II

OCCUPATIONAL PENSIONS

Gathering information: the Compensation Board

Provision of information: the Compensation Board

108.—(1) In the case of any trust scheme—

- (a) a trustee, professional adviser or employer, and
- (b) any other person appearing to the Compensation Board to be a person who holds, or is likely to hold, information relevant to the discharge of the Board's functions,

must, if required to do so by the Board by notice in writing, produce any document relevant to the discharge of those functions.

(2) To comply with paragraph (1) the document must be produced in such a manner, at such a place and within such a period as may be specified in the notice.

(3) In this Article and Article 109, “document” includes information recorded in any form, and any reference to production of a document, in relation to information recorded otherwise than in legible form, is to producing a copy of the information in legible form.

Information: penalties

109.—(1) A person who without reasonable excuse neglects or refuses to produce a document when required to do so under Article 108 is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) An offence under paragraph (1) may be charged by reference to any day or longer period of time; and a person may be convicted of a second or subsequent offence by reference to any period of time following the preceding conviction of the offence.

(4) Any person who knowingly or recklessly provides the Compensation Board with information which is false or misleading in a material particular is guilty of an offence if the information is provided in circumstances in which the person providing the information intends, or could reasonably be expected to know, that it would be used by the Board for the purpose of discharging their functions under this Order or any corresponding enactment in force in Great Britain.

(5) Any person who intentionally and without reasonable excuse alters, suppresses, conceals or destroys any document which he is or is liable to be required under Article 108 to produce to the Compensation Board is guilty of an offence.

(6) Any person guilty of an offence under paragraph (4) or (5) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum,

- (b) on conviction on indictment, to imprisonment or a fine, or both.

Savings for certain privileges: the Compensation Board

110. Nothing in Article 108 or 109 requires a person—

- (a) to answer any question or give any information if to do so would incriminate that person or that person's spouse, or
- (b) to produce any document if he would be entitled to refuse to produce the document in any proceedings in any court on the grounds that it was the subject of legal professional privilege.

Publishing reports: the Compensation Board

111.—(1) The Compensation Board may, if they consider it appropriate to do so in any particular case, publish in such form and manner as they think fit a report of any investigation under this Part and of the result of that investigation.

(2) For the purposes of the law of defamation, the publication of any matter by the Compensation Board shall be absolutely privileged.

Disclosure of information

112.—(1) A person to whom this Article applies may disclose to the Compensation Board any information received by him under or for the purposes of any enactment if the disclosure is made by him for the purpose of enabling or assisting the Board to discharge any of their functions.

(2) In the case of information which a person holds or has held in the exercise of functions—

- (a) of the Commissioners of Inland Revenue or the Commissioners of Customs and Excise or the officers of either of them, and
- (b) relating to any tax within the general responsibility of the Commissioners,

paragraph (1) does not authorise any disclosure unless made in accordance with an authorisation given by the Commissioners.

(3) Subject to paragraph (4), the Compensation Board may disclose to a person to whom this Article applies any information received by them under or for the purposes of any enactment, where the disclosure is made by the Board—

- (a) for any purpose connected with the discharge of their functions, or
- (b) for the purpose of enabling or assisting that person to discharge any of his functions.

(4) Where any information disclosed to the Compensation Board under this Article is so disclosed subject to any express restriction on the disclosure of the information by the Board, the Board's power of disclosure under paragraph (3) is, in relation to the information, exercisable by them subject to any such restriction.

(5) In the case of any such information as is mentioned in paragraph (2), paragraph (3) does not authorise any disclosure of that information by the Compensation Board unless made—

- (a) to, or in accordance with authority duly given by, the Commissioners of Inland Revenue or the Commissioners of Customs and Excise or
- (b) with a view to the institution of, or otherwise for the purposes of, criminal proceedings under this Order or the Pension Schemes Act, or any enactment in force in Great Britain corresponding to either of them.

(6) Nothing in this Article shall be construed as affecting any power of disclosure exercisable apart from this Article.

(7) This Article applies to the following (and, accordingly, in this Article “person” shall be construed as including any of them)—

- (a) any government department,
- (b) the Director of Public Prosecutions for Northern Ireland,
- (c) the Director of Public Prosecutions,
- (d) the Lord Advocate,
- (e) any constable,
- (f) any designated agency or recognised self-regulating organisation (within the meaning of the Financial Services Act 1986⁽¹⁾),
- (g) a recognised professional body (within the meaning of Article 350 of the Insolvency (Northern Ireland) Order 1989⁽²⁾ or section 391 of the Insolvency Act 1986⁽³⁾),
- (h) the Pensions Ombudsman,
- (i) the Policyholders Protection Board,
- (j) the Authority,
- (k) the Registrar of Occupational and Personal Pension Schemes,
- (l) the Official Receiver for Northern Ireland or the Official Receiver in England and Wales, and
- (m) such other persons as may be prescribed.

(1) 1986 c. 60.
(2) 1989 NI 19.
(3) 1986 c. 45.