
STATUTORY INSTRUMENTS

1995 No. 3213

The Pensions (Northern Ireland) Order 1995

PART V

MISCELLANEOUS AND GENERAL

Pensions Ombudsman

Employment of staff by the Pensions Ombudsman

152. For section 141(2) of the Pension Schemes Act, substitute—

“(2A) The Pensions Ombudsman may (with the approval of the Department as to numbers) appoint such persons to be employees of his as he thinks fit, on such terms and conditions as to remuneration and other matters as the Pensions Ombudsman may with the approval of the Department determine.

(2B) The Department may, on such terms as to payment by the Pensions Ombudsman as the Department thinks fit, make available to the Pensions Ombudsman such additional staff and such other facilities as it thinks fit.

(2C) Any function of the Pensions Ombudsman, other than the determination of complaints made and disputes referred under this Part, may be performed by any—

- (a) employee appointed by the Pensions Ombudsman under subsection (2A) or any corresponding provision in force in Great Britain, or
- (b) member of staff made available to him under subsection (2B) or any corresponding provision in force in Great Britain,

who is authorised for that purpose by the Pensions Ombudsman.”.

Jurisdiction of Pensions Ombudsman

153.—(1) Sections 142 to 147 of the Pension Schemes Act are amended as shown in paragraphs (2) to (11).

(2) In section 142 (investigations concerning the trustees or managers of schemes), for subsection (1) to (4) substitute—

“(1) The Pensions Ombudsman may investigate and determine the following complaints and disputes—

- (a) a complaint made to him by or on behalf of an actual or potential beneficiary of an occupational or personal pension scheme who alleges that he has sustained injustice in consequence of maladministration in connection with any act or omission of a person responsible for the management of the scheme,

(b) a complaint made to him—

- (i) by or on behalf of a person responsible for the management of an occupational pension scheme who in connection with any act or omission

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of another person responsible for the management of the scheme, alleges maladministration of the scheme, or

- (ii) by or on behalf of the trustees or managers of an occupational pension scheme who in connection with any act or omission of any trustee or manager of another such scheme, allege maladministration of the other scheme,

and in any case falling within sub-paragraph (ii) references in this Part to the scheme to which the complaint relates is to the other scheme referred to in that sub-paragraph,

- (c) any dispute of fact or law which arises in relation to an occupational or personal pension scheme between—

- (i) a person responsible for the management of the scheme, and
- (ii) an actual or potential beneficiary,

and which is referred to him by or on behalf of the actual or potential beneficiary, and

- (d) any dispute of fact or law which arises between the trustees or managers of an occupational pension scheme and—

- (i) another person responsible for the management of the scheme, or
- (ii) any trustee or manager of another such scheme,

and which is referred to him by or on behalf of the person, trustee or manager referred to in sub-paragraph (i) or (ii); and in any case falling within sub-paragraph (ii) references in this Part to the scheme to which the reference relates is to the scheme first mentioned in this paragraph.

(2) Complaints and references made to the Pensions Ombudsman must be made to him in writing.

(3) For the purposes of this Part, the following persons (subject to subsection (4)) are responsible for the management of an occupational pension scheme—

- (a) the trustees or managers, and
- (b) the employer;

but, in relation to a person falling within one of those paragraphs, references in this Part to another person responsible for the management of the same scheme are to a person falling within the other paragraph.

(3A) For the purpose of this Part, a person is responsible for the management of a personal pension scheme if he is a trustee or manager of the scheme.

(4) Regulations may provide that, subject to any prescribed modification or exceptions, this Part shall apply in the case of an occupational or personal pension scheme in relation to any prescribed person or body of persons where the person or body—

- (a) is not a trustee or manager or employer, but
- (b) is concerned with the financing or administration of, or the provision of benefits under, the scheme,

as if for the purposes of this Part he were a person responsible for the management of the scheme.”.

(3) In subsection (7) of section 142, for “authorised complainants” substitute ““ actual or potential beneficiaries””.

(4) In section 143 (death, insolvency, etc.), in subsections (1) and (2), for “authorised complainant” (wherever occurring) substitute “actual or potential beneficiary” and in subsection (2) for “the authorised complainant's” substitute “his”.

(5) In subsection (3) of that section, for “an authorised complainant” substitute “a person by whom, or on whose behalf, a complaint or reference has been made under this Part”.

(6) In section 144 (staying court proceedings), in subsection (4), for paragraphs (a) and (b) substitute—

- “(a) the person by whom, or on whose behalf, the complaint or reference has been made;
- (b) any person responsible for the management of the scheme to which the complaint or reference relates;” .

^{F1}(7) In section 145 (procedure on investigation), in subsection (1)(a), for “the trustees and managers of the scheme concerned” substitute “any person (other than the person by whom, or on whose behalf, the complaint or reference was made) responsible for the management of the scheme to which the complaint or reference relates”.

(8) In section 146 (investigations: further provisions), in subsection (1)(a), for “any trustee or manager of the scheme concerned” substitute “any person responsible for the management of the scheme to which the complaint or reference relates”.

(9) In section 147 (determinations of Pensions Ombudsman), for subsection (1)(a) and (b) substitute—

- “(a) to the person by whom, or on whose behalf, the complaint or reference was made; and
- (b) to any person (if different) responsible for the management of the scheme to which the complaint or reference relates;” .

(10) In subsection (2) of that section, for “the trustees or managers of the scheme concerned” substitute “any person responsible for the management of the scheme to which the complaint or reference relates”.

(11) In subsection (3) of that section, for paragraphs (a) to (c) substitute—

- “(a) the person by whom, or on whose behalf, the complaint or reference was made;
- (b) any person (if different) responsible for the management of the scheme to which the complaint or reference relates; and
- (c) any person claiming under a person falling within paragraph (a) or (b).” .

F1 prosp. rep. by 2000 c. 4 (NI)

Allowances

154. In section 145 of the Pension Schemes Act—

(a) after subsection (3)(b) insert “and

(c) for the payment by the Pensions Ombudsman of such travelling and other allowances (including compensation for loss of remunerative time) as the Department may determine, to—

- (i) actual or potential beneficiaries of a scheme to which a complaint or reference relates, or
- (ii) persons appearing and being heard on behalf of such actual or potential beneficiaries,

who attend at the request of the Pensions Ombudsman any oral hearing held in connection with an investigation into the complaint or dispute”, and

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(b) at the end of subsection (3)(a), omit “and”.

Disclosing information

155.—(1) In section 145 of the Pension Schemes Act, after subsection (4) add—

“(5) The Pensions Ombudsman may disclose any information which he obtains for the purposes of an investigation under this Part to any person to whom subsection (6) applies, if the Ombudsman considers that the disclosure would enable or assist that person to discharge any of his functions.

(6) This subsection applies to the following—

- (a) the Regulatory Authority,
- (b) the Pensions Compensation Board,
- (c) the Registrar,
- (d) any Northern Ireland department or department of the Government of the United Kingdom,
- (e) the Bank of England,
- (f) the Friendly Societies Commission,
- (g) the Building Societies Commission,
- (h) an inspector appointed by the Department of Economic Development under Part XV of the Companies (Northern Ireland) Order 1986^{F2},
- (i) an inspector appointed by the Secretary of State under Part XIV of the Companies Act 1985^{F3} or section 94 or 177 of the Financial Services Act 1986^{F4},
- (j) a person authorised under section 106 of the Financial Services Act 1986 to exercise powers conferred by section 105 of that Act,
- (k) a designated agency or transferee body or the competent authority, within the meaning of that Act, and
- (l) a recognised self-regulating organisation, recognised professional body, recognised investment exchange or recognised clearing house, within the meaning of that Act.

(7) The Department may by order—

- (a) amend subsection (6) by adding any person or removing any person for the time being specified in that subsection, or
- (b) restrict the circumstances in which, or impose conditions subject to which, disclosure may be made to any person for the time being specified in that subsection.” .

(2) In section 147 of that Act, in subsection (7)(a), after “this section” insert—

“(aa) in disclosing any information under section 145(5),” .

F2	1986 NI 6
F3	1985 c. 6
F4	1986 c. 60

Interest on late payment of benefit

156. After section 147 of the Pension Schemes Act insert—

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“Interest on late payment of benefit.

147A. Where under this Part the Pensions Ombudsman directs a person responsible for the management of an occupational or personal pension scheme to make any payment in respect of benefit under the scheme which, in his opinion, ought to have been paid earlier, his direction may also require the payment of interest at the prescribed rate.”.

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Changes and effects yet to be applied to :

- Instrument amended by [1998 c. 11 s.23 Sch.5 Pt.IV Ch.II para.72](#)
- power to am. (prosp.) by [1998 c. 47 s.87](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 para. 18(15)(16) repealed by [2012 c. 3 \(N.I.\) Sch. 2 para. 4\(b\)](#)
- Sch. 2 Pt. 3 para. 18(8) repealed by [2008 c. 1 \(N.I.\) Sch. 6 Pt. 1](#) (Amendment could not be applied - affected provision not available on [legislation.gov.uk](#))
- Sch. 2 Pt. 3 para. 18(18) repealed by [2008 c. 1 \(N.I.\) Sch. 6 Pt. 1](#) (Amendment could not be applied - affected provision not available on [legislation.gov.uk](#))
- art. 37(1A)(a) word inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 7\(a\)](#)
- art. 37(1A)(b) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 7\(b\)](#)
- art. 51(5A)-(5C) inserted by [2016 c. 1 \(N.I.\) s. 43\(1\)](#)
- art. 51(7A) inserted by [2016 c. 1 \(N.I.\) s. 41\(1\)\(b\)](#)
- art. 51(9)(10) inserted by [2016 c. 1 \(N.I.\) s. 42\(3\)](#) (This amending provision is itself amended by S.I. 2019/193, reg. 7)
- art. 67A(3)(aa)-(ac) inserted by [2016 c. 1 \(N.I.\) s. 45\(3\)](#)
- art. 67A(9)(b)(viii)-(x) inserted by [2016 c. 1 \(N.I.\) s. 45\(6\)\(b\)](#)
- art. 73(2)(2A) substituted for art. 73(2) by [2016 c. 1 \(N.I.\) Sch. 2 para. 11](#)
- art. 75(1)-(1B) substituted for art. 75(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 12](#)
- art. 167(3)(aa) inserted by [2016 c. 1 \(N.I.\) s. 43\(2\)](#)