STATUTORY INSTRUMENTS

2005 No. 255

The Pensions (Northern Ireland) Order 2005

PART II

THE PENSIONS REGULATOR

[F1 References to a tribunal]

F1 Art. 97 preceding cross-heading substituted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), **Sch. 1 para. 16** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

[F2 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. **]**

F2 Art. 96A inserted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), **Sch. 1 para. 17** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

References [F3in relation to decisions of the Regulator]

97.—(1) F4. . . . . .

(2) F4. . . . . .

[F5(2A) This Article applies to references to a tribunal in relation to a decision of the Regulator.**]**

(3) On a reference, **[**F6the tribunal concerned**]** may consider any evidence relating to the subject-matter of the reference, whether or not it was available to the Regulator at the material time.

(4) On a reference, **[**F7the tribunal concerned**]** must determine what (if any) is the appropriate action for the Regulator to take in relation to the matter referred to **[**F8it**]**.

(5) On determining a reference, **[**F9the tribunal concerned**]** must remit the matter to the Regulator with such directions (if any) as **[**F10it**]** considers appropriate for giving effect to its determination.

(6) Those directions may include directions to the Regulator—

(a) confirming the Regulator's determination and any order, notice or direction made, issued or given as a result of it;

(b) to vary or revoke the Regulator's determination, and any order, notice or direction made, issued or given as a result of it;

(c) to substitute a different determination, order, notice or direction;

(d) to make such savings and transitional provision as the **[**F11tribunal concerned**]** considers appropriate.

(7) The Regulator must act in accordance with the determination of, and any direction given by, the **[**F12tribunal concerned**]** (and accordingly Articles 91 to 94 (standard and special procedure) do not apply).

(8) The **[**F12tribunal concerned**]** may, on determining a reference, make recommendations as to the procedure followed by the Regulator or the Determinations Panel.

(9) An order of the **[**F12tribunal concerned**]** may be enforced as if it were an order of a county court.

F3 Words in art. 97 heading substituted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), **Sch. 1 para. 18(a)** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

F4 Art. 97(1)(2) repealed (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3, 5(2), Sch. 1 para. 18(b), **Sch. 3** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

F5 Art. 97(2A) inserted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), **Sch. 1 para. 18(c)** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

F6 Words in art. 97(3) substituted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), **Sch. 1 para. 18(d)** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

F7 Words in art. 97(4) substituted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), **Sch. 1 para. 18(e)(i)** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

F8 Word in art. 97(4) substituted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), **Sch. 1 para. 18(e)(ii)** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

F9 Words in art. 97(5) substituted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), **Sch. 1 para. 18(e)(i)** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

F10 Word in art. 97(5) substituted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), **Sch. 1 para. 18(e)(ii)** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

F11 Words in art. 97(6)(d) substituted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), **Sch. 1 para. 18(f)** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

F12 Words in art. 97(7)-(9) substituted (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3(1), 5(2), **Sch. 1 para. 18(f)** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

Appeal on a point of law

98. [F13] . . . . . .

F13 Art. 98 repealed (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3, 5(2), Sch. 1 para. 19, **Sch. 3** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

Redetermination etc. by the Tribunal

99. [F14] . . . . . .

F14 Art. 99 repealed (6.4.2010) by Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 (c. 4), ss. 3, 5(2), Sch. 1 para. 20, **Sch. 3** (with transitional and saving in Sch. 2); S.R. 2010/101, **art. 2**

Disclosure of information

100. [F15] . . . . . .

F15 Art. 100 repealed (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(2), **Sch. 2** (with art. 10)

Changes to legislation:
The Pensions (Northern Ireland) Order 2005, Cross Heading: References to a tribunal is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

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. 6 para. 21(2)(c)-(cc) substituted for (b)(c) by 2008 c. 13 (N.I.) Sch. 6 para. 11
- art. 2(4)(b)(viii)-(x) inserted by 2016 c. 1 (N.I.) Sch. 2 para. 21(3)(b)
- art. 19(1A) inserted by 2016 c. 1 (N.I.) Sch. 2 para. 24(3)
- art. 19(10A) inserted by 2016 c. 1 (N.I.) Sch. 2 para. 24(5)
- art. 34(1)-(1B) substituted for art. 34(1) by 2016 c. 1 (N.I.) Sch. 2 para. 25
- art. 34(7)(da) inserted by 2021 c. 1 Sch. 8 para. 3(2)
- art. 39(1)-(1B) substituted for art. 39(1) by 2016 c. 1 (N.I.) Sch. 2 para. 26(2)
- art. 48(1)-(1B) substituted for art. 48(1) by 2016 c. 1 (N.I.) Sch. 2 para. 27
- art. 75(1)(a)(iib) inserted by 2021 c. 1 Sch. 8 para. 8(2)
- art. 110(1)-(1B) substituted for art. 110(1) by 2016 c. 1 (N.I.) Sch. 2 para. 29
- art. 191(5) added by 2008 c. 13 (N.I.) Sch. 9 para. 6
- art. 267(4)(f) and word inserted by 2021 c. 1 Sch. 6 para. 20(b)