



Social Security Act 1973

1973 CHAPTER 38

PART II

OCCUPATIONAL PENSION SCHEMES

The Occupational Pensions Board

66 Establishment of the Board; their functions and procedure.

- (1) The Occupational Pensions Board shall be a body corporate by that name and have—
 - (a) the functions conferred on them by this Act; and
 - (b) such advisory functions as may be conferred on them by the Secretary of State in respect of occupational pension schemes (including public service pension schemes).
- (2) The Board shall consist of a chairman, a deputy chairman and not less than 8 nor more than 12 other members, all appointed by the Secretary of State; and of the members other than the chairman and deputy chairman, one shall be appointed after consultation with organisations representative of employers, and one shall be appointed after consultation with organisations representative of employed earners (being in either case such organisations as the Secretary of State thinks it appropriate to consult).
- (3) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified) there shall be inserted at the appropriate place in alphabetical order—

“The Occupational Pensions Board”;

and the same words shall also be inserted at the appropriate place in alphabetical order in the Part substituted for Part II by Schedule 3 to that Act in relation to the Senate and House of Commons of Northern Ireland.
- (4) The Board shall be included among the tribunals in relation to which the Council on Tribunals may under section 5 of the Tribunals and Inquiries Act 1971 make general recommendations as to appointments to membership; and the functions of the Council shall include that of keeping under review, and from time to time reporting on—

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- (a) the constitution of the Board; and
 - (b) their working, so far as relating to matters dealt with by the Board by means of a formal hearing, or on review.
- (5) Schedule 17 to this Act shall have effect with respect to the Board and their affairs.
- (6) It shall be the duty of the Board, as soon as practicable after the end of each calendar year, to make to the Secretary of State a report on the exercise of their functions in that year; and the Secretary of State shall lay a copy of the report before each House of Parliament.
- (7) The Secretary of State may make regulations generally as to the procedure to be followed by the Board in the exercise of their functions and the manner in which their functions are to be exercised and may in particular make provision—
- (a) as to the procedure to be adopted in connection with the issue, cancellation, variation or surrender of recognition certificates, and with applications, determinations and the making of orders ;
 - (b) as to the hearing of parties, the taking of evidence and the circumstances (if any) in which a document of any prescribed description is to be treated, for the purposes of any proceedings before the Board, as evidence, or conclusive evidence, of any prescribed matter;
 - (c) as to the time to be allowed for making any application or renewed application to the Board (whether for an order or determination of the Board, or for the review of a determination, or otherwise);
 - (d) as to the manner in which parties to any proceedings before the Board may, or are to, be represented for the purposes of the proceedings.
- (8) Regulations under subsection (7) above may provide for enabling the Board to summon persons to attend before them and give evidence (including evidence on oath) for any purposes of proceedings in connection with an occupational pension scheme, to produce any documents required by the Board for those purposes, or to furnish any information which the Board may require relating to any such scheme which is the subject matter of proceedings pending before them.
- (9) So far as regulations under subsection (7) above relate to procedure on any formal hearing by the Board, the power of the Secretary of State to make them shall be exercisable only after consultation with the Council on Tribunals.

67 Review of Board's determinations.

- (1) Subject to the provisions of this section and section 86 of this Act (appeal on point of law), where the Occupational Pensions Board have—
- (a) determined to issue, cancel or vary a recognition certificate ; or
 - (b) determined to make, or not to make, any order which they have power to make under this Part of this Act; or
 - (c) determined any other question which it is within their functions to determine, their determination shall be final.
- (2) The Board may on the application of a person appearing to them to be interested—
- (a) at any time review any such determination of theirs as is mentioned in subsection (1) above, or a determination given by them on a previous review, if they are satisfied that there has been a relevant change of circumstances since

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- the determination was made, or that the determination was made in ignorance of a material fact or based on a mistake as to a material fact;
- (b) at any time within a period of 6 months from the date of the determination, or within such longer period as they may allow in any particular case, review such a determination on any ground.
- (3) The Board's powers on a review under this section shall include power to vary or revoke any determination or order previously made, to substitute a different determination or order, and generally to deal with the matters arising on the review as if they had arisen on the original determination.
- (4) Subject to subsection (5) below, regulations made by the Secretary of State may make provision with respect to the procedure to be adopted on any application for a review under this section and generally with respect to such applications and reviews; but nothing in this subsection shall be taken to prevent such a review being entered upon by the Board without an application being made.
- (5) The power of the Secretary of State to make regulations under subsection (4) above shall be exercisable only after consultation with the Council on Tribunals.

68 Submission to the Board of proposals to make regulations.

- (1) Where the Secretary of State proposes to make any regulations under this Part of this Act (other than regulations to be made before the expiration of 6 months after the passing of this Act) he shall refer the proposals, in the form of draft regulations or otherwise, to the Occupational Pensions Board.
- (2) The Board shall consider any proposals referred to them under this section and make a report to the Secretary of State containing such recommendations as they think fit with regard to the subject-matter of the proposals; and if after receiving the Board's report the Secretary of State lays before Parliament regulations or draft regulations which comprise the whole or any part of the subject-matter of proposals referred to the Board he shall lay with the regulations or draft a copy of the report and a statement showing—
- (a) the extent (if any) to which the Secretary of State has, in framing the regulations, given effect to the recommendations contained in the Board's report; and
- (b) in so far as effect has not been given to any such recommendations, his reasons why not.
- (3) In relation to any regulations required or authorised under this Act to be made by the Secretary of State in conjunction with the Treasury, any reference in the foregoing provisions of this section to the Secretary of State shall be construed as a reference to him and the Treasury acting jointly.