



Pensions Act 1995

1995 CHAPTER 26

PART I

OCCUPATIONAL PENSIONS

Disclosure of information: the Authority

108 Other permitted disclosures

- (1) Section 104 does not preclude the disclosure by the Authority of restricted information to—
- (a) the Secretary of State, or
 - (b) the Department of Health and Social Services for Northern Ireland,
- if the disclosure appears to the Authority to be desirable or expedient in the interests of members of occupational pension schemes or in the public interest.
- (2) Section 104 does not preclude the disclosure of restricted information—
- (a) with a view to the institution of, or otherwise for the purposes of, criminal proceedings, whether under this Act or otherwise,
 - (b) in connection with any other proceedings arising out of—
 - (i) this Act, or
 - (ii) the Pension Schemes Act 1993,or any corresponding enactment in force in Northern Ireland or any proceedings for breach of trust in relation to an occupational pension scheme,
 - (c) with a view to the institution of, or otherwise for the purposes of, proceedings under section 7 or 8 of the Company Directors Disqualification Act 1986 or Article 10 or 11 of the Companies (Northern Ireland) Order 1989,
 - (d) in connection with any proceedings under the Insolvency Act 1986 or the Insolvency (Northern Ireland) Order 1989 which the Authority have instituted or in which they have a right to be heard,

Status: This is the original version (as it was originally enacted).

- (e) with a view to the institution of, or otherwise for the purposes of, any disciplinary proceedings relating to the exercise of his professional duties by a solicitor, an actuary or an accountant,
 - (f) with a view to the institution of, or otherwise for the purposes of, any disciplinary proceedings relating to the discharge by a public servant of his duties,
 - (g) for the purpose of enabling or assisting an authority in a country outside the United Kingdom to exercise functions corresponding to those of the Authority under this Act, or
 - (h) in pursuance of a Community obligation.
- (3) Section 104 does not preclude the disclosure by the Authority of information to the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland, the Lord Advocate, a procurator fiscal or a constable.
- (4) Section 104 does not preclude the disclosure by any person mentioned in subsection (1) or (3) of information obtained by the person by virtue of that subsection, if the disclosure is made with the consent of the Authority.
- (5) Section 104 does not preclude the disclosure by any person specified in the first column of the Table in section 107 of information obtained by the person by virtue of that subsection, if the disclosure is made—
- (a) with the consent of the Authority, and
 - (b) for the purpose of enabling or assisting the person to discharge any functions specified in relation to him in the second column of the Table.
- (6) The Authority must, before deciding whether to give their consent to such a disclosure as is mentioned in subsection (4) or (5), take account of any representations made to them by the person seeking to make the disclosure as to the desirability of the disclosure or the necessity for it.
- (7) In subsection (2), “public servant” means an officer or servant of the Crown or of any prescribed authority.