



Child Support, Pensions and Social Security Act 2000

2000 CHAPTER 19

PART II

PENSIONS

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OCCUPATIONAL AND PERSONAL PENSION SCHEMES

Other provisions

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- (1) The Pension Schemes Act 1993 shall be amended as follows.
- (2) In section 148(5) (meaning of parties to an investigation for the purposes of staying proceedings), after paragraph (b) there shall be inserted—
 - “(ba) any actual or potential beneficiary of the scheme whose interests are or may be affected by the matters to which the complaint or dispute relates,
 - (bb) any actual or potential beneficiary of the scheme whose interests it is reasonable to suppose might be affected by—
 - (i) the Pensions Ombudsman’s determination of the complaint or dispute, or
 - (ii) directions that may be given by the Ombudsman in consequence of that determination.”.
- (3) For subsection (1) of section 149 (obligation to allow persons to comment on allegations in complaint or reference) there shall be substituted—

Status: This is the original version (as it was originally enacted).

- “(1) Where the Pensions Ombudsman proposes to conduct an investigation into a complaint made or dispute referred under this Part, he shall—
- (a) give every person against whom allegations are made in the complaint or reference an opportunity to comment on those allegations,
 - (b) give every person responsible for the management of the scheme to which the complaint or reference relates an opportunity to make representations to him about the matters to which the complaint or dispute relates, and
 - (c) give every actual or potential beneficiary of that scheme whose interests are or may be affected by the matters to which the complaint or dispute relates, an opportunity to make representations about those matters.
- (1A) Subject to subsection (1B), subsection (1) shall not require an opportunity to make comments or representations to be given to any person if the Pensions Ombudsman is satisfied that that person is—
- (a) a person who, as the person or one of the persons making the complaint or reference, has had his opportunity to make comments or representations about the matters in question; or
 - (b) a person whose interests in relation to the matters to which the complaint or dispute relates are being represented, in accordance with rules under this section, by a person who has been given an appropriate opportunity to make comments or representations.
- (1B) The Pensions Ombudsman shall, under subsection (1), give an opportunity to make comments and representations to a person falling within subsection (1A)
- (a) in any case in which that person is a person who, in accordance with rules, is appointed or otherwise determined, after the making of the complaint or reference, to represent the interests of other persons in relation to the matters to which the complaint or dispute relates.”
- (4) In subsection (3) of section 149 (matters as to which rules may be made), for “and” at the end of paragraph (b) there shall be substituted—
- “(ba) for the interests of all of a number of persons who—
- (i) are actual or potential beneficiaries of the scheme to which the complaint or reference relates, and
 - (ii) appear to have the same interest in relation to any of the matters to which the complaint or dispute relates,
- to be represented for the purposes of the investigation by such one or more of them, or such other person, as may be appointed by the Ombudsman or otherwise determined in accordance with the rules.”.
- (5) In that subsection, at the end of paragraph (c), there shall be inserted “and
- (d) for the payment of legal expenses incurred by a party to an investigation (as defined in section 148(5)) out of funds held for the purposes of the scheme to which the complaint or reference relates.”
- (6) After subsection (7) of section 149 there shall be inserted—
- “(8) References in this section to the matters to which a complaint or dispute relates include references to any matter which it is reasonable to suppose might form the subject of—

- (a) the Pensions Ombudsman’s determination of the complaint or dispute, or
 - (b) any directions that may be given by the Ombudsman in consequence of that determination.”
- (7) In subsection (1) of section 151 (persons to be given notice of a determination by the Ombudsman), at the end of paragraph (b) there shall be inserted “and
 - (c) to every other person who was required under section 149 to be given an opportunity—
 - (i) to comment on an allegation in the complaint or reference, or
 - (ii) to make representations about matters to which the complaint or reference relates.”.
- (8) In subsection (3) of section 151 (persons bound by determinations), for “and” at the end of paragraph (b) there shall be substituted—
 - “(ba) any person who under section 149 was given such an opportunity to make any such comment or representation as is mentioned in subsection (1)(c) of this section,
 - (bb) any person whose interests were represented by a person falling within any of the preceding paragraphs, and”;
- () and, in paragraph (c) of that subsection for “paragraph (a) or (b)” there shall be substituted “any of paragraphs (a) to (bb)”;
- (9) Nothing in any provision made by this section shall—
 - (a) apply in relation to any complaint or reference made to the Pensions Ombudsman before the day on which this section comes into force; or
 - (b) authorise the making of any provision applying in relation to any such complaint or reference.