

SCHEDULES

SCHEDULE 8

Article 188.

REVIEWABLE MATTERS

1. The issue of a determination notice under Article 107 approving a notice issued under Article 106.
2. The failure to issue a determination notice under Article 107.
3. The issue of, or failure to issue, a notice under Article 106 by the Board by virtue of Article 108 (Board's duty where failure to comply with Article 106).

[^{F1}**3A.** The issue of, or failure to issue, a validation notice under regulation 2(5) of the Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005.]

F1 SR 2005/127

[^{F2}**3B.** The provision of information by the Board under—

- (a) regulation 3(2) of the Pension Protection Fund (Provision of Information) Regulations (Northern Ireland) 2005 (information to be provided by the Board);
- (b) regulation 3(2A) of those Regulations; or
- (c) regulation 3(9) of those Regulations,

or the failure to provide information under those provisions.]

F2 Sch. 8 para. 3B inserted (6.4.2006) by [Pension Protection Fund \(Reviewable Matters and Review and Reconsideration of Reviewable Matters\) \(Amendment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/156\)](#), [reg. 2\(a\)](#)

4. The issue of, or failure to issue—
 - (a) a scheme failure notice under paragraph (2) of Article 114 (scheme rescue not possible), or
 - (b) a withdrawal notice under paragraph (3) of that Article (scheme rescue has occurred).
5. Any direction given under paragraph (2) of Article 118 (directions during an assessment period) or any variation or revocation of such a direction under paragraph (4) of that Article.
6. The issue of a notice under Article 120(2) (power to validate contraventions of Article 119).
7. The making of a loan under Article 123(2) (loans to pay scheme benefits), the amount of any such loan or the failure to make such a loan.

[^{F3}**7A.** Any determination by the Board under Article 125(2) (determination on a review of an ill health pension that compensation in respect of the pension is to be determined in the prescribed manner).]

F3 SR 2005/357

Status: Point in time view as at 06/04/2017.

Changes to legislation: The Pensions (Northern Ireland) Order 2005, SCHEDULE 8 is up to date with all changes known to be in force on or before 27 June 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. (See end of Document for details)

[^{F4} **7B** ^{F5}. A notice under Article 127(2A) (whether Board will make a determination or obtain an actuarial valuation).]

F4 Sch. 8 paras. 7B-7D substituted for Sch. 8 para. 8 (23.7.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), s. 34\(3\)](#), [Sch. 4 para. 13\(2\)](#); S.R. 2012/265, art. 2(4)(a)(ii)
F5 mod. by SR 2005/127

[^{F6}**7C** The failure by the Board either to—

- (a) make a determination under Article 127(2)(a), or
- (b) obtain an actuarial valuation under Article 127(2)(b).

F6 Sch. 8 paras. 7B-7D substituted for Sch. 8 para. 8 (23.7.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), s. 34\(3\)](#), [Sch. 4 para. 13\(2\)](#); S.R. 2012/265, art. 2(4)(a)(ii)

7D A determination by the Board under Article 127(2)(a) (whether condition in Article 111(2)(a) or Article 112(2)(a) satisfied).]

F6 Sch. 8 paras. 7B-7D substituted for Sch. 8 para. 8 (23.7.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), s. 34\(3\)](#), [Sch. 4 para. 13\(2\)](#); S.R. 2012/265, art. 2(4)(a)(ii)

9 ^{F7}. The approval of, or failure to approve, a valuation in respect of an eligible scheme under Article 128(2).

F7 mod. by SR 2005/127

10. The issue of, or failure to issue, a withdrawal notice under or by virtue of—

- (a) Article 130 (schemes which become eligible schemes), or
- (b) Article 131 (new schemes created to replace existing schemes).

11. The issue of, or failure to issue, a withdrawal notice under Article 132 (no insolvency event has occurred or is likely to occur).

12. The issue of, or failure to issue, a determination notice under Article 136(3) (whether value of scheme assets less than aggregate of liabilities etc.).

13. The issue of, or failure to issue, a determination notice under Article 137(6) (authorisation to continue as closed scheme).

14. Any direction given under Article 138(7) (directions about winding up of scheme with sufficient assets to meet protected liabilities) and any variation or revocation of such a direction.

[^{F8}**14A** A notice under Article 142(3A) (whether Board will make a determination or obtain an actuarial valuation).

F8 Sch. 8 paras. 14A-14C inserted (23.7.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), s. 34\(3\)](#), [Sch. 4 para. 13\(3\)](#); S.R. 2012/265, art. 2(4)(a)(ii)

14B The failure by the Board either to—

- (a) make a determination under Article 142(3)(a), or
- (b) obtain an actuarial valuation under Article 142(3)(b).

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F8 Sch. 8 paras. 14A-14C inserted (23.7.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), s. 34\(3\), Sch. 4 para. 13\(3\)](#); S.R. 2012/265, art. 2(4)(a)(ii)

14C A determination by the Board under Article 142(3)(a) (whether condition in Article 142(1) satisfied).]

F8 Sch. 8 paras. 14A-14C inserted (23.7.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), s. 34\(3\), Sch. 4 para. 13\(3\)](#); S.R. 2012/265, art. 2(4)(a)(ii)

15. The failure by the Board to give a transfer notice under Article 144.

16. Any determination by the Board of a person's entitlement to compensation under the pension compensation provisions or the failure in any case to make such a determination.

[^{F9}**16A.** Any step taken by the Board under Article 147(4)(a) (adjustments to be made where Board assumes responsibility for a scheme) to recover the amount of any excess from future pension compensation payments.

F9 Sch. 8 paras. 16A, 16B inserted (6.4.2006) by [Pension Protection Fund \(Reviewable Matters and Review and Reconsideration of Reviewable Matters\) \(Amendment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/156\), reg. 2\(b\)](#)

16B. Any determination by the Board, or the failure to make a determination, under regulation 6(2) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations (Northern Ireland) 2006 (circumstances where the Board is not required to recover overpaid scheme benefits).]

F9 Sch. 8 paras. 16A, 16B inserted (6.4.2006) by [Pension Protection Fund \(Reviewable Matters and Review and Reconsideration of Reviewable Matters\) \(Amendment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/156\), reg. 2\(b\)](#)

[^{F10}**16C** Any determination by the Board of a person's entitlement to compensation under Chapter 1 of Part 3 of the Pensions (No. 2) Act (Northern Ireland) 2008 (pension compensation sharing on divorce etc.) or the failure in any case to make such a determination.

F10 Sch. 8 paras. 16C-16F inserted (6.4.2011) by [The Pension Protection Fund \(Pension Compensation Sharing and Attachment on Divorce etc.\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/113\), regs. 1\(1\), 32](#)

16D A determination by the Board that any right of a person to PPF compensation is or is not "shareable" for the purposes of Chapter 1 of Part 3 of the Pensions (No. 2) Act (Northern Ireland) 2008.

F10 Sch. 8 paras. 16C-16F inserted (6.4.2011) by [The Pension Protection Fund \(Pension Compensation Sharing and Attachment on Divorce etc.\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/113\), regs. 1\(1\), 32](#)

16E A determination by the Board that the implementation period for a pension compensation credit (within the meaning of Chapter 1 of Part 3 of the Pensions (No. 2) Act (Northern Ireland) 2008) is or is not extended for the purposes of section 92 of that Act (time for discharge of liability).

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F10 Sch. 8 paras. 16C-16F inserted (6.4.2011) by [The Pension Protection Fund \(Pension Compensation Sharing and Attachment on Divorce etc.\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/113\)](#), [regs. 1\(1\), 32](#)

16F The recovery of a charge from a person under regulation 16 of the Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc.) Regulations (Northern Ireland) 2011 (charges in respect of pension compensation sharing costs etc. recoverable by the Board), the amount of the charge or the method of recovery.]

F10 Sch. 8 paras. 16C-16F inserted (6.4.2011) by [The Pension Protection Fund \(Pension Compensation Sharing and Attachment on Divorce etc.\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/113\)](#), [regs. 1\(1\), 32](#)

[^{F11}**16G.** Any determination by the Board, or the failure to make a determination, under regulation 53(1) of the Pensions (2012 Act) (Transitional, Consequential and Supplementary Provisions) Regulations (Northern Ireland) 2014 (discharge as money purchase liabilities: periods after the appointed day).

F11 Sch. 8 paras. 16G-16I inserted (24.7.2014) by [The Pensions \(2012 Act\) \(Consequential and Supplementary Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/213\)](#), [regs. 1, 3](#)

16H. Any determination by the Board, or the failure to make a determination, under regulation 54(2) of the Pensions (2012 Act) (Transitional, Consequential and Supplementary Provisions) Regulations (Northern Ireland) 2014 (closed schemes: Board's assumption of responsibility after the appointed day).

F11 Sch. 8 paras. 16G-16I inserted (24.7.2014) by [The Pensions \(2012 Act\) \(Consequential and Supplementary Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/213\)](#), [regs. 1, 3](#)

16I. Any direction given by the Board, or the failure to give a direction, under regulation 56(1) of the Pensions (2012 Act) (Transitional, Consequential and Supplementary Provisions) Regulations (Northern Ireland) 2014 (discharge of pensions in payment derived from voluntary contributions treated as money purchase benefits: periods after the appointed day).]

F11 Sch. 8 paras. 16G-16I inserted (24.7.2014) by [The Pensions \(2012 Act\) \(Consequential and Supplementary Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/213\)](#), [regs. 1, 3](#)

17. Any failure by the Board to make a payment required by Article 147(4)(b) (adjustments to be made where Board assumes responsibility for a scheme).

[^{F12}**17A.** The making of a payment under Article 150(2) (amount of any pensions or other benefits which a person had become entitled to payment of under the scheme rules), the amount of any such payment or the failure to make such a payment.]

F12 SR 2005/127

[^{F13}**17B.** Any determination made by the Board under regulation 16(2) or (5)(b) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations (Northern Ireland) 2006 (recovery of PPF compensation overpayments).]

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F13 Sch. 8 para. 17B inserted (6.4.2006) by [Pension Protection Fund \(Reviewable Matters and Review and Reconsideration of Reviewable Matters\) \(Amendment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/156\)](#), **reg. 2(c)**

18. Any determination by the Board under Article 164(3)(a) (the eligible schemes in respect of which the initial levy or the pension protection levy is imposed) or the failure to make such a determination.

19. The amount of the initial levy or any pension protection levy payable in respect of an eligible scheme determined by the Board under Article 164(3)(b).

[^{F14}**19A.** Any determination by the Board of an application for the grant of a waiver under regulation 3 of the Pension Protection Fund (Waiver of Pension Protection Levy and Consequential Amendments) Regulations (Northern Ireland) 2007 (waiver of payment of the pension protection levy) or the failure to make such a determination.]

F14 Sch. 8 para. 19A. inserted (30.3.2007) by [Pension Protection Fund \(Waiver of Pension Protection Levy and Consequential Amendments\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/157\)](#), **reg. 8**

[^{F15}**19B.** Any determination by the Board under regulation 19A(7) or (8) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations (Northern Ireland) 2006 (interest for late payment of the pension protection levy) to waive interest or the failure to make any such determination.]

F15 Sch. 8 para. 19B inserted (1.4.2010) by [Pension Protection Fund \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/80\)](#), **regs. 1(a), 2**

20. The making of a fraud compensation payment under Article 165(1), the amount of any such payment or the failure to make such a payment.

21. The issue of, or failure to issue, a notice under Article 166(2) (scheme rescue not possible or having occurred in case of scheme which is not eligible etc.).

22. Any settlement date determined by the Board under Article 167(2) (recovery of value) or the failure to determine a settlement date under that provision.

23. Any determination by the Board under Article 167(4) (recovery of value: whether amount received in respect of particular act or omission) or the failure to make such a determination.

24. The making of a payment under Article 169(1) (interim payments), the amount of any such payment or the failure to make such a payment.

25. Any term or condition imposed by the Board—

- (a) under Article 168(2) on the making of a fraud compensation payment; or
- (b) under paragraph (4) of Article 169 (interim payments) on the making of a payment under paragraph (1) of that Article.

26. Any determination by the Board under Article 169(3)(b) (interim payments) that the amount of a payment was excessive.

27. Any date determined by the Board under Article 170(4) (earliest date for making a fraud compensation transfer payment).

28. Any determination by the Board under Article 170(6) (fraud compensation transfer payments: whether payment is received in respect of particular act or omission).

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29. Any determination by the Board under Article 171(7)(a) (occupational pension schemes in respect of which any fraud compensation levy is imposed) or the failure to make such a determination.

30. The amount of any fraud compensation levy payable in respect of an occupational pension scheme determined by the Board under Article 171(7)(b).

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