



# Pension Schemes (Northern Ireland) Act 1993

## 1993 CHAPTER 49

### PART X **N.I.**

#### INVESTIGATIONS: THE PENSIONS OMBUDSMAN

#### 145 Procedure on an investigation. **N.I.**

<sup>F1</sup>(1) .....

<sup>F2</sup>(1A) .....

<sup>F3</sup>(1B) .....

(2) The Department may make rules with respect to the procedure which is to be adopted in connection with the making of complaints, the reference of disputes, and the investigation of complaints made and disputes referred, under this Part.

(3) The rules may include provision—

(a) requiring any oral hearing held in connection with such an investigation to take place in public, except in such cases as may be specified in the rules; <sup>F4</sup> . . .

(b) as to the persons entitled to appear and be heard on behalf of parties to an investigation, as defined in section 144(4)

<sup>F5</sup>(ba) .....

[<sup>F6</sup>(c) for the payment by the Pensions Ombudsman of such travelling and other allowances (including compensation for loss of remunerative time) as the Department may determine, to—

(i) actual or potential beneficiaries of a scheme to which a complaint or reference relates, or

(ii) persons appearing and being heard on behalf of such actual or potential beneficiaries, who attend at the request of the Pensions Ombudsman any oral hearing held in connection with an investigation into the complaint or dispute][<sup>F7</sup> and

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<sup>F8</sup>(d) .....]

(4) Subject to any provision made by the rules, the procedure for conducting such an investigation shall be such as the Pensions Ombudsman considers appropriate in the circumstances of the case; and he may in particular obtain information from such persons and in such manner, and make such inquiries, as he thinks fit.

<sup>F9</sup>(5) The Pensions Ombudsman may disclose any information which he obtains for the purposes of an investigation under this Part to any person to whom subsection (6) applies, if the Ombudsman considers that the disclosure would enable or assist that person to discharge any of his functions.

(6) This subsection applies to the following—

(a) the Regulatory Authority,

<sup>F10</sup>(b) the Board of the Pension Protection Fund,

(ba) the Ombudsman for the Board of the Pension Protection Fund,]

<sup>F11</sup>(c) .....

(d) any Northern Ireland department or department of the Government of the United Kingdom,

<sup>F12</sup>(e) the Financial Conduct Authority,

(ea) the Prudential Regulation Authority,

(eb) the Bank of England (acting otherwise than in its capacity as the Prudential Regulation Authority),]

<sup>F13</sup>(f) .....

<sup>F13</sup>(g) .....

<sup>F14</sup>(h) .....

[ a person appointed under—

- <sup>F15</sup>(i) (i) Part 14 of the Companies Act 1985,  
 (ii) section 167 of the Financial Services and Markets Act 2000,  
 (iii) subsection (3) or (5) of section 168 of that Act, or  
 (iv) section 284 of that Act,

to conduct an investigation;

(j) a body designated under section 326(1) of the Financial Services and Markets Act 2000; and

(k) a recognised investment exchange <sup>F16</sup>, recognised clearing house <sup>F17</sup>... <sup>F18</sup>, third country central counterparty, recognised CSD <sup>F19</sup>... or third country CSD]] (as defined by section 285 of that Act).]

(m) [<sup>F20</sup>a person who, in a member State <sup>F21</sup>..., has functions corresponding to functions of the Pensions Ombudsman.]

<sup>F22</sup>(n) [ a body corporate established in accordance with paragraph 2(1) of Schedule 17 to the Financial Services and Markets Act 2000 (the scheme operator of the ombudsman scheme),

(o) an ombudsman as defined in paragraph 1 of that Schedule (interpretation).]

(7) The Department may by order—

(a) amend subsection (6) by adding any person or removing any person for the time being specified in that subsection, or

(b) restrict the circumstances in which, or impose conditions subject to which, disclosure may be made to any person for the time being specified in that subsection.]

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F23(8) .....

### Textual Amendments

- F1** S. 145(1) repealed (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\), arts. 1\(2\), 253\(2\)\(b\), Sch. 11 \(with art. 285\(5\)\); S.R. 2005/48, art. 2\(7\), Sch. Pt. 7](#)
- F2** S. 145(1A) repealed (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\), arts. 1\(2\), 253\(2\)\(b\), Sch. 11 \(with art. 285\(5\)\); S.R. 2005/48, art. 2\(7\), Sch. Pt. 7](#)
- F3** S. 145(1B) repealed (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\), arts. 1\(2\), 253\(2\)\(b\), Sch. 11 \(with art. 285\(5\)\); S.R. 2005/48, art. 2\(7\), Sch. Pt. 7](#)
- F4** Word in s. 145(3)(a) omitted (23.7.1996 for certain purposes otherwise 6.4.1997) and repealed (6.4.1997) by [S.I. 1995/3213 \(NI 22\), arts. 1\(2\), 154\(b\), 168, Sch. 5 Pt. IV: S.R. 1996/307, art. 2\(b\), Sch. Pt. II; S.R. 1997/192, art. 2\(b\)](#)
- F5** S. 145(3)(ba) repealed (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\), arts. 1\(2\), 253\(2\)\(c\), Sch. 11 \(with art. 285\(5\)\); S.R. 2005/48, art. 2\(7\), Sch. Pt. 7](#)
- F6** S. 145(3)(c) and the preceding word “and” inserted (23.7.1996 for certain purposes only otherwise 6.4.1997) by [S.I. 1995/3213 \(NI 22\), art. 154\(a\); S.R. 1996/307, art. 2\(b\), Sch. Pt. II; S.R. 1997/192, art. 2\(b\)](#)
- F7** S. 145(3)(d) and preceding word added (1.3.2002 for the purpose only of authorising the making of rules) by [2000 c. 4 \(N.I.\), ss. 50\(5\), 68\(2\) \(with ss. 50\(9\), 66\(6\)\); S.R. 2002/68, art. 2\(2\)](#)
- F8** S. 145(3)(d) repealed (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\), arts. 1\(2\), 253\(2\)\(d\), Sch. 11 \(with art. 285\(5\)\); S.R. 2005/48, art. 2\(7\), Sch. Pt. 7](#)
- F9** S. 145(5)-(7) added (6.4.1997) by [S.I. 1995/3213 \(NI 22\), art. 155\(1\); S.R. 1997/192, art. 2\(b\)](#)
- F10** S. 145(6)(b)(ba) substituted for s. 145(6)(b) (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\), art. 1\(2\), Sch. 10 para. 20\(a\); S.R. 2005/48, art. 2\(7\), Sch. Pt. 7 \(with art. 5\(1\)\)](#)
- F11** S. 145(6)(c) repealed (6.4.2006) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\), art. 1\(2\), Sch. 11; S.R. 2006/95, art. 2\(c\), Sch. Pt. 3](#)
- F12** S. 145(6)(e)-(eb) substituted for s. 145(6)(e) (1.3.2017) by [The Bank of England and Financial Services \(Consequential Amendments\) Regulations 2017 \(S.I. 2017/80\), reg. 1, Sch. para. 9\(a\)](#)
- F13** S. 145(6)(f)(g) repealed (1.12.2001) by [S.I. 2001/3649, arts. 1, 135\(a\)](#)
- F14** S. 145(6)(h) omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\), art. 1\(2\), Sch. 1 para. 145\(3\) \(with art. 10\)](#)
- F15** S. 145(6)(i)-(k) substituted (1.12.2001) for s. 145(6)(i)-(l) by [S.I. 2001/3649, arts. 1, 135\(b\)](#)
- F16** Words in s. 145(6)(k) substituted (1.4.2013) by [The Financial Services and Markets Act 2000 \(Over the Counter Derivatives, Central Counterparties and Trade Repositories\) Regulations 2013 \(S.I. 2013/504\), regs. 1\(2\), 22\(2\) \(with regs. 52-58\)](#)
- F17** Words in s. 145(6)(k) omitted (31.12.2020) by virtue of [The Occupational and Personal Pension Schemes \(Amendment etc.\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/193\), regs. 1, 2\(4\)\(a\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F18** Words in s. 145(6)(k) substituted (28.11.2017) by [The Central Securities Depositories Regulations 2017 \(S.I. 2017/1064\), reg. 1, Sch. para. 8\(2\) \(with regs. 7\(4\), 9\(1\)\)](#)
- F19** Words in s. 145(6)(k) omitted (31.12.2020) by virtue of [The Occupational and Personal Pension Schemes \(Amendment etc.\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/193\), regs. 1, 2\(4\)\(a\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F20** S. 145(6)(m) added (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\), art. 1\(2\), Sch. 10 para. 20\(b\); S.R. 2005/48, art. 2\(7\), Sch. Pt. 7 \(with art. 5\(1\)\)](#)
- F21** Words in s. 145(6)(m) omitted (31.12.2020) by virtue of [The Occupational and Personal Pension Schemes \(Amendment etc.\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/193\), regs. 1, 2\(4\)\(b\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F22** S. 145(6)(n)(o) added (1.11.2005) by [The Pensions Ombudsman \(Disclosure of Information\) \(Amendment of Specified Persons\) Order \(Northern Ireland\) 2005 \(S.R. 2005/442\), arts. 1, 2](#)

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**F23** S. 145(8) repealed (6.4.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)](#)), arts. 1(2), 253(2)(e), [Sch. 11](#) (with art. 285(5)); S.R. 2005/48, art. 2(7), Sch. Pt. 7

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**Modifications etc. (not altering text)**

**C1** S. 145(6) modified (temp.) (24.2.2005) by [The Pensions \(2005 Order\) \(Commencement No. 1 and Consequential and Transitional Provisions\) Order \(Northern Ireland\) 2005 \(S.R. 2005/48\)](#), [art. 5\(1\)](#)

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### Changes and effects yet to be applied to :

- s. 145(6)(k) word repealed by [S.I. 2005/255 \(N.I.\) Sch. 11](#) (This amendment not applied to legislation.gov.uk. The text to be repealed does not exist in s. 145(6)(k))
- specified provision(s) amendment to savings in S.R. 2016/106 for effects of 2015 c. 5 (N.I.), Sch. 13 by [S.R. 2016/162 art. 5](#)
- specified provision(s) savings for effects of 2015 c. 5 (N.I.), Sch. 13 by [S.R. 2016/106 art. 2](#)

### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act power to modify conferred by [S.I. 2005/255 \(N.I.\) art. 281\(3\)\(a\)\(i\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21A inserted by [2008 c. 1 \(N.I.\) Sch. 4 para. 9](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 9 together with the inserted s. 21A were repealed (6.4.2012) by 2008 c. 13 (N.I.), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); S.R. 2012/119, art. 2(a)(c))
- s. 21A repealed by [2008 c. 13 \(N.I.\) s. 85\(2\)\(b\) Sch. 10 Pt. 3](#) (This amendment not applied to legislation.gov.uk. This amendment not applied to legislation.gov.uk. Sch. 4 para. 9 together with the inserted s. 21A were repealed (6.4.2012) by 2008 c. 13 (N.I.), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); S.R. 2012/119, art. 2(a)(c))
- s. 23A inserted by [2008 c. 1 \(N.I.\) Sch. 4 para. 10](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 10 together with the inserted s. 23A were repealed (6.4.2012) by 2008 c. 13 (N.I.), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); S.R. 2012/119, art. 2(a)(c))
- s. 23A repealed by [2008 c. 13 \(N.I.\) s. 85\(2\)\(b\) Sch. 10 Pt. 3](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 10 together with the inserted s. 23A were repealed (6.4.2012) by 2008 c. 13 (N.I.), ss. 85(2)(b), 118(1), Sch. 10 Pt. 3 (with s. 73); S.R. 2012/119, art. 2(a)(c))
- s. 42(1A)(1B) inserted by [2008 c. 13 \(N.I.\) s. 82\(2\)](#)
- s. 42(1A) words substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 7](#)
- s. 42A inserted by [2008 c. 13 \(N.I.\) s. 82\(3\)](#)
- s. 42A repealed by [2015 c. 5 \(N.I.\) Sch. 12 para. 79](#)
- s. 42A heading words substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 8\(b\)](#)
- s. 42A(1)(c) words substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 8\(a\)](#)
- s. 67(1A) inserted by [2016 c. 1 \(N.I.\) s. 39\(2\)\(b\)](#)
- s. 78A inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 2](#)
- s. 79(1A)-(1AC) substituted for s. 79(1A) by [2016 c. 1 \(N.I.\) Sch. 1 para. 3](#)
- s. 80-80F substituted for s. 80 by [2016 c. 1 \(N.I.\) Sch. 1 para. 4](#)
- s. 81A inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 5](#)
- s. 82A82B inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 6](#)
- s. 90(2A)(a)(viii) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S. 90 already substituted (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))
- s. 90(2A)(a)(ix) inserted by [2015 c. 5 \(N.I.\) Sch. 18 para. 9\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S. 90 already substituted (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))

- s. 90(2A)(b)(vi) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 90 already substituted (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))
- s. 90(2A)(b)(vii) inserted by [2015 c. 5 \(N.I.\) Sch. 18 para. 9\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 90 already substituted (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), s. 89(1)(b)(3)(b), Sch. 4 para. 54 (with s. 87))
- s. 97AI(7)(a)(x) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(4\)\(a\)](#)
- s. 97AI(7)(b)(viii) inserted by [2015 c. 5 \(N.I.\) Sch. 17 para. 19\(4\)\(b\)](#)
- s. 109(4)(4A) substituted for s. 109(4) by [2016 c. 1 \(N.I.\) s. 38\(5\)](#)
- s. 141(4)(5) added by [S.I. 2005/255 \(N.I.\) art. 251](#)
- s. 142(6A) inserted by [S.I. 2005/255 \(N.I.\) Sch. 10 para. 19\(b\)](#)
- s. 170A inserted by [2008 c. 13 \(N.I.\) Sch. 9 para. 1](#)
- s. 172(2)(b)(ii)-(ix) substituted for s. 172(2)(b)(ii) by [2008 c. 1 \(N.I.\) Sch. 4 para. 33](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 para. 33 repealed immediately before the "abolition date" (see [2008 c. 1 \(N.I.\)](#), s. 13) by S.R. 2012/124, art. 7(2))
- Sch. 2 para. A1 inserted by [2016 c. 1 \(N.I.\) Sch. 1 para. 8](#)
- Sch. 2 para. 3A omitted by [2016 c. 1 \(N.I.\) Sch. 1 para. 9](#)