



Pensions Act 2004

2004 CHAPTER 35

PART 2

THE BOARD OF THE PENSION PROTECTION FUND

CHAPTER 6

REVIEWS, APPEALS AND MALADMINISTRATION

The PPF Ombudsman

209 The Ombudsman for the Board of the Pension Protection Fund

- (1) There is to be a commissioner to be known as the Ombudsman for the Board of the Pension Protection Fund (in this Act referred to as “the PPF Ombudsman”).
- (2) The PPF Ombudsman is to be appointed by the Secretary of State on such terms and conditions as are determined by the Secretary of State.
- (3) The PPF Ombudsman—
 - (a) is to hold and vacate office in accordance with the terms and conditions of his appointment, and
 - (b) may resign or be removed from office in accordance with those terms and conditions.
- (4) The Secretary of State may by order make provision—
 - (a) about the payment, or provision for payment, of remuneration, compensation for loss of office, pension, allowances or gratuities to or in respect of the PPF Ombudsman;
 - (b) about the reimbursement of the PPF Ombudsman in respect of any expenses incurred by him in the performance of his functions;
 - (c) about the staff of the PPF Ombudsman and the provision of facilities (including additional staff) to him;

Status: Point in time view as at 21/07/2005.

Changes to legislation: Pensions Act 2004, Cross Heading: The PPF Ombudsman is up to date with all changes known to be in force on or before 05 September 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)

- (d) about the delegation of the functions of the PPF Ombudsman to his staff or to any such additional staff;
 - (e) authorising the PPF Ombudsman—
 - (i) to charge such fees as are specified in the order;
 - (ii) to charge fees sufficient to meet such costs as are specified in the order;
 - (f) conferring powers to enable the PPF Ombudsman to obtain such information and documents as he may require for the performance of his functions;
 - (g) about restrictions on the disclosure of information held by him.
- (5) An order under subsection (4)(e)—
- (a) may prescribe, or authorise the PPF Ombudsman to determine, the time at which any fee is due, and
 - (b) provide that any fee which is owed to the PPF Ombudsman by virtue of an order under subsection (4)(e) may be recovered as a debt due to the PPF Ombudsman.
- (6) The Secretary of State must pay to the PPF Ombudsman out of money provided by Parliament such sums as may be required to be paid by the Secretary of State to or in respect of the PPF Ombudsman by virtue of an order under subsection (4).
- (7) Regulations may provide for the imposition of a levy in respect of eligible schemes for the purpose of meeting expenditure of the Secretary of State under subsection (6).
- (8) Where regulations make such provision, subsections (2), (3), (5), (6) and (7) of section 117 (administration levy) apply in relation to the levy as they apply in relation to an administration levy (within the meaning of that section), except that in subsection (7) the reference to subsection (1) of that section is to be read as a reference to subsection (7) of this section.

Modifications etc. (not altering text)

- C1** Pt. 2 modified in part (9.3.2005 for specified purposes, 1.4.2005 for specified purposes, 6.4.2005 in so far as not already in force (except ch. 4)) by [The Pension Protection Fund \(Multi-employer Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/441\)](#), regs. 1, **2-60**, 71, 72
- C2** Pt. 2 modified (8.3.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pension Protection Fund \(Partially Guaranteed Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/277\)](#), regs. 1(1), **2-11**

Commencement Information

- I1** S. 209(1)-(3) in force at 17.12.2004 by [S.I. 2004/3350](#), art. 2, **Sch.**
- I2** S. 209(4)(a)-(d)(f)(g) in force for the purpose only of conferring power to make regulations, orders or rules, as the case may be, 10.2.2005; and for all other purposes at 6.4.2005 in so far as not already in force by [S.I. 2005/275](#), art. 2(3), **Sch. Pt. 3**
- I3** S. 209(6) in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), **Sch. Pt. 7**
- I4** S. 209(7)(8) in force at 10.2.2005 for specified purposes and at 1.4.2005 in so far as not already in force by [S.I. 2005/275](#), art. 2(2), **Sch. Pt. 2**

210 Deputy PPF Ombudsmen

- (1) The Secretary of State may appoint one or more persons to act as a deputy to the PPF Ombudsman (in this Chapter referred to as “a Deputy PPF Ombudsman”).

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- (2) Any such appointment is to be on such terms and conditions as the Secretary of State determines.
- (3) A Deputy PPF Ombudsman—
 - (a) is to hold and vacate office in accordance with the terms and conditions of his appointment, and
 - (b) may resign or be removed from office in accordance with those terms and conditions.
- (4) A Deputy PPF Ombudsman may perform the functions of the PPF Ombudsman—
 - (a) during any vacancy in that office,
 - (b) at any time when the PPF Ombudsman is for any reason unable to discharge his functions, or
 - (c) at any other time, with the consent of the Secretary of State.
- (5) References to the PPF Ombudsman in relation to the performance of his functions are accordingly to be construed as including references to a Deputy PPF Ombudsman in relation to the performance of those functions.
- (6) An order by the Secretary of State under section 209(4) may make provision—
 - (a) about the payment, or provision for payment, of remuneration, compensation for loss of office, pension, allowances or gratuities to or in respect of a Deputy PPF Ombudsman;
 - (b) about the reimbursement of any expenses incurred by a Deputy PPF Ombudsman in the performance of any of the PPF Ombudsman's functions.

Commencement Information

- I5** S. 210(1)-(3) in force at 17.12.2004 by [S.I. 2004/3350, art. 2, Sch.](#)
- I6** S. 210(4)(5) in force at 6.4.2005 by [S.I. 2005/275, art. 2\(7\), Sch. Pt. 7](#)
- I7** S. 210(6) in force for the purpose only of conferring power to make regulations, orders or rules, as the case may be, 10.2.2005; and for all other purposes at 6.4.2005 in so far as not already in force by [S.I. 2005/275, art. 2\(3\), Sch. Pt. 3](#)

211 Status etc of the PPF Ombudsman and deputies

- (1) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices), at the appropriate place insert— “ Ombudsman for the Board of the Pension Protection Fund and any deputy to that Ombudsman appointed under section 210 of the Pensions Act 2004. ”
- (2) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (other disqualifying offices), at the appropriate place insert— “ Ombudsman for the Board of the Pension Protection Fund and any deputy to that Ombudsman appointed under section 210 of the Pensions Act 2004. ”
- (3) The persons to whom section 1 of the Superannuation Act 1972 (c. 11) (persons to or in respect of whom benefits may be provided by schemes under that section) applies are to include—
 - the PPF Ombudsman
 - a Deputy PPF Ombudsman

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the employees of the PPF Ombudsman.

- (4) The PPF Ombudsman must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to subsection (3) in the sums payable out of money provided by Parliament under that Act.
- (5) In Schedule 4 to the Parliamentary Commissioner Act 1967 (c. 13) (relevant tribunals for the purposes of section 5(7) of that Act), at the appropriate place insert— “
 The Ombudsman for the Board of the Pension Protection Fund established under section 209 of the Pensions Act 2004. ”

Commencement Information

18 S. 211 in force at 6.4.2005 by [S.I. 2005/275](#), [art. 2\(7\)](#), [Sch. Pt. 7](#)

212 Annual reports to Secretary of State

- (1) The PPF Ombudsman must prepare a report on the discharge of his functions for each financial year.
- (2) The PPF Ombudsman must send each report to the Secretary of State as soon as practicable after the end of the financial year for which it is prepared.
- (3) The Secretary of State must arrange for the publication of each report sent to him under subsection (2).
- (4) In this section “financial year” means—
 - (a) the period beginning with the date on which the PPF Ombudsman is established and ending with the next following 31st March, and
 - (b) each successive period of 12 months.

Commencement Information

19 S. 212 in force at 21.7.2005 by [S.I. 2005/1720](#), [art. 2\(6\)\(a\)](#)

Status:

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Changes to legislation:

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