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SCHEDULES

SCHEDULE 5

PENSIONS: MISCELLANEOUS AMENDMENTS AND ALTERNATIVE TO ANTI-FRANKING RULES

PART I

MISCELLANEOUS AMENDMENTS

Register of disqualified trustees

8.—(1) In Article 30(7) of the Pensions Order (persons disqualified: consequences), for the words from “and” to the end there shall be substituted “but the arrangements made by the Authority for the register shall secure that the contents of the register are not disclosed or otherwise made available to members of the public except in accordance with Article 30A.”.

(2) After that paragraph there shall be added—

“(8) Nothing in paragraph (7) requires the Authority to exclude any matter from a report published under Article 101.”.

(3) After that Article there shall be inserted—

“Accessibility of register of disqualified trustees

30A.—(1) The Authority shall make arrangements that secure that the disqualification register is open, during the normal working hours of the Authority, for inspection in person and without notice at—

(a) the principal office used by them for the carrying out of their functions under this Order, and

(b) such other offices (if any) of theirs or of the Department as they consider to be places where it would be reasonable for a copy of the register to be kept open for inspection.

(2) If a request is made to the Authority—

(a) to state whether a particular person identified in the request is a person appearing in the disqualification register as disqualified in respect of a scheme specified in the request, or

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- (b) to state whether a particular person identified in the request is a person appearing in that register as disqualified in respect of all trust schemes,

it shall be the duty of the Authority promptly to comply with the request in such manner as they consider reasonable.

(3) The Authority may, in such manner as they think fit, publish a summary of the disqualification register if (subject to paragraphs (6) to (8)) the summary—

- (a) contains all the information described in paragraph (4),
- (b) arranges that information in the manner described in paragraph (5),
- (c) does not (except by identifying a person as disqualified in respect of all trust schemes) identify any of the schemes in respect of which persons named in the summary are disqualified, and
- (d) does not disclose any other information contained in the register.

(4) That information is—

- (a) the full names and titles, so far as the Authority have a record of them, of all the persons appearing in the register as persons who are disqualified,
- (b) the dates of birth of such of those persons as are persons whose dates of birth are matters of which the Authority have a record, and
- (c) in the case of each person whose name is included in the published summary, whether that person appears in the register—
 - (i) as disqualified in respect of only one scheme,
 - (ii) as disqualified in respect of two or more schemes but not in respect of all trust schemes, or
 - (iii) as disqualified in respect of all trust schemes.

(5) For the purposes of sub-paragraph (c) of paragraph (4), the information contained in the published summary shall be arranged in three separate lists, one for each of the descriptions of disqualification specified in the three heads of that sub-paragraph.

(6) The Authority shall ensure, in the case of any published summary, that a person is not identified in the summary as a disqualified person if it appears to them that the determination by virtue of which that person appears in the register—

- (a) is the subject of any pending review, appeal or legal proceedings which could result in that person's removal from the register, or
- (b) is a determination which might still become the subject of any such review, appeal or proceedings.

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(7) The Authority shall ensure, in the case of any published summary, that the particulars relating to a person do not appear in a particular list mentioned in paragraph (5) if it appears to them that a determination by virtue of which that person's particulars would appear in that list—

- (a) is the subject of any pending review, appeal or legal proceedings which could result in such a revocation or other overturning of a disqualification of that person as would require his particulars to appear in a different list, or
- (b) is a determination which might still become the subject of any such review, appeal or proceedings.

(8) Where paragraph (7) prevents a person's particulars from being included in a particular list in the published summary, they shall be included, instead, in the list in which they would have been included if the disqualification to which the review, appeal or proceedings relate had already been revoked or otherwise overturned.

(9) For the purposes of this Article a determination is one which might still become the subject of a review, appeal or proceedings if, and only if, in the case of that determination—

- (a) the time for the making of an application for a review, or for the bringing of an appeal or other proceedings, has not expired, and
- (b) there is a reasonable likelihood that such an application might yet be made, or that such an appeal or such proceedings might yet be brought.

(10) In this Article—

“the disqualification register” means the register kept by the Authority under Article 30(7),

“name”, in relation to a person any of whose names is recorded by the Authority as an initial, means that initial.”.