



2008 CHAPTER 1

PART 2

OCCUPATIONAL AND PERSONAL PENSION SCHEMES

Dispute resolution

Dispute resolution arrangements

14.—(1) Article 250 of the [Pensions \(Northern Ireland\) Order 2005 \(NI 1\)](#), which substitutes new Articles 50 to 50B for Article 50 of the Pensions Order, is amended as follows.

(2) In paragraph (1) of the new Article 50 (requirement for dispute resolution arrangements) after “arrangements” insert “complying with the requirements of this Article”.

(3) In paragraph (2) of that Article, for “such arrangements as are required by this Article” substitute “arrangements”.

(4) After paragraph (4) of that Article insert—

“(4A) The dispute resolution arrangements may make provision for securing that an application for the resolution of a pension dispute may not be made to the trustees or managers unless—

- (a) the matters in dispute have been previously referred to a person of a description specified in the arrangements (“the specified person”) in order for him to consider those matters, and
- (b) the specified person has given his decision on those matters,

and for enabling the specified person's decision to be confirmed or replaced by the decision taken by the trustees or managers on the application, after reconsidering those matters.”.

(5) After paragraph (5) of that Article insert—

“(5A) In a case where a reference is made to the specified person in accordance with provision made under paragraph (4A), paragraph (5) applies in relation to the specified person as it applies in relation to the trustees or managers in a case where an application for the resolution of a pension dispute is made to them.”.

(6) In paragraph (6) of that Article, after “arrangements” insert “in pursuance of paragraph (4)”.

(7) In paragraph (1) of the new Article 50B (dispute resolution procedure) for “under Article 50 must” substitute “in pursuance of Article 50(4) must (in accordance with Article 50(6))”.

(8) For paragraph (3) of that Article substitute—

“(3) The procedure—

- (a) must include provision requiring an application to which paragraph (3A) applies to be made by the end of such reasonable period as is specified;
- (b) may include provision about the time limits for making such other applications for the resolution of pension disputes as are specified.

(3A) This paragraph applies to—

- (a) any application by a person with an interest in a scheme as mentioned in Article 50A(1)(e), and
- (b) any application by a person with an interest in a scheme as mentioned in Article 50A(1)(f) who is claiming to be such a person as is mentioned in Article 50A(1)(e).”.

(9) In paragraph (4) of that Article, in sub-paragraph (c), after “required” insert “in relation to such an application”.

(10) After paragraph (4) of that Article insert—

“(4A) The provision made under paragraph (4)(c) may include provision for decisions of the trustees or managers to be taken on their behalf by one or more of their number.”.