
STATUTORY INSTRUMENTS

2005 No. 255

The Pensions (Northern Ireland) Order 2005

PART II

THE PENSIONS REGULATOR

The Determinations Panel

Functions exercisable by the Determinations Panel

- 7.—(1) The Determinations Panel is to exercise on behalf of the Regulator—
- (a) the power to determine, in the circumstances described in paragraph (2), whether to exercise a reserved regulatory function, and
 - (b) where it so determines to exercise a reserved regulatory function, the power to exercise the function in question.
- (2) Those circumstances are—
- (a) where the Regulator considers that the exercise of the reserved regulatory function may be appropriate, or
 - (b) where an application is made under, or by virtue of, any of the provisions listed in paragraph (6) for the Regulator to exercise the reserved regulatory function.
- (3) Where paragraph (1) applies, the powers mentioned in that paragraph are not otherwise exercisable by or on behalf of the Regulator.
- (4) For the purposes of this Part, a function of the Regulator is a “reserved regulatory function” if it is a function listed in Schedule 2.
- (5) Regulations may amend Schedule 2 by—
- (a) adding any function of the Regulator conferred by, or by virtue of, this or any other statutory provision,
 - (b) omitting any such function, or
 - (c) altering the description of any such function contained in that Schedule.
- (6) The provisions referred to in paragraph (2)(b) are—
- (a) Article 16(10) (application to permit payments out of an account that is subject to a restraining order);
 - (b) Article 22(2) (application for order validating action taken in contravention of freezing order);
 - (c) Article 37(7) (application for the issue of a revised contribution notice under Article 37(9));
 - (d) Article 46(7) (application for the issue of a revised contribution notice under Article 46(9));

- (e) Article 3(3) of the 1995 Order (application for revocation of prohibition order);
 - (f) Article 4(5) of that Order (application for revocation of a suspension order);
 - (g) Article 7(5A) of that Order (application for appointment of a trustee under Article 7(3) (a) or (c) of that Order);
 - (h) Article 29(5) of that Order (application for waiver of disqualification);
 - (i) Article 69(1) of that Order (application for order authorising modification or modifying a scheme);
 - (j) Article 71A(2) of that Order (application for modifying a scheme to secure winding up);
 - (k) section 95(4A) of the Pension Schemes Act (application for extension under section 95(4) of that Act of a period for compliance);
 - (l) section 97J(6)(a) of that Act (application for extension under section 97J(2) of that Act of a period for compliance).
- (7) Regulations may amend paragraph (6) by—
- (a) adding any provision of this or any other statutory provision to the list in that paragraph, or
 - (b) omitting or altering the description of any provision mentioned in that list.
- (8) The Panel may be authorised under paragraph 1(3) or (5) of Schedule 1 to exercise further functions of the Regulator on behalf of the Regulator.
- (9) The Panel may authorise any of its members or any of its sub-committees to exercise on its behalf—
- (a) any of the functions of the Regulator which are exercisable by the Panel on behalf of the Regulator, or
 - (b) any of the functions of the Panel under Article 88(3) or 94(11) or paragraph 18(2) of Schedule 1 to the Pensions Act 2004 (c. 35) (procedure).
- (10) This Article is subject to any regulations made by the Department under paragraph 2 of Schedule 1 (power to limit or permit delegation of functions).