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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations provide for matters (“referable matters”) to be referred to, and investigated and determined by, the Ombudsman for the Board of the Pension Protection Fund (“the PPF Ombudsman”) if they have been the subject of a complaint of maladministration about which there has either been an investigation and decision by both the Board of the Pension Protection Fund (“the Board”) and a committee of the Board under the Pension Protection Fund (Maladministration) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 128) or such an investigation and decision by the Board and an application for an investigation and decision by such a committee without a decision having been given by the committee within the required time.

The Board is established by section 107 of the Pensions Act 2004 (c. 35) (“the Act”) to provide compensation to members of certain occupational pension schemes in the event of insolvency of the scheme’s sponsoring employer and where the scheme is underfunded at a certain level, and the PPF Ombudsman is established by section 209 of the Act.

Regulation 2 provides for referable matters to be referred to the PPF Ombudsman, specifies who may make the reference and defines what matters are referable.

Regulation 3 provides a time limit of 28 days for making a reference.

Regulation 4 makes provision about the form and content of a reference.

Regulation 5 requires the PPF Ombudsman to send an acknowledgment of receipt of a reference to the referring party and the Board and notify any person who may be significantly adversely affected by his determination of the reference.

Regulation 6 requires the PPF Ombudsman to investigate and determine matters referred to him and sets a time limit within which the PPF Ombudsman must give his determination.

Regulation 7 makes provision about the conduct of investigations by the PPF Ombudsman, enabling him to hold an oral hearing or to dispose of the referred matter on the basis of written evidence before him, to obtain an expert opinion in connection with any question arising from a reference and to require production of documents.

Regulation 8 provides for the making of written representations and the right to request and be heard at an oral hearing and requires the PPF Ombudsman to notify specified persons of any written representations he receives.

Regulation 9 enables a person making a reference to deliver a supplementary statement to the PPF Ombudsman in connection with the reference, and to withdraw or amend a reference or supplementary statement.

Regulation 10 provides for the notices to be given about the time and place of oral hearings in respect of matters referred to the PPF Ombudsman.

Regulation 11 provides for the PPF Ombudsman to be given notice of any persons who propose to attend an oral hearing and of whether those persons intend to call any witnesses, and summaries of their proposed evidence. It provides for an oral hearing to be continued or adjourned in any case where a party to the reference, a witness or other person notified of the date fixed for the hearing fails to attend.

Regulation 12 provides for oral hearings to be held in public subject to specified exceptions.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 13 makes provision for the PPF Ombudsman to pay the costs and expenses of experts whose opinion is sought, and costs and expenses associated with attendance at oral hearings and to make an order for costs, in certain circumstances, against the referring party, the Board or any person required to be notified of the making of the reference.

Regulation 14 sets out the PPF Ombudsman's duties and powers on giving a determination, including the power to direct the Board to revoke, vary or replace a determination or direction given by it or to pay compensation to specified persons. It specifies the form and content of determinations and directions, to whom notice of them must be given and on whom they are binding, and provides that the Board has the power to do anything required by them.

Regulation 15 enables references made on the same or similar grounds to be dealt with together and a single determination to be given in respect of them all or in respect of one or more cases treated as representative of them all. It permits other references to be dealt with on the same basis after such a single determination has been given. It also allows a single determination to be given on a reference under these Regulations and a reference of a reviewable matter following a reconsideration decision. In all these cases an opportunity to object is given to the referring parties, the Board or any person required to be notified of the making of the references.

Regulation 16 makes provision for a person making a complaint about maladministration to appoint a person to act as his representative for the purposes of these Regulations and for the PPF Ombudsman to allow a person to act as a person's representative in cases where the person dies, is a minor or is otherwise incapable of acting for himself.

Regulation 17 provides that documents or information supplied or made available for the purposes of a reference are supplied or made available on the condition that they will only be used for those purposes or, if that reference is combined with others under regulation 15, for the purposes of those other references.

Regulation 18 provides for the PPF Ombudsman to extend any period of time for doing an act under these Regulations subject to certain exceptions.

Regulation 19 provides for the effect of any irregularities resulting from a failure to comply with these Regulations or any clerical errors in a determination or direction given by the PPF Ombudsman and for the correction of any accidental errors occurring in any such document.

Regulation 20 makes provision for substituted service.

Article 193 (except paragraph (2)(k)) of the Pensions (Northern Ireland) Order 2005 ("the Order"), one of the enabling provisions under which these Regulations are made, was brought into operation, for the purpose only of authorising the making of regulations, on 1st July 2005 and for all other purposes on 21st July 2005, by virtue of the Pensions (2005 Order) (Commencement No. 5 and Appointed Day) Order (Northern Ireland) 2005 (S.R. 2005 No. 321 (C. 24)).

As these Regulations are made before the end of the period of six months beginning with the coming into operation of the provisions of the Order by virtue of which they are made, the requirement to consult under Article 289(1) of the Order does not apply by virtue of paragraph (2)(c) of that Article.