

EXPLANATORY MEMORANDUM

THE PENSIONS REGULATOR TRIBUNAL (TRANSFER OF FUNCTIONS) (2010 ACT) (CONSEQUENTIAL PROVISIONS) ORDER (NORTHERN IRELAND) 2010

S.R. 2010 No. 102

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under section 2(1) of the Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 and is subject to the confirmatory resolution procedure.

2. Purpose

- 2.1 This Order amends the Pensions Regulator Tribunal (Legal Assistance Scheme) Regulations 2005 and the Pensions Regulator Tribunal (Legal Assistance Scheme - Costs) Regulations 2005 and revokes the Pensions Regulator Tribunal Rules 2005 and paragraphs 25 to 28 of Schedule 1 to the Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No. 2) Order 2006, in so far as relating to Northern Ireland, consequential upon the transfer of the functions of the Pensions Regulator Tribunal by the Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 to the First-tier Tribunal and Upper Tribunal established under section 3 of the Tribunals, Courts and Enforcement Act 2007 (“the 2007 Act”).

3. Background

- 3.1 The 2007 Act provides for a new, simplified statutory framework for tribunals, bringing existing tribunal jurisdictions together and providing a structure for new jurisdictions and new appeal rights. The 2007 Act provides a new unified structure by creating two new tribunals, the First-tier Tribunal and the Upper Tribunal. It gives the Lord Chancellor power to transfer the jurisdiction of existing tribunals to the two new tribunals.
- 3.2 The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), made by the Lord Chancellor, transfers the jurisdiction of the Pensions Regulator Tribunal, to the new tribunal structure from 6 April 2010 and makes consequential amendments. The Lord Chancellor, however, does not have the power to effect the transfer of the Tribunal’s functions in relation to Northern Ireland. The Tribunal’s functions, in so far as relating to Northern Ireland, are transferred by the Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010.

3. Consultation

3.1 There is no requirement to consult in relation to this Order.

4. Equality Impact

4.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on proposals for this Order and concluded that, as it makes minor or technical amendments, it does not have significant implications for equality of opportunity. In light of this, the Department considered that an equality impact assessment is not necessary.

5. Regulatory Impact

5.1 This Order does not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

6. Financial Implications

6.1 This Order does not have any financial implications.

7. Section 24 of the Northern Ireland act 1998

7.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—

- (a) is not incompatible with any of the Convention rights,
- (b) is not incompatible with Community law,
- (c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and
- (d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

8. EU Implications

8.1 Not applicable.

9. Parity or Replicatory Measure

9.1 The Rule makes ancillary provision corresponding to provisions in relation to Great Britain consequential on the transfer of functions of the Pensions Regulator Tribunal to the new Tribunal Service structure simultaneously with the Transfer Order made by the Lord Chancellor in relation to England, Scotland and Wales.