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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

**The Pensions (Northern Ireland) Order 2005**

**PART III**

**THE BOARD OF THE PENSION PROTECTION FUND**

**CHAPTER 6**

**REVIEWS, APPEALS AND MALADMINISTRATION**

*Review etc. by the Board*

**Investigation by the Board of complaints of maladministration**

**190.**—(1) Regulations must make provision for dealing with relevant complaints.

(2) For the purposes of this Chapter, “relevant complaint” means a complaint—

- (a) by a person who is or might become entitled to compensation under the pension compensation provisions, or
- (b) by a person who has made or may make an application under Article 165 (fraud compensation),

alleging that he has sustained injustice in consequence of maladministration in connection with any act or omission by the Board or any person exercising functions on its behalf.

(3) Regulations under paragraph (1) must—

- (a) provide for the Board to investigate and give decisions on matters complained of in relevant complaints, and
- (b) provide for a committee of the Board, on applications following such decisions, to investigate matters complained of and give decisions on them.

(4) Such regulations may, in particular, make provision—

- (a) about the making of relevant complaints and applications under the regulations, including the times by which they are to be made,
- (b) with a view to securing that individuals concerned in giving a decision were not concerned in the matter which is the subject of the relevant complaint in question,
- (c) as to the procedure for reaching and giving decisions under the regulations, including—
  - (i) rights of prescribed persons to make representations to the Board, on an investigation under regulations made under paragraph (3)(b), and
  - (ii) the times by which decisions are to be given, and
- (d) requiring notice—
  - (i) of a relevant complaint under the regulations, or
  - (ii) of a decision under the regulations in respect of the complaint,

to be given to prescribed persons in relation to the matter.

(5) Regulations under paragraph (1) may confer power on the Board to pay such compensation as it considers appropriate to such persons as it considers have sustained injustice in consequence of the matters complained of.

(6) The power conferred by paragraph (4)(b) includes power to modify paragraphs 15 and 16 of Schedule 5 to the Pensions Act 2004 (c. 35) (membership and procedure of committees of the Board).