



Pension Schemes Act 1993

1993 CHAPTER 48

PART X

INVESTIGATIONS: THE PENSIONS OMBUDSMAN

146 Functions of the Pensions Ombudsman.

(1) ^{F1} ...

^{F1}The Pensions Ombudsman may investigate and determine the following complaints and disputes—

- (a) a complaint made to him by or on behalf of an actual or potential beneficiary of an occupational or personal pension scheme who alleges that he has sustained injustice in consequence of maladministration in connection with any act or omission of a person responsible for the management of the scheme,
- (b) a complaint made to him—
 - (i) by or on behalf of a person responsible for the management of an occupational pension scheme who in connection with any act or omission of another person responsible for the management of the scheme, alleges maladministration of the scheme, or
 - (ii) by or on behalf of the trustees or managers of an occupational pension scheme who in connection with any act or omission of any trustee or manager of another such scheme, allege maladministration of the other scheme,

and in any case falling within sub-paragraph (ii) references in this Part to the scheme to which the complaint relates is to the other scheme referred to in that paragraph,

- (c) any dispute of fact or law which arises in relation to an occupational or personal pension scheme between—
 - (i) a person responsible for the management of the scheme, and
 - (ii) an actual or potential beneficiary,

and which is referred to him by or on behalf of the actual or potential beneficiary, and

Status: Point in time view as at 06/04/1997. This version of this provision has been superseded.

Changes to legislation: Pension Schemes Act 1993, Section 146 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) any dispute of fact or law which arises between the trustees or managers of an occupational pension scheme and—
 - (i) another person responsible for the management of the scheme, or
 - (ii) any trustee or manager of another such scheme,
 and which is referred to him by or on behalf of the person referred to in sub-paragraph (i) or (ii); and in any case falling within sub-paragraph (ii) references in this Part to the scheme to which the reference relates is to the scheme first mentioned in that paragraph.]

(2) ^{F1} ...
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 F1

[^{F1}Complaints and references made to the Pensions Ombudsman must be made to him in writing.]

(3) ^{F1} ...
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 F1

[^{F1}For the purposes of this Part, the following persons (subject to subsection (4)) are responsible for the management of an occupational pension scheme—

- (a) the trustees or managers, and
- (b) the employer;

but, in relation to a person falling within one of those paragraphs, references in this Part to another person responsible for the management of the same scheme are to a person falling within the other paragraph.

(3A) For the purposes of this Part, a person is responsible for the management of a personal pension scheme if he is a trustee or manager of the scheme.]

(4) ^{F1} ...
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 F1

[^{F1}Regulations may provide that, subject to any prescribed modifications or exceptions, this Part shall apply in the case of an occupational or personal pension scheme in relation to any prescribed person or body of persons where the person or body—

- (a) is not a trustee or manager or employer, but
- (b) is concerned with the financing or administration of, or the provision of benefits under, the scheme,

as if for the purposes of this Part he were a person responsible for the management of the scheme]

(5) The Pensions Ombudsman may investigate a complaint or dispute notwithstanding that it arose, or relates to a matter which arose, before 1st October 1990 (the date on which the provisions under which his office was constituted came into force).

(6) The Pensions Ombudsman shall not investigate or determine a complaint or dispute—

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- (a) if before the making of the complaint or the reference of the dispute, proceedings have been begun in any court in respect of the matters which would be the subject of the investigation;
 - (b) if the scheme is of a description which is excluded from the jurisdiction of the Pensions Ombudsman by regulations under this subsection; or
 - (c) if and to the extent that the complaint or dispute, or any matter arising in connection with the complaint or dispute, is of a description which is excluded from the jurisdiction of the Pensions Ombudsman by regulations under this subsection.
- (7) The persons who, for the purposes of this Part are [^{F2}actual or potential beneficiaries] in relation to a scheme are—
- (a) a member of the scheme,
 - (b) the widow or widower, or any surviving dependant, of a deceased member of the scheme;
 - (c) where the complaint or dispute relates to the question—
 - (i) whether a person who claims to be such a person as is mentioned in paragraph (a) or (b) is such a person, or
 - (ii) whether a person who claims to be entitled to become a member of the scheme is so entitled,the person so claiming.
- (8) In this Part—
- “employer”, in relation to a pension scheme, includes a person—
- (a) who is or has been an employer in relation to the scheme, or
 - (b) who is or has been treated under section 181(2) as an employer in relation to the scheme for the purposes of any provision of this Act, or under section 176(2) of the ^{M1}Pension Schemes (Northern Ireland) Act 1993 as an employer in relation to the scheme for the purposes of any provision of that Act;
- “member”, in relation to a pension scheme, includes a person—
- (a) who is or has been in pensionable service under the scheme, or
 - (b) who is or has been treated under section 181(4) as a member in relation to the scheme for the purposes of any provision of this Act or under section 176(3) of the ^{M1}Pension Schemes (Northern Ireland) Act 1993 as a member in relation to the scheme for the purposes of any provision of that Act;
- “Northern Ireland public service pension scheme” means a public service pension scheme within the meaning of section 176(1) of that Act;
- “pensionable service” in this subsection includes pensionable service as defined in section 176(1) of that Act;
- “trustees or managers”, in relation to a pension scheme which is a public service pension scheme or a Northern Ireland public service pension scheme, includes the scheme’s administrators.

Textual Amendments

- F1** S. 146(1)-(4) substituted for s. 146(1)-(4) (1.6.1996 for specified purposes, 6.4.1997 in so far as not already in force) by [Pensions Act 1995 \(c. 26\)](#), **ss. 157(2), 180(1)**; [S.I. 1996/1412](#), art. 2(2), Sch. Pt. 2; [S.I. 1997/664](#), art. 2(3), Sch. Pt. 2

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F2 Words in s. 146(7) substituted (6.4.1997) by Pensions Act 1995 (c. 26), ss. 157(3), 180(1); S.I. 1997/664, art. 2(3), Sch. Pt. 2

Commencement Information

I1 Ss. 1-187 in force at 7.2.1994 by S.I. 1994/86, art. 2

Marginal Citations

M1 1993 c. 49.

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