



Pension Schemes Act 1993

1993 CHAPTER 48

PART X

INVESTIGATIONS: THE PENSIONS OMBUDSMAN

148 Staying court proceedings where a complaint is made or a dispute is referred.

- (1) This section applies where—
 - (a) a complaint has been made or a dispute referred to the Pensions Ombudsman; and
 - (b) any party to the investigation subsequently commences any legal proceedings in any court against any other party to the investigation in respect of any of the matters which are the subject of the complaint or dispute.
- (2) In England and Wales, where this section applies any party to the legal proceedings may at any time after acknowledgement of service, and before delivering any pleadings or taking any other step in the proceedings, apply to that court to stay the proceedings.
- (3) In Scotland, where this section applies any party to the legal proceedings may—
 - (a) if the proceedings are in the Court of Session, at any time—
 - (i) after appearance has been entered but before defences have been lodged or any other step in the proceedings has been taken; or
 - (ii) (in procedure by petition) after intimation and service but before answers have been lodged or any other step in the proceedings has been taken; and
 - (b) if the proceedings are in the sheriff court, at any time—
 - (i) after notice has been given of intention to defend but before defences have been lodged or any other step in the proceedings has been taken; or
 - (ii) (in summary cause procedure) after appearance has been made, or notice of intention to appear has been lodged, but before any defence has been stated or any other step in the proceedings has been taken,

Status: Point in time view as at 01/03/2002. This version of this provision has been superseded.

Changes to legislation: Pension Schemes Act 1993, Section 148 is up to date with all changes known to be in force on or before 20 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)

apply to the court for a sist of process.

- (4) On an application under subsection (2) or (3) the court may make an order staying or, in Scotland, sisting the proceedings if it is satisfied—
- (a) that there is no sufficient reason why the matter should not be investigated by the Pensions Ombudsman; and
 - (b) that the applicant was at the time when the legal proceedings were commenced and still remains ready and willing to do all things necessary to the proper conduct of the investigation.
- (5) For the purposes of this section the parties to an investigation are—
- [^{F1}(a) the person by whom, or on whose behalf, the complaint or reference has been made,]
 - [^{F1}(b) any person responsible for the management of the scheme to which the complaint or reference relates]
 - [^{F2}(ba) any actual or potential beneficiary of the scheme whose interests are or may be affected by the matters to which the complaint or dispute relates,
 - (bb) any actual or potential beneficiary of the scheme whose interests it is reasonable to suppose might be affected by—
 - (i) the Pensions Ombudsman’s determination of the complaint or dispute, or
 - (ii) directions that may be given by the Ombudsman in consequence of that determination,]
 - (c) any person against whom allegations are made in the complaint or reference; and
 - (d) any person claiming under a person falling within paragraphs (a) to (c).

Textual Amendments

- F1** S. 148(5)(a)(b) substituted (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), **ss. 157(6)**, 180(1); S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F2** S. 148(5)(ba)(bb) inserted (1.3.2002 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 54(2)**, 86(1)(b)(2) (with [ss. 54\(9\)](#), 83(6)); S.I. 2002/437, art. 3(1)(g)

Commencement Information

- I1** Ss. 1-187 in force at 7.2.1994 by [S.I. 1994/86](#), **art. 2**

Status:

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