



# Pensions Act 1995

## 1995 CHAPTER 26

### PART I **U.K.**

#### OCCUPATIONAL PENSIONS

##### *Resolution of disputes*

#### [<sup>F1</sup>50 Requirement for dispute resolution arrangements **E+W+S**

- (1) The trustees or managers of an occupational pension scheme must secure that dispute resolution arrangements complying with the requirements of this section are made and implemented.
- (2) Dispute resolution arrangements are arrangements for the resolution of pension disputes.
- (3) For this purpose a pension dispute is a dispute which—
  - (a) is between—
    - (i) the trustees or managers of a scheme, and
    - (ii) one or more persons with an interest in the scheme (see section 50A),
  - (b) is about matters relating to the scheme, and
  - (c) is not an exempted dispute (see subsection (9)).
- (4) The dispute resolution arrangements must provide a procedure—
  - (a) for any of the parties to the dispute mentioned in subsection (3)(a)(ii) to make an application for a decision to be taken on the matters in dispute (“an application for the resolution of a pension dispute”), and
  - (b) for the trustees or managers to take that decision.
- (4A) The dispute resolution arrangements may make provision for securing that an application for the resolution of a pension dispute may not be made to the trustees or managers unless—

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- (a) the matters in dispute have been previously referred to a person of a description specified in the arrangements (“the specified person”) in order for him to consider those matters, and
  - (b) the specified person has given his decision on those matters,
- and for enabling the specified person's decision to be confirmed or replaced by the decision taken by the trustees or managers on the application, after reconsidering those matters.
- (5) Where an application for the resolution of a pension dispute is made in accordance with the dispute resolution arrangements, the trustees or managers must—
- (a) take the decision required on the matters in dispute within a reasonable period of the receipt of the application by them, and
  - (b) notify the applicant of the decision within a reasonable period of it having been taken.
- (5A) In a case where a reference is made to the specified person in accordance with provision made under subsection (4A), subsection (5) applies in relation to the specified person as it applies in relation to the trustees or managers in a case where an application for the resolution of a pension dispute is made to them.
- (6) The procedure provided for by the dispute resolution arrangements in pursuance of subsection (4) must include the provision required by section 50B.
- (7) Dispute resolution arrangements under subsection (1) must, in the case of existing schemes, have effect on and after the date of commencement of this section in relation to applications made on or after that date.
- (8) This section does not apply in relation to an occupational pension scheme if—
- (a) every member of the scheme is a trustee of the scheme,
  - (b) the scheme has no more than one member, or
  - (c) the scheme is of a prescribed description.
- (9) For the purposes of this section a dispute is an exempted dispute if—
- (a) proceedings in respect of it have been commenced in any court or tribunal,
  - (b) the Pensions Ombudsman has commenced an investigation in respect of it as a result of a complaint made or a dispute referred to him, or
  - (c) it is of a prescribed description.
- (10) If, in the case of an occupational pension scheme, the dispute resolution arrangements required by this section to be made—
- (a) have not been made, or
  - (b) are not being implemented,
- section 10 applies to any of the trustees or managers who have failed to take all reasonable steps to secure that such arrangements are made or implemented.

#### Textual Amendments

- F1** Ss. 50-50B substituted for s. 50 (5.3.2008 for specified purposes, 6.4.2008 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), [ss. 273, 322\(1\)](#) (with [s. 313](#)) (as amended by [Pensions Act 2007 \(c. 22\)](#), [ss. 16, 30\(3\)](#)); [S.I. 2008/627](#), [art. 2\(a\)\(b\)](#)

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#### Modifications etc. (not altering text)

- C1** S. 50 modified (11.11.1999 for specified purposes, 1.10.2000 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(5)(a), [Sch. 1 para. 1\(1\)\(2\)\(b\)\(vii\)](#); [S.I. 2000/1047](#), art. 2(2)(c), Sch. Pt. III
- C2** S. 50 modified in part (30.12.2005) by [The Occupational Pension Schemes \(Cross-border Activities\) Regulations 2005 \(S.I. 2005/3381\)](#), regs. 1, 14, Sch. 2 paras. 2, 4

### 50A Meaning of “person with an interest in the scheme” **E+W+S**

- (1) For the purposes of section 50 a person is a person with an interest in an occupational pension scheme if—
- he is a member of the scheme,
  - he is a widow, widower [<sup>F2</sup>, surviving civil partner] or surviving dependant of a deceased member of the scheme,
  - he is a surviving non-dependant beneficiary of a deceased member of the scheme,
  - he is a prospective member of the scheme,
  - he has ceased to be within any of the categories of persons referred to in paragraphs (a) to (d), or
  - he claims to be such a person as is mentioned in paragraphs (a) to (e) and the dispute relates to whether he is such a person.
- (2) In subsection (1)(c) a “non-dependant beneficiary”, in relation to a deceased member of an occupational pension scheme, means a person who, on the death of the member, is entitled to the payment of benefits under the scheme.
- (3) In subsection (1)(d) a “prospective member” means any person who, under the terms of his contract of service or the rules of the scheme—
- is able, at his own option, to become a member of the scheme,
  - will become so able if he continues in the same employment for a sufficiently long period,
  - will be admitted to the scheme automatically unless he makes an election not to become a member, or
  - may be admitted to it subject to the consent of his employer.

#### Textual Amendments

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- F2** Words in s. 50A(1)(b) inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 21](#)

### 50B The dispute resolution procedure **E+W+S**

- (1) The procedure provided for by the dispute resolution arrangements in pursuance of section 50(4) must (in accordance with section 50(6)) include the following provision.

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- (2) The procedure must provide that an application for the resolution of a pension dispute under section 50(4) may be made or continued on behalf of a person who is a party to the dispute mentioned in section 50(3)(a)(ii)—
- (a) where the person dies, by his personal representative,
  - (b) where the person is a minor or is otherwise incapable of acting for himself, by a member of his family or some other person suitable to represent him, and
  - (c) in any other case, by a representative nominated by him.
- (3) The procedure—
- (a) must include provision requiring an application to which subsection (3A) applies to be made by the end of such reasonable period as is specified;
  - (b) may include provision about the time limits for making such other applications for the resolution of pension disputes as are specified.
- (3A) This subsection applies to—
- (a) any application by a person with an interest in a scheme as mentioned in section 50A(1)(e), and
  - (b) any application by a person with an interest in a scheme as mentioned in section 50A(1)(f) who is claiming to be such a person as is mentioned in section 50A(1)(e).
- (4) The procedure must include provision about—
- (a) the manner in which an application for the resolution of a pension dispute is to be made,
  - (b) the particulars which must be included in such an application, and
  - (c) the manner in which any decisions required in relation to such an application are to be reached and given.
- (4A) The provision made under subsection (4)(c) may include provision for decisions of the trustees or managers to be taken on their behalf by one or more of their number.
- (5) The procedure must provide that if, after an application for the resolution of a pension dispute has been made, the dispute becomes an exempted dispute within the meaning of section 50(9)(a) or (b), the resolution of the dispute under the procedure ceases.]

#### Textual Amendments

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