

SCHEDULES

SCHEDULE 2

Section 78.

PENSIONS COMPENSATION BOARD

General

- 1 The Compensation Board shall not be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and their property shall not be regarded as property of, or property held on behalf of, the Crown.
- 2 The Compensation Board may do anything which is calculated to facilitate the discharge of their functions, or is incidental or conducive to their discharge, including in particular—
- (a) giving guarantees or indemnities in favour of any person, or
 - (b) making any other agreement or arrangement with or for the benefit of any person.

Tenure of members

- 3 Subject to the following provisions, a person shall hold and vacate office as chairman or other member of the Compensation Board in accordance with the terms of the instrument appointing him.
- 4 If a member of the Compensation Board becomes or ceases to be chairman, the Secretary of State may vary the terms of the instrument appointing him to be a member so as to alter the date on which he is to vacate office.
- 5 A person may at any time resign office as chairman or other member of the Compensation Board by giving written notice of his resignation signed by him to the Secretary of State.
- 6 The chairman or any other member of the Compensation Board may at any time be removed from office by notice in writing given to him by the Secretary of State.

Expenses, remuneration, etc.

- 7 (1) The Compensation Board may pay, or make provision for paying, to or in respect of the chairman or any other member such salaries or other remuneration, and such pensions, allowances, fees, expenses or gratuities, as the Secretary of State may determine.
- (2) Where a person ceases to be a member of the Compensation Board otherwise than on the expiration of his term of office and it appears to the Secretary of State that there are circumstances which make it right for that person to receive compensation, the Compensation Board may make to that person a payment of such amount as the Secretary of State may determine.

Status: This is the original version (as it was originally enacted).

Parliamentary disqualification

- 8 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975, and in Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies all members of which are disqualified), there is inserted at the appropriate place—

“The Pensions Compensation Board”.

The Ombudsman

- 9 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments and authorities subject to investigation), there is inserted at the appropriate place—

“The Pensions Compensation Board”.

Staff

- 10 (1) The Compensation Board may (with the approval of the Secretary of State as to numbers) appoint such persons to be employees of theirs as the Board think fit, on such terms and conditions as to remuneration and other matters as the Board may with the approval of the Secretary of State determine.
- (2) The Secretary of State may, on such terms as to payment by the Compensation Board as he thinks fit, make available to the Compensation Board such additional staff and such other facilities as he thinks fit.
- (3) The Pensions Ombudsman may, on such terms as to payment by the Compensation Board as he thinks fit, make available to the Compensation Board such of his employees as he thinks fit.

The Superannuation Act 1972 (c. 11)

- 11 (1) Employment with the Compensation Board shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed), at the end of the list of Other Bodies there is inserted—

“The Pensions Compensation Board”.

- (2) The Compensation Board must pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to this paragraph in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Proceedings

- 12 The Secretary of State may make regulations generally as to the procedure to be followed by the Compensation Board in the exercise of their functions and the manner in which their functions are to be exercised.

- 13 The Compensation Board must meet at least once in the first twelve months of their existence, and at least once in each succeeding period of twelve months.

Status: This is the original version (as it was originally enacted).

- 14 (1) The Compensation Board may (subject to sub-paragraph (2)) authorise any of their members to exercise such of the Compensation Board's functions as the Board may determine.
- (2) The Compensation Board may not authorise any of their members to—
- (a) determine whether section 81 applies to an application for compensation under section 82 in respect of any occupational pension scheme,
 - (b) determine the amount of any payment under section 83,
 - (c) determine whether any payment should be made under section 84 or the amount of any such payment, or
 - (d) exercise such functions of the Compensation Board as may be prescribed.
- (3) The quorum of the Compensation Board shall be such as they may determine, and the Board may regulate their own procedure.
- (4) The decisions of the Compensation Board must be taken by agreement of a majority of the members of the Compensation Board who are present at the meeting where the decision is taken.
- (5) This paragraph is subject to regulations made by virtue of paragraph 12.
- 15 (1) Where the Compensation Board notify any person of a decision on any matter dealt with by them by means of a formal hearing, or on review, they shall furnish a written statement of the reasons for the decision.
- (2) Any statement by the Compensation Board of their reasons for a decision, whether the statement is given by them in pursuance of this paragraph or otherwise, shall be taken to form part of the decision, and accordingly to be incorporated in the record.

Validity

- 16 The validity of any proceedings of the Compensation Board shall not be affected by any vacancy among the members or by any defect in the appointment of any member.

Accounts

- 17 (1) The Compensation Board must—
- (a) keep proper accounts and proper records in relation to the accounts,
 - (b) prepare in respect of each financial year of the Compensation Board a statement of accounts, and
 - (c) send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The statement of accounts must comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the information to be contained in it,
 - (b) the manner in which the information contained in it is to be presented, or
 - (c) the methods and principles according to which the statement is to be prepared,
- and must contain such additional information as the Secretary of State may with the approval of the Treasury require to be provided for the information of Parliament.

Status: This is the original version (as it was originally enacted).

- (3) The Comptroller and Auditor General must examine, certify and report on each statement received by him in pursuance of this paragraph and must lay copies of each statement and of his report before each House of Parliament.
- (4) In this paragraph, “financial year” means the period beginning with the date on which the Board is established and ending with the next following 5th April, and each successive period of twelve months.

Other expenses

- 18 (1) The Compensation Board may—
 - (a) pay to persons attending meetings of the Compensation Board at the request of the Board such travelling and other allowances (including compensation for loss of remunerative time) as the Board may determine, and
 - (b) pay to persons from whom the Compensation Board may decide to seek advice, as being persons considered by the Board to be specially qualified to advise them on particular matters, such fees as the Board may determine.
- (2) A determination under sub-paragraph (1) requires the approval of the Secretary of State.

Application of seal and proof of instruments

- 19 (1) The fixing of the common seal of the Compensation Board shall be authenticated by the signature of the chairman of the Compensation Board or some other person authorised by them to act for that purpose.
- (2) Sub-paragraph (1) above does not apply in relation to any document which is or is to be signed in accordance with the law of Scotland.
- 20 A document purporting to be duly executed under the seal of the Compensation Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.