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## SCHEDULES

### SCHEDULE 5 **U.K.**

#### THE BOARD OF THE PENSION PROTECTION FUND

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

- C1** Sch. 5 modified (N.I.) (6.4.2005) by [The Pension Protection Fund \(Review and Reconsideration of Reviewable Matters\) Regulations \(Northern Ireland\) 2005 \(S.R. 2005/138\)](#), regs. 1(1), **26**

### **PART 3** **U.K.**

#### PROCEEDINGS AND DELEGATION ETC

##### *Committees*

- 15 (1) The Board may establish committees for any purpose.
- (2) Any committee established by the Board may establish sub-committees.
- (3) The members of such committees or sub-committees may include persons who are not members of the Board.
- (4) The members of a sub-committee may include persons who are not members of the committee.
- (5) Sub-paragraphs (3) and (4) do not apply to the committee established under section 112 or any of its sub-committees.

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

- C2** Sch. 5 para. 15: power to modify conferred (N.I.) (25.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255\)](#), arts. 1(2), **189(6)** (with art. 285(5)); S.R. 2005/48, art. 2(4)(a)(b), Sch. Pt. 4
- C3** Sch. 5 para. 15: power to modify conferred (25.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255\)](#), arts. 1(2), **190(6)** (with art. 285(5)); S.R. 2005/48, art. 2(4)(a)(b), Sch. Pt. 4
- C4** Sch. 5 para. 15 modified (6.4.2005) by [The Pension Protection Fund \(Review and Reconsideration of Reviewable Matters\) Regulations 2005 \(S.I. 2005/669\)](#), regs. 1(1), **26**
- C5** Sch. 5 para. 15 applied (with modifications) (6.4.2005) by [The Pension Protection Fund \(Maladministration\) Regulations 2005 \(S.I. 2005/650\)](#), arts. 1(1), **18(2)**

##### **Commencement Information**

- I1** Sch. 5 para. 15 in force at 17.12.2004 by S.I. 2004/3350, art. 2, **Sch.**

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### *Procedure*

- 16 The Board may determine—
- (a) its own procedure (including quorum), and
  - (b) the procedure (including quorum) of any of its committees or sub-committees.

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

- C6** Sch. 5 para. 16: power to modify conferred (25.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255\)](#), arts. 1(2), **190(6)** (with art. 285(5)); [S.R. 2005/48](#), art. 2(4)(a)(b), Sch. Pt. 4
- C7** Sch. 5 para. 16: power to modify conferred (N.I.) (25.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255\)](#), arts. 1(2), **189(6)** (with art. 285(5)); [S.R. 2005/48](#), art. 2(4)(a)(b), Sch. Pt. 4

#### **Commencement Information**

- I2** Sch. 5 para. 16 in force at 17.12.2004 by [S.I. 2004/3350](#), art. 2, **Sch.**

### *Delegation*

- 17 (1) The Board may authorise—
- (a) any executive member of the Board,
  - (b) any other member of its staff, or
  - (c) any of its committees or sub-committees (other than the committee established under section 112 or any of its sub-committees),
- to exercise on behalf of the Board, such of its functions, in such circumstances, as the Board may determine.
- (2) But sub-paragraph (1) does not apply to the non-executive functions of the Board (which must, by virtue of subsection (2) of section 112, be discharged by the committee established under that section).

#### **Commencement Information**

- I3** Sch. 5 para. 17 in force at 17.12.2004 by [S.I. 2004/3350](#), art. 2, **Sch.**

- 18 (1) The Board may make arrangements for any of its functions mentioned in subparagraph (2) to be exercised, in accordance with those arrangements, by a person on behalf of the Board.
- (2) The functions are those conferred by or by virtue of—
- (a) the pension compensation provisions (see section 162);
  - (b) section 163 (adjustments to be made where Board assumes responsibility for a scheme);
  - (c) section 165 (duty to notify Inland Revenue in relation to guaranteed minimum pensions);
  - (d) section 166 (duty to pay scheme benefits unpaid at assessment date);
  - (e) sections 169 and 170 (discharge of liabilities in respect of compensation or money purchase benefits);
  - (f) section 191 (notices requiring provision of information);

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- (g) section 203(1)(a) (provision of information to members of schemes etc);
  - (h) section 111 (supplementary powers), so far as that section relates to any function conferred by or by virtue of any provision mentioned in paragraphs (a) to (g).
- (3) Where arrangements are made under this paragraph for any functions of the Board to be exercised by another person on its behalf—
- (a) section 195(1)(b) (offence of providing false or misleading information to the Board) and section 196 (use of information) apply in relation to that person and any functions of the Board exercised by him as they apply in relation to the Board and its functions;
  - (b) subject to paragraph (c), sections 197 to 202 and 203(2) to (6) (disclosure of information) apply in relation to that person and any information obtained by him in the exercise of the Board's function as they apply in relation to the Board and information obtained by it in the exercise of its functions;
  - (c) nothing in paragraph (b) authorises any person to determine on behalf of the Board under section 201(1) whether the disclosure of any restricted information is desirable or expedient in the interests of members of occupational pension schemes or in the public interest.

#### Commencement Information

**14** Sch. 5 para. 18(2)(f)-(h) in force at 6.4.2005 by S.I. 2005/275, art. 2(7), Sch. Pt. 7

- 19 (1) Where the Board makes arrangements under paragraph 18(1) for any of its functions to be exercised by a person on its behalf, those arrangements may also provide for that person to exercise on behalf of the Board any delegable review function.
- (2) Where the Regulator is required to or may exercise any function on behalf of the Board by virtue of—
- (a) section 181(4) or 189(8) (administrative functions relating to levies),
  - (b) section 181(7)(b) or 189(10)(b) (recovery of levies), or
  - (c) regulations under section 181(8) or 189(11) (collection, recovery and waiver of levies),
- the Board may also require the Regulator to exercise on behalf of the Board any delegable review function.
- (3) In this paragraph, “delegable review function”, in relation to a delegated function, means—
- (a) any function, by virtue of section 207(1)(a) or (3)(a), to give a review decision in respect of any reviewable matter arising from the exercise of the delegated function;
  - (b) in relation to any function exercisable by virtue of paragraph (a) above, any other function under regulations under section 207(1) in connection with the giving of a review decision;
  - (c) any function conferred by section 111 (supplementary powers), so far as that section relates to any function mentioned in paragraph (a) or (b).
- (4) In sub-paragraph (3)—
- “delegated function” means a function which is exercisable on behalf of the Board as mentioned in sub-paragraph (1) or (2);

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“review decision” has the meaning given by section 207(1).

**Commencement Information**

**I5** Sch. 5 para. 19 in force at 6.4.2005 by [S.I. 2005/275](#), [art. 2\(7\)](#), [Sch. Pt. 7](#)

*Application of seal and proof of instruments*

- 20 (1) The fixing of the common seal of the Board must be authenticated by the signature of a person authorised for that purpose by the Board (whether generally or specifically).
- (2) Sub-paragraph (1) does not apply in relation to any document which is or is to be signed in accordance with the law of Scotland.

**Commencement Information**

**I6** Sch. 5 para. 20 in force at 17.12.2004 by [S.I. 2004/3350](#), [art. 2](#), [Sch.](#)

- 21 A document purporting to be duly executed under the seal of the Board or purporting to be signed on its behalf—
- (a) is to be received in evidence, and
  - (b) is to be taken to be so executed or signed unless the contrary is proved.

**Commencement Information**

**I7** Sch. 5 para. 21 in force at 17.12.2004 by [S.I. 2004/3350](#), [art. 2](#), [Sch.](#)

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