



Pensions Act 2004

2004 CHAPTER 35

PART 2

THE BOARD OF THE PENSION PROTECTION FUND

CHAPTER 6

REVIEWS, APPEALS AND MALADMINISTRATION

Review etc by the Board

208 Investigation by the Board of complaints of maladministration

- (1) Regulations must make provision for dealing with relevant complaints.
- (2) For the purposes of this Chapter, “relevant complaint” means a complaint—
 - (a) by a person who is or might become entitled to compensation under the pension compensation provisions, or
 - (b) by a person who has or may make an application under section 182 (fraud compensation),
alleging that he has sustained injustice in consequence of maladministration in connection with any act or omission by the Board or any person exercising functions on its behalf.
- (3) Regulations under subsection (1) must—
 - (a) provide for the Board to investigate and give decisions on matters complained of in relevant complaints, and
 - (b) provide for a committee of the Board, on applications following such decisions, to investigate matters complained of and give decisions on them.
- (4) Such regulations may, in particular, make provision—

Status: Point in time view as at 01/01/2012.

Changes to legislation: Pensions Act 2004, Section 208 is up to date with all changes known to be in force on or before 13 September 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)

- (a) about the making of relevant complaints and applications under the regulations, including the times by which they are to be made,
 - (b) with a view to securing that individuals concerned in giving a decision were not concerned in the matter which is the subject of the relevant complaint in question,
 - (c) as to the procedure for reaching and giving decisions under the regulations, including—
 - (i) rights of prescribed persons to make representations to the Board, on an investigation under regulations made under subsection (3)(b), and
 - (ii) the times by which decisions are to be given, and
 - (d) requiring notice—
 - (i) of a relevant complaint under the regulations, or
 - (ii) of a decision under the regulations in respect of the complaint, to be given to prescribed persons in relation to the matter.
- (5) Regulations under subsection (1) may confer power on the Board to pay such compensation as it considers appropriate to such persons as it considers have sustained injustice in consequence of the matters complained of.
- (6) The power conferred by subsection (4)(b) includes power to modify paragraphs 15 and 16 of Schedule 5 (membership and procedure of committees of the Board).

Modifications etc. (not altering text)

- C1** Pt. 2 modified (8.3.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pension Protection Fund \(Partially Guaranteed Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/277\)](#), regs. 1(1), **2-11**
- C2** Pt. 2 modified in part (9.3.2005 for specified purposes, 1.4.2005 for specified purposes, 6.4.2005 in so far as not already in force (except ch. 4)) by [The Pension Protection Fund \(Multi-employer Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/441\)](#), regs. 1, **2-60**, 71, 72
- C3** Pt. 2 applied in part (with modifications) (20.7.2005 for specified purposes, 1.9.2005 for specified purposes, 5.12.2005 for specified purposes) by [The Financial Assistance Scheme Regulations 2005 \(S.I. 2005/1986\)](#), regs. 1(1), 4, **Sch. 1**

Commencement Information

- I1** S. 208(1)(3)-(6) in force for the purpose only of conferring power to make regulations, orders or rules, as the case may be, 10.2.2005; and for all other purposes at 6.4.2005 in so far as not already in force by [S.I. 2005/275](#), art. 2(3), **Sch. Pt. 3**
- I2** S. 208(2) in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), **Sch. Pt. 7**

Status:

Point in time view as at 01/01/2012.

Changes to legislation:

Pensions Act 2004, Section 208 is up to date with all changes known to be in force on or before 13 September 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.