



Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010

2010 CHAPTER 4

An Act to transfer the functions of the Pensions Regulator Tribunal; and for connected purposes. [12th February 2010]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Transfer of functions of the Pensions Regulator Tribunal

1 The functions of the Pensions Regulator Tribunal are transferred to the First-tier Tribunal and the Upper Tribunal, with the question as to which of them is to exercise the functions in a particular case being determined by or under Tribunal Procedure Rules.

Power to make ancillary provisions etc.

2.—(1) The Department may by order make such incidental, supplementary, consequential, transitional or saving provisions as it considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to this Act or any provision of it, or in connection with the coming into operation of any provision of this Act.

(2) An order under this section may amend, repeal or modify any statutory provision.

(3) An order under this section—

(a) must be laid before the Assembly after being made; and

- (b) takes effect on such date as may be specified in the order, but (without prejudice to the validity of anything done thereunder or to the making of a new order) ceases to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the order is approved by a resolution of the Assembly.

Consequential, transitional and saving provisions etc.

- 3.**—(1) Schedule 1 (which makes minor and consequential amendments) has effect.
- (2) Schedule 2 (which contains transitional and saving provisions) has effect.
- (3) Schedule 3 (which contains repeals) has effect.

Interpretation

4 In this Act—

- “the Department” means the Department for Social Development;
- “First-tier Tribunal” and “Upper Tribunal” mean those tribunals established under section 3 of the Tribunals, Courts and Enforcement Act 2007 (c. 15);
- “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33);
- “Tribunal Procedure Rules” has the same meaning as in the Tribunals, Courts and Enforcement Act 2007.

Commencement

- 5.**—(1) Sections 2 and 4 to 6 come into operation on the day after the day on which this Act receives Royal Assent.
- (2) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

Subordinate Legislation Made

P1 [S. 5\(2\)](#) power fully exercised: 6.4.2010 appointed by [S.R. 2010/101](#), [art. 2](#)

Short title

- 6** This Act may be cited as the Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010.

SCHEDULES

SCHEDULE 1

Section 3(1).

AMENDMENTS

The Pension Schemes (Northern Ireland) Act 1993 (c. 49)

1 In section 170(1)(d) of the Pension Schemes (Northern Ireland) Act 1993 (levies towards certain expenditure) for “the Pensions Regulator Tribunal” substitute “a tribunal in relation to a decision of the Regulatory Authority”.

The Pensions (Northern Ireland) Order 1995 (NI 22)

2 The Pensions (Northern Ireland) Order 1995 is amended as follows.

3 In Article 3 (prohibition orders)—

(a) in paragraph (4)—

(i) in sub-paragraph (a) for “the Tribunal” substitute “a tribunal”; and

(ii) in sub-paragraph (b) for “the Tribunal's determination” substitute “the determination of the tribunal concerned”; and

(b) omit paragraph (8).

4 In Article 4 (suspension orders)—

(a) in paragraph (5A)—

(i) in sub-paragraph (a) for “the Tribunal” substitute “a tribunal”; and

(ii) in sub-paragraph (b) for “the Tribunal's determination” substitute “the determination of the tribunal concerned”; and

(b) omit paragraph (7).

The Pensions Act 2004 (c. 35)

5 The Pensions Act 2004 is amended as follows.

6 For the cross-heading preceding section 102 (the Pensions Regulator Tribunal) substitute “References to a tribunal”.

7 Omit section 102 (the Pensions Regulator Tribunal).

8 In section 106(1) (legal assistance scheme) for “the Tribunal” substitute “a tribunal in relation to a decision of the Regulator”.

9 In section 310(4) (admissibility of statements) after paragraph (n) of the definition of “information requirement” add—

“(o) Tribunal Procedure Rules so far as applying to decisions of the Regulator;”.

10 In section 318(1) (general interpretation) omit the definition of “the Tribunal”.

11 Omit Schedule 4 (the Pensions Regulator Tribunal).

The Pensions (Northern Ireland) Order 2005 (NI 1)

12 The Pensions (Northern Ireland) Order 2005 is amended as follows.

13 In Article 2(2) (interpretation)—

(a) after the definition of “enactment” insert—

““First-tier Tribunal” and “Upper Tribunal” mean those tribunals established under section 3 of the Tribunals, Courts and Enforcement Act 2007;”;

(b) after the definition of “statutory provision” insert—

““Tribunal Procedure Rules” has the same meaning as in the Tribunals, Courts and Enforcement Act 2007.”; and

(c) omit the definition of “the Tribunal”.

14 In Article 91 (standard procedure)—

(a) in paragraph (5)(a) omit “(see Article 97(1))”; and

(b) at the end add—

“(7) In this Article “the Tribunal”, in relation to any reference under paragraph (3), means—

(a) the First-tier Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the First-tier Tribunal is to hear the reference;

(b) the Upper Tribunal, in any other case.”.

15 In Article 94 (compulsory review)—

(a) in paragraph (8)(a) omit “(see Article 97(1))”; and

(b) at the end add—

“(13) In this Article “the Tribunal”, in relation to any reference under paragraph (7), means—

(a) the First-tier Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the First-tier Tribunal is to hear the reference;

(b) the Upper Tribunal, in any other case.”.

16 For the cross-heading preceding Article 97 (the Pensions Regulator Tribunal) substitute “*References to a tribunal*”.

17 Before Article 97 insert—

“Offences

96A.—(1) This Article applies in respect of proceedings before a tribunal in relation to a decision of the Regulator.

(2) A person is guilty of an offence if that person, without reasonable excuse, refuses or fails—

- (a) to attend following the issue of a summons by the tribunal, or
- (b) to give evidence.

(3) A person guilty of an offence under paragraph (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person is guilty of an offence if that person, without reasonable excuse—

- (a) alters, suppresses, conceals or destroys a document which that person is or is liable to be required to produce for the purposes of proceedings before the tribunal, or
- (b) refuses to produce a document when so required.

(5) A person guilty of an offence under paragraph (4) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(6) In this Article “document” includes information recorded in any form and, in relation to information recorded otherwise than in a legible form, references to its production include references to producing a copy of the information in a legible form, or in a form from which it can readily be produced in a legible form.”.

18 In Article 97 (references to the Tribunal)—

- (a) in the heading for “to the Tribunal” substitute “ in relation to decisions of the Regulator ”;
- (b) omit paragraphs (1) to (2);
- (c) after paragraph (2) insert—

“(2A) This Article applies to references to a tribunal in relation to a decision of the Regulator.”;