STATUTORY RULES OF NORTHERN IRELAND

2005 No. 135

PENSIONS

The Pension Protection Fund (PPF Ombudsman) Order (Northern Ireland) 2005

Made - - - -	*18th March 2005*
Coming into operation	*6th April 2005*

The Department for Social Development, in exercise of the powers conferred on it by Articles 191(1)(b) to (e) and 287(2) of the Pensions (Northern Ireland) Order 2005(**1**) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Pension Protection Fund (PPF Ombudsman) Order (Northern Ireland) 2005 and shall come into operation on 6th April 2005.

(2) In this Order –

"the 2005 Order" means the Pension Protection Fund (PPF Ombudsman) Order 2005(**2**);

"the Pensions Order" means the Pensions (Northern Ireland) Order 2005;

"the Financial Services Act" means the Financial Services and Markets Act 2000(**3**).

(3) In this Order any reference to a numbered Article is a reference to the Article of the Pensions Order bearing that number.

Staff and facilities of the PPF Ombudsman

2. For the purposes of the Pensions Order, the PPF Ombudsman shall have the staff appointed, and facilities (including additional staff) made available to him, under Articles 3 and 4 respectively of the 2005 Order.

Delegation of functions

3.—(1) Except as provided by paragraph (2), any function of the PPF Ombudsman may be delegated to and performed by –

(**1**) S.I.2005/255 (N.I. 1)
(**2**) S.I. 2005/824
(**3**) 2000 c. 8

(a) a member of staff appointed by the PPF Ombudsman in accordance with Article 3 of the 2005 Order;

(b) an additional member of staff made available to him in accordance with Article 4 of the 2005 Order, who is authorised to perform that function by the PPF Ombudsman.

(2) The PPF Ombudsman must not delegate –

(a) the determination of a reviewable matter referred to him by virtue of regulations made under Article 192 (reference of reviewable matter to the PPF Ombudsman);

(b) the determination of a complaint of maladministration referred to him by virtue of regulations made under Article 193 (investigation by PPF Ombudsman of complaints of maladministration);

(c) the referral of a question of law under Article 194 (referral of questions of law);

(d) the decision to publish a report under Article 195 (publishing reports etc.);

(e) the certification of an offence under Article 197(2) (obstruction etc. of the PPF Ombudsman).

Power to obtain information

4. In conducting an investigation in accordance with regulations made under Article 192 or 193 the PPF Ombudsman may require any person who in his opinion is able to furnish information or produce documents necessary for the purposes of the investigation to furnish any such information or produce any such documents.

Restrictions on the disclosure of information

5.—(1) The PPF Ombudsman must not disclose any information which he obtains for the purposes of an investigation under Article 192 or 193 unless –

(a) the disclosure is to a person specified in paragraph (2), and

(b) the PPF Ombudsman considers that disclosure would enable or assist that person to discharge that person's functions.

(2) The persons specified in this paragraph are –

(a) the Board;

(b) the Regulator;

(c) the Pensions Compensation Board(**4**);

(d) the Pensions Ombudsman(**5**);

(e) the Financial Services Authority(**6**);

(f) any government department;

(g) a person appointed under –

(i) section 167 of the Financial Services Act (appointment of persons to carry out general investigations);

(ii) section 168(3) or (5) of that Act (appointment of persons to carry out investigations in particular cases), or

(iii) section 284 of that Act (power to investigate),

to conduct an investigation;

(**4**) *See* section 78(1) of the Pensions Act 1995 (c. 26) which establishes the Pensions Compensation Board
(**5**) *See* section 145 of the Pension Schemes Act 1993 (c. 48) which establishes the Pensions Ombudsman
(**6**) *See* section 1(1) of the Financial Services and Markets Act 2000 which establishes the Financial Services Authority