STATUTORY RULES OF NORTHERN IRELAND

2005 No. 128

PENSIONS

The Pension Protection Fund (Maladministration) Regulations (Northern Ireland) 2005

Made - - - -	*16th March 2005*
Coming into operation	*6th April 2005*

The Department for Social Development, in exercise of the powers conferred on it by Articles 190(1), (3), (4)(a), (b), (c)(ii) and (d)(ii), (5) and (6) and 287(2) and (3) of the Pensions (Northern Ireland) Order 2005(**1**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pension Protection Fund (Maladministration) Regulations (Northern Ireland) 2005 and shall come into operation on 6th April 2005.

(2) In these Regulations –

"the Order" means the Pensions (Northern Ireland) Order 2005 and any reference to a numbered Article is a reference to the Article of the Order bearing that number;

"the complainant" means a person entitled to make a relevant complaint.

Duty to investigate and give a decision

2. The Board must investigate and give a decision on any matter complained of in a relevant complaint.

Time for making a complaint

3.—(1) Subject to paragraph (2), a complainant must make a relevant complaint in writing and must send it to the Board before the end of a period of 28 days beginning with the date on which the complainant first knew of, or ought reasonably to have known of, the act or omission in respect of which the complaint is made.

(2) Where the circumstances of a case are such that, in the opinion of the Board, it is reasonable for a relevant complaint to be made after the end of the period specified in paragraph (1), the Board

(**1**) S.I.2005/255 (N.I. 1); Part III is modified in its application to partially guaranteed schemes by S.R. 2005 No. 55, in its application to hybrid schemes by S.R. 2005 No. 84, and in its application to multi-employer schemes by S.R. 2005 No. 91

must give a decision if the complaint is made within such further period as the Board considers to be reasonable.

Form of complaint

4.—(1) A relevant complaint must include –

(a) the name and address of the complainant;

(b) the grounds on which the complaint is made;

(c) the date on which the complainant first became aware of the act or omission;

(d) in the case of a person who is a representative of the complainant, his name and address and whether that address is the address to be used for the purposes of the complaint.

(2) The complaint must be signed and dated by the complainant or, as the case may be, his representative.

Matters to be considered in giving a decision

5. In giving a decision under regulation 2 the Board must take into account –

(a) any information or documentation provided by the complainant or, as the case may be, his representative;

(b) any other matters that appear to it to be relevant, including any document produced or information provided in accordance with a notice given under Article 173 (notices requiring provision of information).

Time for giving decision

6.—(1) Subject to paragraph (2), the Board must give a decision under regulation 2 before the end of a period of 28 days beginning with –

(a) the day on which it receives the relevant complaint; or

(b) the last day by which any documents or information that the Board has required a person to provide in accordance with a notice given under Article 173 are to have been provided,

whichever is the later.

(2) If the Board is not able to give a decision before the end of the period specified in paragraph (1) it must send an interim reply to the complainant setting out the expected date for issuing the decision.

Powers on giving a decision

7. In giving a decision under regulation 2 the Board may pay such compensation to the complainant as it considers appropriate.

Matters to be included in a decision

8. A decision under regulation 2 must be given in writing and must include –

(a) reasons for the decision;

(b) references to any relevant legislation;

(c) a statement that if the complainant is dissatisfied with it he may refer the matter to a committee of the Board for a further decision;

(d) the address at which that committee may be contacted.

Notice of a decision

9.—(1) The Board must send a copy of a decision given under regulation 2 to the complainant or, as the case may be, his representative.

(2) Subject to paragraph (3), the Board must send a summary of a decision given under regulation 2 to any person it considers may have sustained injustice in consequence of maladministration in connection with the act or omission in respect of which the decision is made.

(3) Paragraph (2) does not apply where the Board considers that any injustice that a person may have suffered is likely to have been trivial.

Duty of committee of the Board to investigate and give a decision

10. Where the Board has given a decision under regulation 2 a committee of the Board must, on application following the decision, investigate matters complained of and give a decision on them.

Time for making an application to the committee

11.—(1) Subject to paragraph (2), a complainant must make an application under regulation 10 by sending it to the committee of the Board before the end of a period of 28 days beginning with the day on which the Board sends a copy of the decision to the complainant or, as the case may be, his representative in accordance with regulation 9.

(2) Where the circumstances of the case are such that, in the opinion of the committee of the Board, it is reasonable for an application to be made after the end of the period specified in paragraph (1), the committee of the Board must give a decision if the application is made within such further period as the committee considers to be reasonable.

Form of an application

12.—(1) An application made under regulation 10 must be made in writing and must include –

(a) the name and address of the complainant;

(b) the date on which the decision under regulation 2 was given;

(c) the grounds on which the application is made;

(d) in the case of a person who is acting as the representative of the complainant, his name and address and whether that address is the address to be used for the purposes of the application.

(2) The application must be signed and dated by the complainant or, as the case may be, his representative.

Matters to be considered by the committee in giving a decision

13. In giving a decision under regulation 10 the committee of the Board must take into account –

(a) any information or documentation provided by the complainant or, as the case may be, his representative;

(b) any other matters that appear to it to be relevant, including any document produced or information provided in accordance with a notice given under Article 173.

Time for giving a decision

14.—(1) Subject to paragraph (2), the committee of the Board must give a decision under regulation 10 before the end of a period of 28 days beginning with the day on which –