STATUTORY RULES OF NORTHERN IRELAND

1997 No. 38

PENSIONS

The Personal and Occupational Pension Schemes (Pensions Ombudsman) (Procedure) (Amendment) Rules (Northern Ireland) 1997

Made - - - -	*3rd February 1997*
Coming into operation	*6th April 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 145(2) and (3) of the Pension Schemes (Northern Ireland) Act 1993(**1**), and of all other powers enabling it in that behalf, hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Personal and Occupational Pension Schemes (Pensions Ombudsman) (Procedure) (Amendment) Rules (Northern Ireland) 1997 and shall come into operation on 6th April 1997.

(2) The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to these Rules as it applies to a Measure of the Assembly.

Amendment of the Personal and Occupational Pension Schemes (Pensions Ombudsman) (Procedure) Rules

2.—(1) The Personal and Occupational Pension Schemes (Pensions Ombudsman) (Procedure) Rules (Northern Ireland) 1995(**3**) shall be amended in accordance with paragraphs (2) to (5).

(2) In rule 1(2)—

(a) after the definition of "the Act" there shall be inserted the definition—

> ""complainant" means a person by or in respect of whom the complaint is made or dispute is referred under section 142(1) of the Act;";

(**1**) 1993 c. 49; section 145(3) was amended by Article 154 of the Pensions (Northern Ireland) Order 1995 (S.I.1995/3213 (N.I. 22))
(**2**) 1954 c. 33 (N.I.)
(**3**) S.R. 1995 No. 167

(b) in the definition of "complaint" for "section 142(1)" there shall be substituted "section 142(1)(*a)* or (*b*)"(**4**);

(c) in the definition of "dispute" for "section 142(2)" there shall be substituted "section 142(1)(*c*) or (*d*)";

(d) in the definition of "party to the investigation" for "authorised complainant" there shall be substituted "complainant";

(e) in the definition of "respondent" for paragraphs (*a*) and (*b*) there shall be substituted—

"(a) a person responsible for the management of an occupational or personal pension scheme, or

(b) any other person to whom Part X of the Act applies as it applies to a person responsible for the management of an occupational or personal pension scheme,".

(3) In rule 2(1) for "An authorised complainant" there shall be substituted "A complainant".

(4) In rules 2(2)(*a*) and (*e*), 3 to 5, 6(2), 7(2) and 9(1) for "authorised complainant", in each place where it occurs, there shall be substituted "complainant".

(5) After rule 15 there shall be inserted the following rule—

"**Payment of travel and subsistence expenses and compensation for lost earnings**

15A.—(1) Where the Pensions Ombudsman considers it appropriate for an oral hearing to be held in connection with an investigation conducted by him, he may, having regard to the particular circumstances of the case, make payments in respect of allowances, fees and expenses in accordance with the following provisions of this rule.

(2) In this rule "specified", in relation to any amount, means the amount determined by the Department from time to time and notified by it to the Pensions Ombudsman.

(3) Sub-paragraphs (*a*) to (*c*) of paragraph (4) apply only in respect of complaints or disputes in which the complainant is an actual or potential beneficiary of an occupational or personal pension scheme.

(4) Subject to paragraph (3), travelling expenses actually and reasonably incurred may be paid to—

(a) in a case where the complainant attends the hearing, that person;

(b) in a case where the complainant cannot, for reasons of ill health or incapacity, attend the hearing but is represented at the hearing by a relative or friend who is not receiving any form of remuneration in connection with his involvement in the complaint or dispute, that relative or friend;

(c) in a case where the complainant requires, for reasons of ill health or incapacity, to be accompanied at the hearing by an attendant, that attendant;

(d) a witness, other than a medical or other expert witness, attending the hearing where an application has been made in writing to the Pensions Ombudsman and the Pensions Ombudsman certifies that, in the circumstances of the case, the attendance of the witness is necessary or desirable.

(5) An allowance in respect of day and, where applicable, overnight subsistence may be paid at the specified rate to the persons and in the circumstances mentioned in paragraph (4).

(**4**) Section 142(1) to (4) is substituted by Article 153(2) of the Pensions (Northern Ireland) Order 1995