STATUTORY RULES OF NORTHERN IRELAND

1996 No. 203

PENSIONS

The Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations (Northern Ireland) 1996

Made - - - -	*16th May 1996*
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 Articles 10(2)(*b*) and 50(1), (2)(*a*), (3) and (7) of the Pensions (Northern Ireland) Order 1995(**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 Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations (Northern Ireland) 1996 and shall come into operation on 6th April 1997.

(2) In these Regulations—

"the Order" means the Pensions (Northern Ireland) Order 1995;

"scheme" means an occupational pension scheme;

"prospective member" means any person who under the terms of his contract of service or the scheme rules—

(a) is able, at his own option, to become a member of the scheme;

(b) will become so able if he continues in the same employment for a sufficiently long period;

(c) will be admitted to it automatically unless he makes an election not to become a member, or

(d) may be admitted to it subject to the consent of his employer.

Meaning of "prescribed persons" and "complainant of a prescribed description"

2.—(1) For the purposes of Article 50(1) of the Order (requirement for schemes to make arrangements for the resolution of disagreements between prescribed persons) and of these

(**1**) S.I.1995/3213 (N.I. 22)

Regulations, the prescribed persons are, on the one hand, the trustees or managers of the scheme and, on the other hand—

(a) the active, deferred and pensioner members of the scheme;

(b) a widow, widower or surviving dependant of a deceased member of the scheme;

(c) prospective members of the scheme;

(d) persons who ceased to be within any of the categories of persons referred to in sub-paragraphs (*a*) to (*c*) within the 6 months immediately preceding the date of an application under regulation 4, and

(e) where there is a disagreement which relates to a question whether a person who claims to be such a person as is mentioned in sub-paragraphs (*a*) to (*d*) is such a person, the person so claiming.

(2) For the purposes of Article 50(2) of the Order (resolution of a disagreement on the application of a complainant) and of these Regulations, a complainant of a prescribed description is a person referred to in paragraph (1)(*a*) to (*e*).

Representation

3.—(1) An application under the arrangements required by Article 50 of the Order may be made or continued on behalf of a complainant by a representative nominated by him.

(2) Where a complainant dies or is a minor or is otherwise incapable of acting for himself, an application may be made or continued on his behalf—

(a) in the case of his death, by his personal representative, and

(b) in any other case, by a member of his family or other person suitable to represent him.

Application for a decision

4.—(1) An application for a decision under the arrangements required by Article 50(2)(*a*) of the Order shall set out particulars of the disagreement in respect of which a decision is sought.

(2) The particulars shall include—

(a) where the complainant is a person described in regulation 2(1)(*a*), (*c*) or (*d*) or a person claiming to be such under regulation 2(1)(*e*), the full name, address, date of birth and the national insurance number of the complainant;

(b) where the complainant is a person described in regulation 2(1)(*b*) or a person claiming to be such under regulation 2(1)(*e*), the full name, address and date of birth of the complainant, his relationship to the scheme member and the full name, address, date of birth and national insurance number of the deceased scheme member;

(c) the full name and address of any representative acting on behalf of the complainant and whether such address is the address to be used for service on the complainant of any documents in connection with the disagreement;

(d) a statement as to the nature of the disagreement with sufficient details to show why the complainant is aggrieved.

(3) The application shall be signed by or on behalf of the complainant.

Notice of a decision

5.—(1) Subject to paragraph (3), a decision on the matters raised by an application under regulation 4 shall be issued to the complainant and, where applicable, his representative by notice