1995 No. 167

PENSIONS

The Personal and Occupational Pension Schemes (Pensions Ombudsman) (Procedure) Rules (Northern Ireland) 1995

Made	*12th April 1995*
Coming into operation . .	*10th May 1995*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 145(2), (3) and (4) of the Pension Schemes (Northern Ireland) Act 1993(**a**) 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) Rules (Northern Ireland) 1995 and shall come into operation on 10th May 1995.

(2) In these Rules—

"the Act" means the Pension Schemes (Northern Ireland) Act 1993;

"complaint" means a complaint falling within section 142(1) of the Act (complaint of maladministration);

"dispute" means a dispute falling within section 142(2) of the Act (dispute of fact or law);

"party to the investigation" means, as the case may be, the authorised complainant or the respondent and "party" and "parties" shall be construed accordingly;

"respondent" means—

(*a*) the trustees or managers, or

(*b*) any other person to whom Part X of the Act applies as it applies in relation to such trustees or managers(**b**),

to whom the complaint or dispute relates.

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

(**a**) 1993 c. 49

(**b**) *See* section 142(4) of the Pension Schemes (Northern Ireland) Act 1993 and S.R. 1991 No. 93, regulation 2, amended by S.R. 1994 No. 300

(**c**) 1954 c. 33 (N.I.)

Provision of details of complaint made or dispute referred

2.—(1) An authorised complainant shall give details of the complaint made or dispute referred in writing.

(2) The details shall include—

(*a*) the name and address of the authorised complainant;

(*b*) the name and address of the respondent;

(*c*) the facts relating to the complaint or dispute;

(*d*) whether or not the complaint or dispute has been brought to the attention of the Occupational Pensions Advisory Service Limited(**a**);

(*e*) the name, address and profession of the representative (if any) of the authorised complainant and whether such address is the address for correspondence to the complainant for the purposes of the investigation.

Amendment of details and delivery of supplementary statement

3. The authorised complainant may with the leave of the Pensions Ombudsman (which leave shall not be unreasonably refused) at any time—

(*a*) submit a supplementary statement;

(*b*) amend the details of his complaint or dispute or his supplementary statement.

Withdrawal of complaint or dispute

4. The authorised complainant may withdraw his complaint or dispute—

(*a*) at any time before the end of 14 days from the date he receives a copy of the reply referred to in paragraph (3) of rule 6 by sending to the office of the Pensions Ombudsman a notice stating he so withdraws, signed by him or his representative, or

(*b*) thereafter with the leave of the Pensions Ombudsman (which leave shall not be unreasonably refused).

Acknowledgement and supply of copy documents by Pensions Ombudsman

5.—(1) Upon receiving details of a complaint or dispute the Pensions Ombudsman shall send to the authorised complainant or his representative an acknowledgement of receipt.

(2) Where the Pensions Ombudsman proposes to investigate the complaint or dispute, he shall forthwith supply a copy of the details of the complaint or dispute together with any amendments or supplementary statements, written representations or other documents received from the authorised complainant or his representative to the respondent.

(3) Where the Pensions Ombudsman does not propose to investigate the complaint or dispute, he shall forthwith inform the authorised complainant or his representative that he does not propose to conduct an investigation.

(**a**) The Occupational Pensions Advisory Service Limited's address for correspondence is 11 Belgrave Road, London SW1V 1RB

Action by the respondent on receipt of a complaint or dispute

6.—(1) Upon receiving a copy of the details of a complaint or dispute the respondent shall deliver to the Pensions Ombudsman a written reply acknowledging receipt of the details and stating—

(*a*) the facts relating to the complaint or dispute, whether or not the respondent opposes the allegations made in the complaint or dispute and any details on which he relies in opposing those allegations;

(*b*) whether, in the opinion of the respondent, any other person has a direct interest in the subject matter of the complaint or dispute and if so the name and address of such other person;

(*c*) the name, address and profession of the representative (if any) of the respondent and whether such address is the address for correspondence to the respondent for the purposes of the investigation.

(2) The respondent shall deliver to the Pensions Ombudsman a sufficient number of additional copies of the reply to enable the Pensions Ombudsman to provide a copy to the authorised complainant and any other person named by the respondent as having a direct interest in the subject matter of the complaint or dispute.

(3) Every such reply shall be signed by or on behalf of the respondent and shall be delivered at the office of the Pensions Ombudsman not later than 21 days after the date on which the copy of the details of the complaint or dispute was received by the respondent from the Pensions Ombudsman.

(4) The respondent may in his reply, or in a separate notice to the Pensions Ombudsman submitted within the 21 day period referred to in paragraph (3), request—

(*a*) further particulars of the complaint or dispute;

(*b*) a determination of any question as a preliminary issue.

Amendment of reply by the respondent

7.—(1) The respondent may with the leave of the Pensions Ombudsman (which leave shall not be unreasonably refused) at any time—

(*a*) submit a supplementary statement;

(*b*) amend any reply or supplementary statement.

(2) The respondent shall deliver to the Pensions Ombudsman a sufficient number of additional copies of any amended reply or supplementary statement to enable the Pensions Ombudsman to provide a copy to the authorised complainant and any other person named by the respondent as having a direct interest in the subject matter of the complaint or dispute.

Failure to reply and absence of opposition

8. If no reply is received by the Pensions Ombudsman within the period referred to in paragraph (3) of rule 6 or any extension of that period allowed by the Pensions Ombudsman, or if the respondent states in writing that he does not oppose or withdraws his opposition to the allegations, the Pensions Ombudsman may, in any such case where there is no other opposition to the allegations, determine the complaint or dispute forthwith.