STATUTORY INSTRUMENTS

2006 No. 685

PENSIONS

The Pension Protection Fund (Reviewable Matters and Review and Reconsideration of Reviewable Matters) (Amendment) Regulations 2006

Made - - - -	*9th March 2006*
Laid before Parliament	*16th March 2006*
Coming into force - -	*6th April 2006*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 206(2)(a) and (4)(a), 207(2) and (5)(a), 315(2) and 318(1) of the Pensions Act 2004(**a**).

In accordance with section 317(1) of that Act the Secretary of State has consulted such persons as he considers appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pension Protection Fund (Reviewable Matters and Review and Reconsideration of Reviewable Matters) (Amendment) Regulations 2006 and shall come into force on 6th April 2006.

(2) In these Regulations "the Act" means the Pensions Act 2004.

Amendment of Schedule 9 to the Act

2. In Schedule 9 to the Act(**b**) (reviewable matters)—

(a) after paragraph 3A(**c**) (the issue of, or failure to issue, a validation notice under regulation 2(5) of the Pension Protection Fund (Entry Rules) Regulations 2005(**d**)), insert—

"**3B.** The provision of information by the Board under—

(a) regulation 3(2) of the Pension Protection Fund (Provision of Information) Regulations 2005 (S.I. 2005/674) (provision of information following receipt of a notice under section 120(2)),

(b) regulation 3(2A) of those Regulations (provision of information following receipt of a notice under section 120(2) where the scheme or section is not eligible), or

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(**a**) 2004 c.35. Section 318(1) is cited because of the meaning given to "prescribed" and "regulations".
(**b**) Schedule 9 was amended by S.I. 2005/600 and 2113. It was also modified in relation to partially guaranteed schemes by S.I. 2005/600, in relation to multi-employer schemes by S.I. 2005/441 (amended by S.I. 2005/993 and 2113) and for transitional purposes by S.I. 2005/1720.
(**c**) Paragraph 3A was inserted by S.I. 2005/600.
(**d**) S.I. 2005/590, amended by S.I. 2005/993, 2113 and 2153.

(c) regulation 3(9) of those Regulations (provision of information following receipt of an application under section 129(1) or a notice under section 129(4)),

or the failure to provide information under those provisions.";

(b) after paragraph 16 (determination by the Board of a person's entitlement to compensation), insert—

"**16A.** Any step taken by the Board under section 163(4)(a) (adjustments to be made where Board assumes responsibility for a scheme) to recover the amount of any excess from future pension compensation payments.

16B. Any determination by the Board, or the failure to make a determination, under regulation 6(2) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006 (S.I. 2006/580) (circumstances where the Board is not required to recover overpaid scheme benefits)."; and

(c) after paragraph 17A(**a**), insert—

"**17B.** Any determination made by the Board under regulation 16(2) or (5)(b) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006 (S.I. 2006/580) (recovery of PPF compensation overpayments).".

Amendment of the Schedule to the Pension Protection Fund (Reviewable Matters) Regulations 2005

3. After paragraph 13 of the Schedule to the Pension Protection Fund (Reviewable Matters) Regulations 2005(**b**) (prescribed period for failure)—

(a) in the first column, insert—

"**13A.** Paragraph 16B"(**c**)"; and

(b) in the second column, insert—

"**13A.** The period beginning with the date on which the Board has sufficient information to make a determination under regulation 6(2) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006 to the date on which the Board makes a determination under that provision.".

Amendment of the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005

4.—(1) The Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005(**d**) shall be amended in accordance with this regulation.

(2) In paragraph (3) of regulation 3 (time for making an application for a review decision)—

(a) in sub-paragraph (i), omit "or"; and

(b) in sub-paragraph (j), after "(closed schemes)", add—

"; or

(k) the issue of a validation notice under paragraph (5) of regulation 2 of the Pension Protection Fund (Entry Rules) Regulations 2005(**e**) (schemes which are not eligible schemes)".

(3) In the Schedule (interested persons)—

(a) after paragraph 3—

(**a**) Paragraph 17A was inserted by S.I. 2005/600.
(**b**) S.I. 2005/600. The Schedule was amended by S.I. 2005/2184.
(**c**) Paragraph 16B is inserted by regulation 2(b) of these Regulations.
(**d**) S.I. 2005/669, amended by S.I. 2005/993, 2113 and 2184.
(**e**) S.I. 2005/590, amended by S.I. 2005/993 and 2153.

(i) in the first column, insert—

"**3A.** Paragraph 3B"(**a**); and

(ii) in the second column, insert—

"**3A.**

(a) the insolvency practitioner; and

(b) the trustees or managers of the scheme.";

(b) after paragraph 16—

(i) in the first column, insert—

"**16A.** Paragraph 16A

16B. Paragraph 16B"(**b**); and

(ii) in the second column, insert—

"**16A.** The person in respect of whom the determination is made.

16B. The member, or the person in respect of a member, to whom section 163(4)(a) of the Act refers."; and

(c) after paragraph 18—

(i) in the first column, insert "18A. Paragraph 17B" (**c**); and

(ii) in the second column, insert—

"**18A.** The person to whom regulation 16(1) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006 refers.".

Signed by authority of the Secretary of State for Work and Pensions.

Stephen C. Timms
Minister of State,
Department for Work and Pensions

9th March 2006

(**a**) Paragraph 3B is inserted by regulation 2 of these Regulations.
(**b**) Paragraphs 16A and 16B are inserted by regulation 2 of these Regulations.
(**c**) Paragraph 17B is inserted by regulation 2 of these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 9 (reviewable matters) to the Pensions Act 2004 (c.35) ("the Act"), the Pension Protection Fund (Reviewable Matters) Regulations 2005 (S.I. 2005/600) ("the Reviewable Matters Regulations") and the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005 (S.I. 2005/669) ("the Review and Reconsideration Regulations").

Regulation 2 adds four further reviewable matters to Schedule 9 to the Act. The reviewable matters are—

- the provision of information by the Board of the Pension Protection Fund ("the Board") under regulation 3(2), (2A) or (9) of the Pension Protection Fund (Provision of Information) Regulations 2005 (S.I. 2005/674), or the failure to provide such information;
- any step taken by the Board under section 163(4)(a) of the Act (adjustment to be made where the Board assumes responsibility for the scheme) to recover the amount of any excess from future pension compensation payments;
- any determination by the Board, or a failure to make a determination, under regulation 6(2) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006 (S.I. 2006/580) ("the General Regulations") (circumstances in which the Board is not required to recover overpaid scheme benefits); and
- any determination made by the Board under regulation 16(2) or (5)(b) of the General Regulations.

Regulation 3 amends the Reviewable Matters Regulations to provide for the period during which a failure by the Board to make a determination under regulation 6(2) of the General Regulations must occur.

Regulation 4 amends the Review and Reconsideration Regulations. Paragraph (2) adds the issue of a validation notice under regulation 2(5) of the Pension Protection Fund (Entry Rules) Regulations 2005 (S.I. 2005/590) (schemes which are not eligible schemes) to the list of matters in respect of which the Board cannot give a review decision if the application for such a decision is made out of time. Paragraph (3) amends the Schedule to the Review and Reconsideration Regulations and specifies "the interested persons" in respect of the reviewable matters inserted by regulation 2 of these Regulations.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.

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