

## SCHEDULES

### SCHEDULE 4

Article 101.

#### THE BOARD OF THE PENSION PROTECTION FUND

1.—(1) Subject to sub-paragraph (2), the Board may authorise—

- (a) any executive member of the Board,
- (b) any other member of its staff, or
- (c) any of its committees or sub-committees (other than the committee established under section 112 of the Pensions Act 2004 (c. 35) or any of its sub-committees),

to exercise on behalf of the Board, such of its functions, in such circumstances, as the Board may determine.

(2) Sub-paragraph (1) does not apply to the non-executive functions of the Board (which must, by virtue of section 112(2) of the Pensions Act 2004, be discharged by the committee established under that section).

2.—(1) The Board may make arrangements for any of its functions mentioned in sub-paragraph (2) to be exercised, in accordance with those arrangements, by a person on behalf of the Board.

(2) The functions are those conferred by or by virtue of—

- (a) the pension compensation provisions (see Article 146);
- (b) Article 147 (adjustments to be made where Board assumes responsibility for a scheme);
- (c) Article 149 (duty to notify Inland Revenue in relation to guaranteed minimum pensions);
- (d) Article 150 (duty to pay scheme benefits unpaid at assessment date);
- (e) Articles 153 and 154 (discharge of liabilities in respect of compensation or money purchase benefits);
- (f) Article 173 (notices requiring provision of information);
- (g) Article 185(1)(a) (provision of information to members of schemes etc.);
- (h) paragraph (2) of Article 101 (supplementary powers), so far as that paragraph relates to any function conferred by or by virtue of any provision mentioned in paragraphs (a) to (g).

(3) Where arrangements are made under this paragraph for any functions of the Board to be exercised by another person on its behalf—

- (a) Article 177(1)(b) (offence of providing false or misleading information to the Board) and Article 178 (use of information) apply in relation to that person and any functions of the Board exercised by him as they apply in relation to the Board and its functions;
- (b) subject to paragraph (c), Articles 179 to 184 and 185(2) to (6) (disclosure of information) apply in relation to that person and any information obtained by him in the exercise of the Board's function as they apply in relation to the Board and information obtained by it in the exercise of its functions;
- (c) nothing in paragraph (b) authorises any person to determine on behalf of the Board under Article 183(1) whether the disclosure of any restricted information is desirable or

expedient in the interests of members of occupational pension schemes or in the public interest.

**3.—**(1) Where the Board makes arrangements under paragraph 2(1) for any of its functions to be exercised by a person on its behalf, those arrangements may also provide for that person to exercise on behalf of the Board any delegable review function.

(2) Where the Regulator is required to or may exercise any function on behalf of the Board by virtue of—

- (a) Article 164(4) or 171(8) (administrative functions relating to levies),
- (b) Article 164(7)(b) or 171(10)(b) (recovery of levies), or
- (c) regulations under Article 164(8) or 171(11) (collection, recovery and waiver of levies),

the Board may also require the Regulator to exercise on behalf of the Board any delegable review function.

(3) In this paragraph, “delegable review function”, in relation to a delegated function, means—

- (a) any function, by virtue of Article 189(1)(a) or (3)(a), to give a review decision in respect of any reviewable matter arising from the exercise of the delegated function;
- (b) in relation to any function exercisable by virtue of paragraph (a), any other function under regulations under Article 189(1) in connection with the giving of a review decision;
- (c) any function conferred by paragraph (2) of Article 101 (supplementary powers), so far as that paragraph relates to any function mentioned in paragraph (a) or (b).

(4) In this paragraph—

“delegated function” means a function which is exercisable on behalf of the Board as mentioned in sub-paragraph (1) or (2);

“executive member” has the meaning given by section 108(7)(a) of the Pensions Act 2004 (c. 35);

“review decision” has the meaning given by Article 189(1).