



Pensions Act 2004

2004 CHAPTER 35

PART 5

OCCUPATIONAL AND PERSONAL PENSION SCHEMES: MISCELLANEOUS PROVISIONS

The Pensions Ombudsman

274 The Pensions Ombudsman and Deputy Pensions Ombudsmen

- (1) In subsection (2) of section 145 of the Pension Schemes Act 1993 (c. 48) (the Pensions Ombudsman) after “hold” insert “and vacate”.
- (2) For subsection (3) of that section substitute—
 - “(3) The Pensions Ombudsman may resign or be removed from office in accordance with those terms and conditions.”
- (3) After that section insert—

“145A Deputy Pensions Ombudsmen

- (1) The Secretary of State may appoint one or more persons to act as a deputy to the Pensions Ombudsman (“a Deputy Pensions Ombudsman”).
- (2) Any such appointment is to be upon such terms and conditions as the Secretary of State thinks fit.
- (3) A Deputy Pensions Ombudsman—
 - (a) is to hold and vacate office in accordance with the terms and conditions of his appointment, and
 - (b) may resign or be removed from office in accordance with those terms and conditions.
- (4) A Deputy Pensions Ombudsman may perform the functions of the Pensions Ombudsman—

Status: This is the original version (as it was originally enacted).

- (a) during any vacancy in that office,
 - (b) at any time when the Pensions Ombudsman is for any reason unable to discharge his functions, or
 - (c) at any other time, with the consent of the Secretary of State.
- (5) References to the Pensions Ombudsman in relation to the performance of his functions are accordingly to be construed as including references to a Deputy Pensions Ombudsman in relation to the performance of those functions.
- (6) The Secretary of State may—
- (a) pay to or in respect of a Deputy Pensions Ombudsman such amounts—
 - (i) by way of remuneration, compensation for loss of office, pension, allowances and gratuities, or
 - (ii) by way of provision for any such benefits,
 as the Secretary of State may determine, and
 - (b) reimburse the Pensions Ombudsman in respect of any expenses incurred by a Deputy Pensions Ombudsman in the performance of any of the Pensions Ombudsman’s functions.”
- (4) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices), after “Pensions Ombudsman” insert “and any deputy to that Ombudsman appointed under section 145A of the Pension Schemes Act 1993”.
- (5) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25)(other disqualifying offices), at the appropriate place insert—
- “Pensions Ombudsman and any deputy to that Ombudsman appointed under section 145A of the Pension Schemes Act 1993.”
- (6) The persons to whom section 1 of the Superannuation Act 1972 (c. 11) (persons to or in respect of whom benefits may be provided by schemes under that section) applies are to include a deputy to the Pensions Ombudsman.
- (7) The Pensions Ombudsman must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to subsection (6) in the sums payable out of money provided by Parliament under that Act.
- (8) The Pensions Ombudsman must also pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the amount payable out of money provided by Parliament under that Act which is attributable to the following persons being persons to whom section 1 of that Act applies—
- (a) the Pensions Ombudsman;
 - (b) the employees of the Pensions Ombudsman.

275 Jurisdiction

- (1) After section 146(4) of the Pension Schemes Act 1993 (c. 48) (power to apply Part 10 of that Act to those concerned with the administration of a scheme) insert—
- “(4A) For the purposes of subsection (4) a person or body of persons is concerned with the administration of an occupational or personal pension scheme where

the person or body is responsible for carrying out an act of administration concerned with the scheme.”

- (2) The amendment made by this section has effect in relation to the making of any provision under section 146(4) of the Pension Schemes Act 1993 applying Part 10 of that Act in relation to a complaint or a dispute in so far as it relates to a matter which arises on or after the day on which this section comes into force.
- (3) For the purposes of subsection (2), a question falling within section 146(1)(g) of the Pension Schemes Act 1993 is to be treated as a dispute.

276 Investigations

- (1) Omit section 54 of the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”) (which amends sections 148, 149 and 151 of the Pension Schemes Act 1993 and which has not been brought into force except for the purpose of making regulations and rules).
- (2) Omit the following provisions of the Pension Schemes Act 1993—
 - (a) section 148(5)(ba) and (bb) as inserted by section 54(2) of the 2000 Act,
 - (b) section 149(1), (1A) and (1B) as substituted by section 54(3) of the 2000 Act,
 - (c) section 149(3)(ba) as substituted by section 54(4) of the 2000 Act,
 - (d) section 149(3)(d) and the word “and” immediately preceding it as inserted by section 54(5) of the 2000 Act,
 - (e) section 149(8) as inserted by section 54(6) of the 2000 Act,
 - (f) section 151(1)(c) and the word “and” immediately preceding it as inserted by section 54(7) of the 2000 Act,
 - (g) section 151(3)(ba) and (bb) as substituted by section 54(8) of the 2000 Act, and
 - (h) in section 151(3)(c) the words “any of paragraphs (a) to (bb)” as inserted by section 54(8) of the 2000 Act,to the extent that those amendments made by section 54 of the 2000 Act have been brought into force for the purpose of making regulations and rules.