



Statutory Document No. 31/93

THE SOCIAL SECURITY ACT 1982

THE SOCIAL SECURITY LEGISLATION (APPLICATION) ORDER 1993

Approved by Tynwald 16th February 1993

Coming into operation 1st January 1993

In exercise of the powers conferred on the Department of Health and Social Security by section 1 of the Social Security Act 1982(a), and all other enabling powers, the following Order is hereby made:-

Citation and commencement

1. (1) This Order may be cited as the Social Security Legislation (Application) Order 1993 and shall, subject to section 1(6) of the Social Security Act 1982, come into force as provided in paragraph (2).
- (2) This Article and Articles 2 and 3 shall come into force forthwith and each provision of the applied legislation as modified by this Order, shall be deemed to have come into operation on 1st January 1993.

Interpretation

2. (1) In this Order the "applied legislation" means The Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1991(b).
- (2) Unless the context otherwise requires -
 - (a) any reference in any of the applied legislation to any provision in an instrument of a legislative character which is not itself a provision of any of the applied legislation shall be construed as if the provision so referred to had been in force in the Island from the date on which that instrument of a legislative character had effect in Great Britain;
 - (b) references in any legislation applied by this Order to any provision of any such legislation or of any other legislation applied to the Island by an Order under section 1 of the Social Security Act 1982, shall be construed as a reference to that legislation as it has effect in the Island.

Application to the Island of certain legislation relating to Social Security

3. (1) The applied legislation shall, subject to paragraph (2), apply to the Island as part of the law of the Island, subject to the exceptions, adaptations and modifications contained in the Schedule hereto.
- (2) Schedule 1 to the Social Security legislation (Application) (No.3) Order 1975(c) shall have effect in relation to the applied legislation as it has in relation to the legislation applied to the Island by that Order.

(a) c. 9; (b) S I 1991/588; (c) G C 154/75.

Article 3(1)

Schedule

Exceptions, adaptations and modifications subject to which The Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1991 (S I 1991/588) shall have effect in the Island.

<u>Section</u>	<u>Subject Matter</u>	<u>Exceptions, adaptations and modifications</u>
1	Citation and commencement	In regulation 1 - a) in subsection (1) for the words "1st April 1991", substitute the words "1st January 1993"; b) in subsection (2), in the definition of "complaint" omit the words "(except in the context of a complaint to the Defence Council as referred to in paragraph (c) of regulation 3)".
3	Exclusion from jurisdiction	For regulation 3 substitute - "3. The Pensions Ombudsman shall not investigate or determine - a) any dispute in relation to a public service pension scheme; b) any complaint or dispute relating to a personal pension scheme, other than one relating to the management of the scheme; c) any complaint or dispute which can be investigated in the United Kingdom by or under arrangements made by an organisation or agency referred to in paragraph (a) of this regulation as it has effect in Great Britain, other than a complaint or dispute relating to the management of a personal pension scheme."

Made this 21st day of January 1993

B MAY M.H.K.

Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order applies to the Isle of Man the relevant regulations governing the scope of the activities of the Pensions Ombudsman from 1st January 1993.
 2. Regulation 2 makes provision for the extension of the Ombudsman's jurisdiction to the employer in relation to an occupational pension scheme.
 3. Regulation 3 excludes from the jurisdiction of the Pensions Ombudsman a complaint or dispute relating to a public service pension scheme.
 4. Regulation 4 makes provision as to the time limits for bringing a case to the Ombudsman.
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1991 No. 588 (as applied)

PENSIONS

The Personal and Occupational Pension Schemes
(Pensions Ombudsman) Regulations 1991

Made	11th March 1991
Laid before Parliament	11th March 1991
Coming into force	1st April 1991

The Secretary of State for Social Security in exercise of the powers conferred by sections 166(1) to (3A) and 168(1) of, and Schedule 20 to, the Social Security Act 1975(a), sections 59C(3) and (5) and 66(2) of the Social Security Pensions Act 1975(b) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations in so far as they are made under powers in section 59C(5) of the Social Security Pensions Act should not be referred to it, by this instrument, which is otherwise made before the end of a period of 6 months from the coming into force of section 12 of and Schedule 3 to the Social Security Act 1990 (c) hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1991 and shall come into force on 1st January 1993.

(2) In these Regulations—

“the Pensions Act” means the Social Security Pensions Act 1975 (as applied to the Island);

“complaint” means
a complaint falling within section 59C(1)
of the Pensions Act (complaint of maladministration);

“dispute” means a dispute falling within section 59C(2) of the Pensions Act (disputes of fact or law);

and other expressions have the same meaning as in the Pensions Act.

Extension of Pensions Ombudsman's jurisdiction to employers

2.—(1) The Pensions Ombudsman may, in relation to an occupational pension scheme, investigate and determine any complaint or dispute involving an authorised complainant and the employer to which the scheme relates or has related.

(2) Where the Pensions Ombudsman commences an investigation under paragraph (1), the provisions of Part IVA of the Pensions Act (the Pensions Ombudsman) shall apply in relation to the employer as they would apply in relation to the trustees or managers of such a scheme.

(a) 1975 c.14. Sections 166(1) to (3A) and 168(1) apply by virtue of section 66(2) of the Social Security Pensions Act 1975 (c.60) to the exercise of certain powers conferred by that Act.
(b) 1975 c.60: section 59C was inserted by section 12(1) of, and Schedule 3 to, the Social Security Act 1990 (c.27).
(c) 1990 c.27. See the Social Security Act 1923 (c.50), section 61(1)(b) and (5) as substituted by the Social Security Act 1979 (c.24), Schedule II, paragraph 12(3). Section 12 of and Schedule 3 to the Social Security Act 1990 were brought into force by S.I. 1990/1425.

Exclusion from jurisdiction

"3. The Pensions Ombudsman shall not investigate or determine -

- a) any dispute in relation to a public service pension scheme;
- b) any complaint or dispute relating to a personal pension scheme, other than one relating to the management of the scheme;
- c) any complaint or dispute which can be investigated in the United Kingdom by or under arrangements made by an organisation or agency referred to in paragraph (a) of this regulation as it has effect in Great Britain, other than a complaint or dispute relating to the management of a personal pension scheme."

Time limit for making of complaints and reference of disputes

4.—(1) Subject to paragraphs (2) and (3), the Pensions Ombudsman shall not investigate a complaint or dispute if the act or omission which is the subject thereof occurred more than three years before the date on which the making of the complaint or the referral of the dispute is received by him in writing.

(2) Where, at the date of its occurrence, the authorised complainant was unaware of the act or omission referred to in paragraph (1), the period of three years shall begin on the earliest date on which he knew or ought reasonably to have known of its occurrence.

(3) Where it was not reasonably practicable for a complaint or dispute to be made or referred before the end of the period allowed under paragraph (1) or (2), the Pensions Ombudsman may nonetheless investigate and determine such complaint or dispute if it is made or referred within such further period as he considers reasonable.

Signed by authority of the Secretary of State for Social Security.

11th March 1991

Henley
Parliamentary Under-Secretary of State,
Department of Social Security

(a) 1963 c.60. Recognition Orders relevant for these purposes have been made in relation to the Investment Management Regulatory Organisation, the Financial Intermediaries Managers and Brokers Regulatory Association and the Life Assurance and Unit Trust Regulatory Organisation. A certified copy of the register entry relating to any of these recognitions may be obtained from the Security and Investments Board under section 103(5) of the Financial Services Act 1986.

(b) See the Financial Services Act 1986 (Delegation) Order 1987 (S.I. 1987/842).

(c) 1972 c.11; the current regulations are the National Health Service (Separation) Regulations 1990 (S.I. 1990/152) to which there are amendments.

(d) 1955 c.10.

(e) 1955 c.19.

(f) 1957 c.53.