



STATUTORY INSTRUMENTS.

S.I. No. 183 of 2007



PENSIONS OMBUDSMAN REGULATIONS 2007

(Prn. A7/0847)

PENSIONS OMBUDSMAN REGULATIONS 2007

The Minister for Social and Family Affairs, in exercise of the powers conferred on him by sections 5, 126, 131 and 132 (all as amended by section 37 of the Social Welfare and Pensions Act 2007 (No.8 of 2007)) of the Pensions Act 1990 (No. 25 of 1990), and with the consent of the Minister for Finance hereby makes the following Regulations—

Citation and Construction.

1. (1) These Regulations may be cited as the Pensions Ombudsman Regulations 2007.

(2) These Regulations and the Pensions Ombudsman Regulations 2003 to 2006 shall be construed together as one and may be cited as the Pensions Ombudsman Regulations 2003 to 2007.

Commencement.

2. These Regulations come into operation on 27 April 2007.

Definitions.

3. In these Regulations the “Principal Regulations” means the Pensions Ombudsman Regulations 2003 (S.I. No. 397 of 2003).

Amendment of Principal Regulations.

4. The Principal Regulations are amended—

(a) in article 2(1) by substituting the following for the definition of “relevant person”:

“ “relevant person” means

(i) in the case of a scheme other than a public authority scheme, the trustees of the scheme;

(ii) in the case of a public authority scheme, the Minister or Ministers to whom there is a right of appeal;

(iii) in the case of a trust RAC, the trustees of the trust RAC;

(iv) in the case of a PRSA contract, the PRSA provider;”

(b) in article 2(1) by inserting ,“ trust RAC” after “scheme” in the definition of “respondent”;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 4th May, 2007.

- (c) in article 2(1) by substituting “Ministers;” for “Ministers.” in paragraph (ii) of the definition of “public authority scheme” and by inserting the following definition after the definition of “public authority scheme”:

“trust Retirement Annuity Contract” or “trust RAC” has the meaning assigned to it by section 126 of the Act;”

- (d) by substituting the following for article 3(1):

“(1) The administrator of a scheme or trust RAC is prescribed for the purposes of section 126(3)(f) of the Act.”;

- (e) in article 3(3) by inserting “or trust RAC” after “a scheme” in each place where those words occur;

- (f) in article 4 by inserting “or trust RAC” after “scheme”;

- (g) in article 5(1) by inserting “, every trust RAC” after “every scheme” and by inserting “, trust RAC” after “the scheme”;

- (h) in article 5(2) by inserting “, trust RAC” after “scheme” in both places where it occurs;

- (i) in article 5(3)(b)(ii)(C) by inserting “, trust RAC” after “scheme” in both places where it occurs;

- (j) in article 5(4) by inserting “or trust RAC” after “a scheme” and after “the scheme”.



GIVEN under my Official Seal,
25 April 2007

SÉAMUS BRENNAN
Minister for Social and Family Affairs

The Minister for Finance consents to the making of the foregoing Regulations.



GIVEN under my Official Seal,
25 April 2007

BRIAN COWEN
Minister for Finance.

EXPLANATORY NOTE

(This Note is not part of the Instrument and does not purport to be a legal interpretation.)

The Pensions (Amendment) Act 2002 inserted Part XI into the Pensions Act 1990. Under Part XI the office of the Pensions Ombudsman was established to deal with complaints regarding occupational pension schemes and PRSAs. Section 37 of the Social Welfare and Pensions Act 2007 has extended the jurisdiction of the Pensions Ombudsman to include trust RACs other than trust RACs which invest only in life assurance policies. These Regulations now amend the Pensions Ombudsman Regulations 2003 so as to apply them to trust RACs other than trust RACs which invest in life assurance policies.

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