

MEMORANDUM of UNDERSTANDING
between
THE PENSIONS OMBUDSMAN (United Kingdom)
and
THE PENSIONS OMBUDSMAN (Republic of Ireland)

1. This Memorandum of Understanding is made on the twenty-third day of May 2006 between the Pensions Ombudsman UK (**UK PO**) of 11 Belgrave Road, London SW1V 1RB and the Pensions Ombudsman Republic of Ireland (**ROI PO**) of 36, Upper Mount Street, Dublin 2.
2. The UK PO is a commissioner empowered under Part X of the Pension Schemes Act 1993 and Part X of the Pension Schemes (Northern Ireland) Act 1993 as amended to investigate and determine complaints and disputes of fact or law in relation to occupational and personal pension schemes.
3. The ROI PO holds office under Part XI of the Pensions Act 1990 as amended to investigate and determine complaints and disputes of fact or law in relation to occupational pension schemes, personal retirement savings accounts and any other complaint or dispute prescribed by regulations.
4. This Memorandum sets out arrangements agreed between the UK PO and the ROI PO for dealing with complaints and disputes of fact or law relating to the North/South Pension Scheme.
5. The North/South Pension Scheme was established pursuant to Annex 2, (Part 7, paragraph 3.2) to the Agreement between the Governments establishing Implementation Bodies done at Dublin on the 8th day of March 1999. The North/South Pension Scheme comprises beneficiaries living in the jurisdictions of both Pensions Ombudsmen.

Purpose

6. Both the UK PO and the ROI PO have jurisdiction over the North/South Pension Scheme to investigate and determine complaints and disputes of fact or law. The UK PO and the ROI PO wish to work together to ensure that they do not investigate or determine the same application, avoid where possible a situation where neither Ombudsman accepts an application and minimise the possibility of each taking a different view of applications before them.

Agreement

7. The UK PO will decline to investigate or determine a complaint or dispute in respect of matters between parties which is or has been the subject of the investigation or determination by the ROI PO.

8. The ROI PO will decline to investigate or determine a complaint or dispute in respect of matters between parties which is or has been the subject of the investigation or determination by the UK PO.
9. Where the UK PO is able and willing to investigate or determine a complaint or dispute he will not decline to do so on the basis that the ROI PO will investigate or determine the matter if the ROI PO is unable or not willing to do so.
10. Where the ROI PO is able and willing to investigate or determine a complaint or dispute he will not decline to do so on the basis that the UK PO will investigate or determine the matter if the UK PO is unable or not willing to do so.
11. Where the UK PO is unable or not willing to investigate or determine a complaint or dispute he shall before notifying the applicant of his decision, check whether the ROI PO is able and willing to investigate or determine the matter and in the course of notifying his decision will advise the applicant as to whether the ROI PO would be willing to consider the matter.
12. Where the ROI PO is unable or not willing to investigate or determine a complaint or dispute he shall before notifying the applicant of his decision, check whether the UK PO is able and willing to investigate or determine the matter and in the course of notifying his decision will advise the applicant as to whether the UK PO would be willing to consider the matter.
13. The UK PO may agree after consultation with the ROI PO to discontinue his investigation on the understanding that the ROI PO will investigate and determine the matter.
14. The ROI PO may agree after consultation with the UK PO to discontinue his investigation on the understanding that the UK PO will investigate and determine the matter.
15. Before making a determination of a complaint or dispute, other than decisions about jurisdiction, the UK PO and the ROI PO will consult with each other and will take account of the views of the other and of previous relevant decisions made by either office but will not be bound by the views expressed or by such previous decisions.
16. The UK PO and the ROI PO will keep this memorandum under regular review and take into account developments in the regulation of pension matters. Assessment of the implications of those developments and the resolution of any potential overlaps and problems will be by joint discussion.

Signed



Pensions Ombudsman United Kingdom

Signed



Pensions Ombudsman Republic of Ireland