



THE PPF OMBUDSMAN HAS DETERMINED YOUR CASE GUIDANCE NOTE

The determination is binding on the parties (including you) subject to appeal on a point of law. What this means in practice is described below.

If the PPF Ombudsman has decided in your favour

The PPF Ombudsman will probably have made directions against the Board of the Pension Protection Fund. They now have to comply with those directions unless they successfully appeal against the PPF Ombudsman's decision, or unless, pending an appeal hearing, the PPF Ombudsman's determination is stayed by the court (in Scotland the equivalent term is *sisted*), which effectively means that it is put on hold. As a rule the person appealing has to start an appeal within 28 days of receiving the determination (14 days in Scotland). If they do, you will know because they have to serve notice of the appeal on you (see *If there is an appeal... below*).

If there is no appeal in respect of the PPF Ombudsman's determination (or if there is one but the determination has not been stayed or *sisted*) and the Board of the Pension Protection Fund has not complied with directions the PPF Ombudsman has made, the directions can be enforced. In England and Wales enforcement action is taken in a County Court. In Scotland enforcement is through the Court of Session and in Northern Ireland it may be through either the Enforcement of Judgments Office or the County Court, depending on the nature of the PPF Ombudsman's directions to be enforced. If you think that enforcement action is necessary, you should contact the investigator in the PPF Ombudsman's office who handled your case.

If there is an appeal in respect of the PPF Ombudsman's determination it will be heard in the Chancery Division of the High Court in England or Wales, the High Court in Northern Ireland, or the Court of Session in Scotland, although there may be a delay before this happens. The PPF Ombudsman's directions can still be enforced, unless the court orders a stay or *sist* (see *If there is no appeal... above*). The PPF Ombudsman may decide to be represented at the appeal. If he does, then his role will be to assist the court to come to the right decision. He will not be representing any party. You have to decide separately whether you wish to be represented (or appear in person) at the appeal. The court has discretion as to whether costs are payable by one party to another. If you are represented (or appear) you may have to pay some or all of the costs of the appeal depending on the outcome. If you do not participate in the appeal it is not expected that you would be required to pay any of the costs.

Directions in the determination including payment of interest will refer to “the base rate for the time being quoted by the reference banks”. This is published monthly in table 7.1J of “Financial Statistics” by the Office of National Statistics.

Directions in the Determination including payment of interest will refer to “the base rate for the time being quoted by the reference banks”. This is published monthly in table 7.1J of “Financial Statistics” by the Office of National Statistics. The base rate is defined under regulation 6 of The Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1996 (No 2475).

If the PPF Ombudsman has not decided in the your favour

As the decision is final and binding the PPF Ombudsman cannot change it himself, except for minor errors (such as typing mistakes). There is no point in writing to him further at this stage. If you want the decision changed you must appeal to the High Court in England, Wales or Northern Ireland, or to the Court of Session in Scotland. You can only appeal on a point of law. You may want to consult a solicitor if you propose to appeal. You may qualify for Legal Aid. A solicitor or Citizen’s Advice Bureau will be able to advise you.