



2008 CHAPTER 13

**PART 1**

**PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS**

**CHAPTER 2**

**COMPLIANCE**

*Reviews and references*

**Review of notices**

- 43.**—(1) The Regulator may review a notice to which this section applies—
- (a) on the written application of the person to whom the notice was issued, or
  - (b) if the Regulator otherwise considers it appropriate.
- (2) This section applies to—
- (a) a compliance notice issued under section 35;
  - (b) a third party compliance notice issued under section 36;
  - (c) an unpaid contributions notice issued under section 37;
  - (d) a fixed penalty notice issued under section 40;
  - (e) an escalating penalty notice issued under section 41.
- (3) Regulations may prescribe the period within which—
- (a) an application to review a notice may be made under subsection (1)(a);
  - (b) a notice may be reviewed under subsection (1)(b).

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**Changes to legislation:** *Pensions (No. 2) Act (Northern Ireland) 2008, Section 43 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(4) On a review of a notice, the effect of the notice is suspended for the period beginning when the Regulator determines to carry out the review and ending when the review is completed.

(5) In carrying out a review, the Regulator must consider any representations made by the person to whom the notice was issued.

(6) The Regulator's powers on a review include power to—

- (a) confirm, vary or revoke the notice;
- (b) substitute a different notice.

#### Modifications etc. (not altering text)

- C1** S. 43 applied (10.8.2021 for specified purposes, 16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by [Pension Schemes Act \(Northern Ireland\) 2021 \(c. 6\), ss. 17\(5\)\(b\), 44\(1\)\(a\)\(iii\)](#) (with transitional provisions in S.R. 2021/234, art. 3); S.R. 2022/110, art. 2(a)(b)
- C2** S. 43 applied (10.8.2021 for specified purposes, 16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by [Pension Schemes Act \(Northern Ireland\) 2021 \(c. 6\), ss. 18\(7\)\(b\), 44\(1\)\(a\)\(iii\)](#) (with transitional provisions in S.R. 2021/234, art. 3); S.R. 2022/110, art. 2(a)(b)
- C3** S. 43 applied (1.9.2021 for specified purposes, 1.10.2021 in so far as not already in operation) by S.I. 2005/255 (N.I. 1), art. 72A(5)(b) (with art. 72A(6)) (as inserted by [Pension Schemes Act 2021 \(c. 1\), s. 131\(2\)\(b\), Sch. 8 para. 11](#); S.R. 2021/240, art. 2(1)(f); S.R. 2021/271, art. 2(5)(c) (with art. 5))
- C4** S. 43 applied (1.9.2021 for specified purposes, 1.10.2021 in so far as not already in operation) by S.I. 2005/255 (N.I. 1), art. 72B(7)(b) (with art. 72B(8)) (as inserted by [Pension Schemes Act 2021 \(c. 1\), s. 131\(2\)\(b\), Sch. 8 para. 11](#); S.R. 2021/240, art. 2(1)(f); S.R. 2021/271, art. 2(5)(c) (with art. 5))

#### Commencement Information

- I1** S. 43 partly in force; s. 43 in force for certain purposes at Royal Assent see s. 118(2)
- I2** S. 43 in operation at 30.6.2012 in so far as not already in operation by [S.R. 2012/266, art. 2, Sch. Pt. 1](#)

**Changes to legislation:**

Pensions (No. 2) Act (Northern Ireland) 2008, Section 43 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 24\(1\)\(c\) inserted by 2016 c. 1 \(N.I.\) Sch. 2 para. 39\(2\)\(d\)](#)