

**2009 No. 294**

**PENSIONS**

**The Pensions Regulator (Delegation of Powers) Regulations  
(Northern Ireland) 2009**

*Made* - - - - *14th August 2009*

*Coming into operation* - *13th November 2009*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by paragraph 2(1)(d) of Schedule 1 to the Pensions (Northern Ireland) Order 2005<sup>(a)</sup>.

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Pensions Regulator (Delegation of Powers) Regulations (Northern Ireland) 2009 and shall come into operation on 13th November 2009.

(2) In these Regulations—

“the Order” means the Pensions (Northern Ireland) Order 2005;

“the Act” means the Pensions (No. 2) Act (Northern Ireland) 2008<sup>(b)</sup>.

**Delegation of powers by the Regulator**

**2.**—(1) The Regulator may authorise such persons, in such circumstances and under such arrangements, as the Regulator may determine, to exercise on behalf of the Regulator—

(a) the power to determine whether to exercise any of the functions listed in paragraph (2);

(b) the power to exercise any of the functions listed in paragraph (2).

(2) The functions are—

(a) the power to require payment of a penalty under Article 10<sup>(c)</sup> of the 1995 Order;

(b) the power to issue an improvement notice under Article 9 of the Order;

(c) the power to issue a third party notice under Article 10 of the Order;

(d) the power to recover unpaid contributions under Article 13 of the Order;

(e) the power to require information under Article 67 of the Order;

(f) the power to vary or revoke a determination, order, notice or direction under Article 96 of the Order;

(g) the power to issue a compliance notice under section 35 of the Act;

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<sup>(a)</sup> S.I. 2005/255 (N.I. 1); paragraph 2 was amended by section 108(1) to (3) of the Pensions (No. 2) Act (Northern Ireland) 2008 (c.13 (N.I.))

<sup>(b)</sup> 2008 c.13 (N.I.)

<sup>(c)</sup> Article 10 was amended by paragraph 9 of Schedule 2 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and Schedule 11 to the Pensions (Northern Ireland) Order 2005

- (h) the power to issue a third party compliance notice under section 36 of the Act;
- (i) the power to issue an unpaid contributions notice under section 37 of the Act;
- (j) the power to issue a fixed penalty notice under section 40 of the Act;
- (k) the power to issue an escalating penalty notice under section 41 of the Act;
- (l) the power to recover penalties under section 42 of the Act;
- (m) the power to review a notice under section 43 of the Act;
- (n) the power to issue a compliance notice in respect of prohibited recruitment conduct under section 51 of the Act;
- (o) the power to issue a penalty notice in respect of prohibited recruitment conduct under section 52 of the Act.

Sealed with the Official Seal of the Department for Social Development on 14th August 2009

(L.S.)

*Anne McCleary*

A senior officer of the Department for Social Development

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations permit the Pensions Regulator (“the Regulator”) to authorise such persons, in such circumstances and under such arrangements, as the Regulator may determine, to exercise certain powers on the Regulator’s behalf.

These powers will enable a number of the Regulator’s functions to be delegated.

As these Regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain, the requirement to consult under Article 289(1) of the Pensions (Northern Ireland) Order 2005 does not apply by virtue of paragraph (2)(e) of that Article.

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