

PENSIONS ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – the Pensions Regulator

Reporting breaches of the law

Section 70: Duty to report breaches of the law

242. This section requires certain breaches of the law in relation to occupational and personal pension schemes to be reported to the Regulator and imposes a duty to do so on specific categories of persons:
- a trustee or manager;
 - a person who is involved in scheme administration;
 - the employer (in relation to an occupational pension scheme);
 - a professional adviser (within the meaning of Part 1 of the Pensions Act 1995); and
 - any other people otherwise involved in advising the trustees or managers of such schemes in relation to the scheme.
243. The people listed above must immediately report in writing to the Regulator any breach of law which is relevant to the administration of the scheme in question and is likely to be materially significant to the exercise of any of the Regulator's functions. The Regulator must issue a code of practice to assist persons to identify what is likely to be of material significance for these purposes.
244. *Subsection (3)* provides that anyone who makes a report under this section is protected in the event that making such a report would otherwise contravene any other duty imposed on that person – for example, a confidentiality section in an employment contract. *Section 310* (admissibility of statements) deals with admissibility of statements under this section and *section 311* (protected items) with legal professional privilege.
245. *Subsection (4)* provides for section 10 of the Pensions Act 1995 (civil penalties) to apply to any person who without reasonable excuse fails to comply with this section.