



Pensions Act 2004

2004 CHAPTER 35

PART 1

THE PENSIONS REGULATOR

New powers in respect of occupational and personal pension schemes

14 Third party notices

- (1) Where the Regulator is of the opinion that—
 - (a) a person—
 - (i) is contravening one or more provisions of the pensions legislation, or
 - (ii) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated,
 - (b) the contravention is or was, wholly or partly, a result of a failure of another person (“the third party”) to do any thing, and
 - (c) that failure is not itself a contravention of the pensions legislation,the Regulator may issue a notice (a “third party notice”) directing the third party to take, or refrain from taking, such steps as are specified in the notice in order to remedy or prevent a recurrence of his failure.
- (2) A third party notice must—
 - (a) state that the Regulator is of that opinion and specify the provision or provisions of the pensions legislation in question,
 - (b) contain a statement of—
 - (i) the matters which it is asserted constitute the contravention of the provision or provisions, and
 - (ii) the matters which it is asserted constitute the failure by the third party, and the evidence on which that opinion is based, and
 - (c) in respect of each step specified in the notice, state the period (being a period of not less than 21 days beginning with the date of the notice) within which it must be complied with.

Status: This is the original version (as it was originally enacted).

- (3) Directions in a third party notice may be framed so as to afford the third party a choice between different ways of remedying or preventing the recurrence of his failure.
- (4) A third party notice may direct the third party to inform the Regulator, within such period as may be specified in the notice, of how he has complied, or is complying, with the notice.
- (5) Where a contravention of a provision of the pensions legislation consists of a failure to take action within a time limit, for the purposes of this section the contravention continues until such time as the action is taken.
- (6) Section 10 of the Pensions Act 1995 (c. 26) (civil penalties) applies to a person who, without reasonable excuse, fails to comply with a third party notice issued to him.
- (7) No duty to which a person is subject is to be regarded as contravened merely because of anything required to be done in compliance with a third party notice.

This is subject to section 311 (protected items).

- (8) In this section “pensions legislation” has the same meaning as in section 13.