



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 5

#### MISCELLANEOUS

##### *Miscellaneous provision relating to pensions*

#### **133 Delegation of powers by the Regulator**

- (1) The Pensions Act 2004 is amended as follows.
- (2) In paragraph 21 of Schedule 1 (regulations relating to delegation of the Pensions Regulator's functions), the existing provision becomes sub-paragraph (1).
- (3) For paragraph (e) of that sub-paragraph substitute—
  - “(e) permitting the Regulator to authorise such persons, in such circumstances and under such arrangements, as the Regulator may determine, to exercise on behalf of the Regulator—
    - (i) the power to determine whether to exercise any of the functions listed in sub-paragraph (2);
    - (ii) the power to exercise any of the functions listed in sub-paragraph (2) or such other functions as may be prescribed.”
- (4) After that sub-paragraph insert—
  - “(2) The functions mentioned in sub-paragraph (1)(e) are—
    - (a) the power to issue an improvement notice under section 13;
    - (b) the power to issue a third party notice under section 14;
    - (c) the power to recover unpaid contributions under section 17;
    - (d) the power to require information under section 72;
    - (e) the power to vary or revoke a determination, order, notice or direction under section 101;

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**Changes to legislation:** Pensions Act 2008, Section 133 is up to date with all changes known to be in force on or before 20 March 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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- (f) the power to require payment of a penalty under section 10 of the Pensions Act 1995;
  - (g) the power to issue a compliance notice under section 35 of the Pensions Act 2008;
  - (h) the power to issue a third party compliance notice under section 36 of that Act;
  - (i) the power to issue an unpaid contributions notice under section 37 of that Act;
  - (j) the power to issue a fixed penalty notice under section 40 of that Act;
  - (k) the power to issue an escalating penalty notice under section 41 of that Act;
  - (l) the power to recover penalties under section 42 of that Act;
  - (m) the power to review a notice under section 43 of that Act;
  - (n) the power to issue a compliance notice in respect of prohibited recruitment conduct under section 51 of that Act;
  - (o) the power to issue a penalty notice in respect of prohibited recruitment conduct under section 52 of that Act.”
- (5) Omit paragraph 28 of Schedule 1 (payment of expenses).
- (6) Subsections (2) to (4)—
- (a) do not affect any regulations made under paragraph 21(e) of Schedule 1 to the Pensions Act 2004 (c. 35) before the coming into force of this section, and
  - (b) do not affect the powers conferred by that paragraph, so far as exercisable for the purpose of making, by way of consolidation, provision having the same effect as any provision of those regulations.

**Changes to legislation:**

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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. 3(1A) inserted by [2023 c. 44 s. 1\(2\)](#)
- s. 5(1C) inserted by [2023 c. 44 s. 1\(3\)](#)
- s. 13(3)(ec) inserted by [2023 c. 20 Sch. para. 56](#)
- s. 13A inserted by [2023 c. 44 s. 1\(4\)](#)
- s. 24(1)(c) inserted by [2015 c. 8 Sch. 2 para. 43\(2\)\(d\)](#)
- s. 143(6)(7) inserted by [2023 c. 44 s. 1\(5\)\(b\)](#)