

---

## STATUTORY INSTRUMENTS

---

# 2005 No. 255

## The Pensions (Northern Ireland) Order 2005

### PART II

#### THE PENSIONS REGULATOR

##### *Gathering information*

##### **[<sup>F1</sup>Fixed penalty notices**

**72A.**—(1) The Regulator may issue a fixed penalty notice to a person if it considers that the person—

- (a) has failed to comply with a notice under Article 67 or 67A,
- (b) has failed to comply with a requirement under Article 70, or
- (c) has prevented or hindered an inspector exercising any power under Article 68, 69 or 70.

(2) A fixed penalty notice is a notice requiring the person to whom it is issued to pay a penalty within the period specified in the notice.

(3) The penalty—

- (a) is to be determined in accordance with regulations, and
- (b) must not exceed £50,000.

(4) A fixed penalty notice must—

- (a) state the amount of the penalty;
- (b) state the date by which the penalty must be paid, which must be at least 28 days after the date on which the notice is issued;
- (c) state the period to which the penalty relates;
- (d) specify the failure or conduct to which the penalty relates;
- (e) state that the Regulator may issue an escalating penalty notice under Article 72B if the person fails to comply with a notice under Article 67 or 67A;
- (f) notify the person to whom the notice is issued of the review process under section 43 of the Pensions (No. 2) Act (Northern Ireland) 2008 and the right of referral to a tribunal under section 44 of that Act (as applied by paragraph (5)).

(5) The following sections of the Pensions (No. 2) Act (Northern Ireland) 2008 apply to a penalty notice under this Article as they apply to a penalty notice under section 40 of that Act—

- (a) section 42 (penalty notices: recovery);
- (b) section 43 (review of penalty notices);
- (c) section 44 (references to First-tier Tribunal or Upper Tribunal).

(6) This Article does not apply in a case where section 40 of the Pensions (No. 2) Act (Northern Ireland) 2008 [<sup>F2</sup>or section 17 of the Pension Schemes Act (Northern Ireland) 2021] applies.]

---

**Changes to legislation:** *The Pensions (Northern Ireland) Order 2005, Section 72A is up to date with all changes known to be in force on or before 14 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*

---

- F1** Arts. 72A, 72B inserted (1.9.2021 for specified purposes, 1.10.2021 in so far as not already in operation) 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)
- F2** Words in art. 72A(6) inserted (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), s. 44(2), **Sch. 3 para. 11**; S.R. 2022/110, art. 2(a)(b)

**Changes to legislation:**

The Pensions (Northern Ireland) Order 2005, Section 72A is up to date with all changes known to be in force on or before 14 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.

[View outstanding changes](#)

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

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

- Sch. 6 para. 21(2)(c)-(cc) substituted for (b)(c) by [2008 c. 13 \(N.I.\) Sch. 6 para. 11](#)
- art. 2(4)(b)(viii)-(x) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 21\(3\)\(b\)](#)
- art. 19(1A) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 24\(3\)](#)
- art. 19(10A) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 24\(5\)](#)
- art. 34(1)-(1B) substituted for art. 34(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 25](#)
- art. 34(7)(da) inserted by [2021 c. 1 Sch. 8 para. 3\(2\)](#)
- art. 39(1)-(1B) substituted for art. 39(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 26\(2\)](#)
- art. 48(1)-(1B) substituted for art. 48(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 27](#)
- art. 75(1)(a)(iib) inserted by [2021 c. 1 Sch. 8 para. 8\(2\)](#)
- art. 110(1)-(1B) substituted for art. 110(1) by [2016 c. 1 \(N.I.\) Sch. 2 para. 29](#)
- art. 191(5) added by [2008 c. 13 \(N.I.\) Sch. 9 para. 6](#)
- art. 267(4)(f) and word inserted by [2021 c. 1 Sch. 6 para. 20\(b\)](#)