
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to the powers that enable the Pensions Regulator (“the Regulator”) to maximise compliance with the duties and safeguards contained in Chapter 1 of Part 1 and sections 50 and 54 of the Pensions Act 2008.

Regulations 2 to 4 deal with the information which employers are required to provide to the Regulator about action they have taken or intend to take for the purposes of sections 2 to 9 of the Pensions Act 2008 or any regulations made under those sections. In particular, regulation 3 concerns the information that has to be sent after the employers’ duties first apply to an employer. Regulation 4 concerns when an employer will have to re-register information with the Regulator.

Regulations 5 to 8 make provision as to the records which certain persons have to keep, preserve and provide on request to the Regulator. Regulation 5 sets out general provisions. Regulation 6 sets out record-keeping requirements for employers and regulation 7 sets out requirements for trustees, managers and providers of schemes. Regulation 8 prescribes the periods for which these records must be preserved.

Regulations 9 to 11 make provision about where employers fail to pay contributions. Regulation 9 prescribes the period after which an employer may be required by the Regulator to pay both their own contributions and contributions in respect of their jobholder or worker. Regulation 10 makes provision about how interest is to be determined in a notice issued by the Regulator. Regulation 11 sets out the way in which the Regulator will be able to estimate the amount of contributions due by an employer in a compliance notice or unpaid contributions notice, where that employer has failed to pay contributions on behalf or in respect of a worker.

Regulations 12 to 14 relate to the Regulator’s powers to issue penalties.

Regulation 15 prescribes periods within which the Regulator may review a notice under section 43 of the Pensions Act 2008 if it is asked to do so by the person to whom the notice is issued, or if the Regulator considers it to be appropriate. It also sets out three presumptions relating to the issue of a notice.

Regulation 16 sets out the time limits within which (i) a complaint is made to the Regulator about a contravention of section 54 of the Act or (ii) the Regulator informs the employer of an investigation of such a contravention, in order for the Regulator to issue a compliance notice in respect of that contravention.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Work and Pensions, ERSP, Level 7, Caxton House, Tothill Street, London SW1H 9NA and is annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website.