
STATUTORY INSTRUMENTS

2015 No. 879

**The Occupational Pension Schemes
(Charges and Governance) Regulations 2015**

PART 4

COMPLIANCE

Third party compliance notices

- 27.—(1) Where in any of the circumstances of non-compliance in paragraph (2)—
- (a) the Regulator is of the opinion that the non-compliance is or was, wholly or partly, a result of a failure of [^{F1}another person] (“the third party”), and
 - (b) that failure is not in itself a contravention of ^{F2}... Part 2 of these Regulations, the Regulator may issue to the third party a third party compliance notice.
- (2) The circumstances mentioned in paragraph (1) are—
- (a) receipt of an indication pursuant to regulation 3(1)(i) of the Register of Occupational and Personal Pension Schemes Regulations 2005 that the [^{F3}person has] not complied with Part 2 of these Regulations;
 - (b) receipt of an indication that the [^{F4}person is] unable to confirm whether they are complying or will be able to comply with that Part; or
 - (c) if the Regulator is of the opinion that the [^{F5}person is not complying with, or has not complied with,] that Part.
- (3) A third party compliance notice is a notice directing the third party to take, or refrain from taking, the steps specified in the notice.
- (4) The steps mentioned in paragraph (3) may be any steps that the Regulator reasonably requires with a view to remedying and, where appropriate, preventing a recurrence of the failure mentioned in paragraph (1).
- (5) A third party compliance notice may, in particular—
- (a) state the period within which any step must be taken or must cease to be taken;
 - (b) require the third party to provide within a specified period specified information relating to the failure;
 - (c) require the third party to inform the Regulator, within a specified period, how the third party has complied with or is complying with the notice;
 - (d) state that, if the Regulator is of the opinion that the third party has failed to comply with the requirements of the notice, the Regulator may issue a penalty notice under subparagraph (a) of paragraph (1) of regulation 28;
 - (e) give the third party a choice between different ways of remedying or preventing the recurrence of the failure.

- (6) A third party compliance notice must state—
- (a) which of the circumstances of non-compliance in paragraph (2) applies; and
 - (b) the matters which the Regulator believes constitute the failure by the third party; and
 - (c) if the circumstance in paragraph (2)(c) applies, in addition to the matters mentioned in sub-paragraphs (a) and (b)—
 - (i) which provision of Part 2 of these Regulations the Regulator believes was not, or is not being, complied with; and
 - (ii) the evidence on which the Regulator's belief is based.

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| F1 | Words in reg. 27(1)(a) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, 8(2)(a) |
| F2 | Word in reg. 27(1)(b) omitted (6.4.2016) by virtue of The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, 8(2)(b) |
| F3 | Words in reg. 27(2)(a) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, 8(3)(a) |
| F4 | Words in reg. 27(2)(b) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, 8(3)(b) |
| F5 | Words in reg. 27(2)(c) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, 8(3)(c) |

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Charges and Governance) Regulations 2015, Section 27.