



2008 CHAPTER 13

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 2

COMPLIANCE

Compliance notices and unpaid contributions notices

Third party compliance notices

36.—(1) The Regulator may issue a third party compliance notice if it is of the opinion that—

- (a) a person has contravened one or more of the employer duty provisions,
- (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 any of the employer duty provisions.

(2) A third party compliance notice is a notice directing the third party to take, or refrain from taking, the steps specified in the notice in order to remedy or prevent a recurrence of the failure.

(3) A third party 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 inform the Regulator, within a specified period, how the third party has complied or is complying with the notice;

Changes to legislation: *Pensions (No. 2) Act (Northern Ireland) 2008, Section 36 is up to date with all changes known to be in force on or before 10 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*

- (c) state that, if the third party fails to comply with the requirements of the notice, the Regulator may issue a fixed penalty notice under section 40.
- (4) A third party notice may give the third party a choice between different ways of remedying or preventing the recurrence of the third party's failure.

Commencement Information

II S. 36 in operation at 30.6.2012 by [S.R. 2012/266](#), art. 2, [Sch. Pt. 2](#)

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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. 24(1)(c) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 39\(2\)\(d\)](#)