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SCHEDULES

SCHEDULE 1

THE PENSIONS REGULATOR

PART 4

PROCEEDINGS AND DELEGATION ETC

Delegation

20 (1) The Regulator may authorise—

(a) any executive member of the Regulator,

(b) any other member of the staff of the Regulator, or

(c) any of its committees (other than the appointments committee, the Determinations Panel and any of that Panel's sub-committees),

to exercise, on behalf of the Regulator, such of its functions, in such circumstances, as the Regulator may determine.

(2) But sub-paragraph (1) does not apply to—

(a) the non-executive functions of the Regulator listed in subsection (4) of section 8 (which, by virtue of subsection (2) of that section, must be discharged by the committee established under that section),

(b) the duty of the Regulator to appoint the chairman and other members of the Determinations Panel under section 9,

(c) the duty of the Regulator to determine the terms and conditions of their appointments under paragraph 12(1), and

(d) the functions of the Regulator which are exercisable only by the Panel by virtue of—

(i) section 10(1) (the power in certain circumstances to determine whether to exercise the functions listed in Schedule 2 and to exercise them) or any corresponding provision in force in Northern Ireland, or

(ii) section 99(10) (the functions concerning the compulsory review of certain determinations) or any corresponding provision in force in Northern Ireland.

(3) The Regulator may authorise the appointments committee to exercise the power under paragraph 18 to determine the committee's own procedure (including quorum).

(4) The Regulator may authorise the Determinations Panel, in such circumstances as the Regulator may determine, to exercise on behalf of the Regulator—

(a) the power to determine whether to exercise one or more of the regulatory functions listed in sub-paragraph (5), and

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(b) where the Panel so determines to exercise the regulatory function in question, the power to exercise it.

(5) The regulatory functions mentioned in sub-paragraph (4) 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 issue a clearance statement under section 42;

(d) the power to issue a notice under section 45(1) approving the details of arrangements;

(e) the power to issue a clearance statement under section 46;

(f) the power to make an order under section 154(8);

(g) the power to make an order under section 219(4);

(h) the power to grant or revoke authorisation under section 288;

(i) the power to grant or revoke approval under section 289;

(j) the power to issue a notice under section 293(5);

(k) the power by direction under section 2(3)(a) of the Welfare Reform and Pensions Act 1999 (c. 30) to refuse to register a scheme under section 2 of that Act;

(l) the power to appoint a trustee under any of the following provisions of section 7 of the Pensions Act 1995 (c. 26)—

(i) subsection (1) where a trustee is removed by reason of his disqualification;

(ii) subsection (3)(b);

(m) the power to appoint an independent trustee under section 23 of that Act;

(n) the power to give directions under section 72B of that Act facilitating a winding up.

(6) The Regulator may also authorise the Determinations Panel, in such circumstances as the Regulator may determine, to exercise on behalf of the Regulator such functions (other than those mentioned in sub-paragraph (2)(a) to (c)) as the Regulator considers necessary for the effective exercise by the Panel of—

(a) a function of the Regulator which it is authorised to exercise by virtue of sub-paragraph (4),

(b) a function of the Regulator mentioned in sub-paragraph (2)(d) (functions exercisable only by the Panel), or

(c) a function of the Panel under section 93(3), section 99(11) or paragraph 18(2) of this Schedule (procedure).

(7) This paragraph is subject to any regulations made by the Secretary of State under paragraph 21.

Commencement Information

I1 Sch. 1 para. 20(1)(2)(4)-(7) in force at 6.4.2005 by S.I. 2005/275, art. 2(7), **Sch. Pt. 7**

I2 Sch. 1 para. 20(3) in force at 17.12.2004 by S.I. 2004/3350, art. 2, **Sch.**

21 **[**[F1](1)**]** The Secretary of State may make regulations—

(a) limiting the extent to which any of the functions mentioned in subsection (8) of section 8 may be delegated by the committee established under that

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section to any of its members or any of its sub-committees under that subsection;

(b) limiting the extent to which any of the functions mentioned in subsection (9) of section 10 may be delegated by the Determinations Panel to any of its members or any of its sub-committees under that subsection;

(c) limiting the extent to which functions of the Regulator may be delegated under paragraph 20;

(d) limiting the delegation under paragraph 20 of any power to delegate contained in that paragraph;

[[F2](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.**]**

[[F3](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;

[[F4](da) the power to issue a notice under section 72A;

(db) the power to issue a fixed penalty notice under section 77A;

(dc) the power to issue an escalating penalty notice under section 77B;

(dd) the power to require payment of a penalty under section 88A;**]**

(e) the power to vary or revoke a determination, order, notice or direction under section 101;

[[F5](ea) the power to issue a compliance notice under regulations under section 238G;

(eb) the power to issue a third party compliance notice under regulations under section 238G;

(ec) the power to issue a penalty notice under regulations under section 238G;**]**

(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;

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(o) the power to issue a penalty notice in respect of prohibited recruitment conduct under section 52 of that Act.**]**

[[F6](p) the power to issue a fixed penalty notice under section 17 of the Pension Schemes Act 2017;

(q) the power to issue an escalating penalty notice under section 18 of that Act.**]**

Textual Amendments

F1 Sch. 1 para. 21 renumbered as Sch. 1 para. 21(1) (26.11.2008) by Pensions Act 2008 (c. 30), **ss. 133(2)**, 149(2) (with s. 133(6))

F2 Sch. 1 para. 21(1)(e) substituted (26.11.2008) by Pensions Act 2008 (c. 30), **ss. 133(3)**, 149(2) (with s. 133(6))

F3 Sch. 1 para. 21(2) inserted (26.11.2008) by Pensions Act 2008 (c. 30), **ss. 133(4)**, 149(2) (with s. 133(6))

F4 Sch. 1 para. 21(2)(da)-(dd) inserted (29.6.2022) by Pension Schemes Act 2021 (c. 1), s. 131(1), **Sch. 7 para. 13(2)**; S.I. 2022/721, regs. 1(2), 2(d)

F5 Sch. 1 para. 21(2)(ea)-(ec) inserted (11.2.2021 for specified purposes, 14.10.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), **ss. 119(5)**, 131(1)(3)(a); S.I. 2022/1044, reg. 2(b)

F6 Sch. 1 para. 21(2)(p)(q) inserted (29.6.2022) by Pension Schemes Act 2021 (c. 1), s. 131(1), **Sch. 7 para. 13(3)**; S.I. 2022/721, regs. 1(2), 2(d)

Commencement Information

I3 Sch. 1 para. 21 in force at 15.3.2005 for specified purposes by S.I. 2005/695, **art. 2(5)** (with arts. 4-6, Sch. 2, Sch. 3)

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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. 18(5A) inserted by 2014 c. 19 s. 52(2)
- s. 18(6) words inserted by 2014 c. 19 s. 52(3)
- s. 18(8) words inserted by 2014 c. 19 s. 52(3)
- s. 23(1A) inserted by 2015 c. 8 Sch. 2 para. 26(3)
- s. 23(10A) inserted by 2015 c. 8 Sch. 2 para. 26(5)
- s. 38(1)-(1B) substituted for s. 38(1) by 2015 c. 8 Sch. 2 para. 27
- s. 38(7)(da) inserted by 2021 c. 1 s. 104(2)
- s. 43(1)-(1B) substituted for s. 43(1) by 2015 c. 8 Sch. 2 para. 28(2)
- s. 52(1)-(1B) substituted for s. 52(1) by 2015 c. 8 Sch. 2 para. 29
- s. 80(1)(a)(iib) inserted by 2021 c. 1 s. 109(3)
- s. 102(2)(a) words in s. 102(2) renumbered as s. 102(2)(a) by 2008 c. 30 s. 44(5)(a)
- s. 102(2)(b) inserted by 2008 c. 30 s. 44(5)(b)
- s. 103(1A) inserted by 2008 c. 30 s. 44(6)
- s. 117A inserted by 2008 c. 30 Sch. 10 para. 3
- s. 126(1)-(1B) substituted for s. 126(1) by 2015 c. 8 Sch. 2 para. 31
- s. 188(1)(ba) inserted by 2008 c. 30 Sch. 10 para. 6
- s. 189A inserted by 2008 c. 30 Sch. 10 para. 7
- s. 209(9) added by 2008 c. 30 Sch. 10 para. 8
- s. 291(4)(f) and word inserted by 2021 c. 1 Sch. 3 para. 19(b)
- s. 318(3)(a)(viii)-(x) inserted by 2015 c. 8 Sch. 2 para. 38(3)(a)
- s. 318(3)(b)(vi)-(viii) inserted by 2015 c. 8 Sch. 2 para. 38(3)(b)
- Sch. 4 para. 7(5)(b) inserted by 2008 c. 30 s. 44(8)(b)
- Sch. 4 para. 13(3) inserted by 2008 c. 30 s. 44(9)(b)
- Sch. 4 para. 7(5)(a) words in Sch. 4 para. 7(5) renumbered as Sch. 4 para. 7(5)(a) by 2008 c. 30 s. 44(8)(a)
- Sch. 7 para. 21(2)(c)-(cc) substituted for Sch. 7 para. 21(2)(b)(c) by 2008 c. 30 Sch. 8 para. 11 (This amendment not applied to legislation.gov.uk. Sch. 8 para. 10 (3.1.2012) omitted without ever being in force by virtue of 2011 c. 19, Sch. 4 para. 20; S.I. 2011/3034 art. 3(i)(iv))