
STATUTORY INSTRUMENTS

2015 No. 879

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

PART 4

COMPLIANCE

Compliance notices

26.—(1) The Regulator may issue a compliance notice to [^{F1}a person] in any of the circumstances of non-compliance in paragraph (2).

(2) The circumstances mentioned in paragraph (1) are—

- (a) receipt of an indication pursuant to regulation 3(1)(i) ^{M1} of the Register of Occupational and Personal Pension Schemes Regulations 2005 that the [^{F2}person has] not complied with Part 2 of these Regulations; or
- (b) if the Regulator is of the opinion that the [^{F3}person is not complying with, or has not complied with,] Part 2 of these Regulations.

(3) A compliance notice is a notice directing the [^{F4}person] to whom it is issued 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 ensuring that any non-compliance with Part 2 of these Regulations is remedied and, where appropriate, not repeated.

(5) A direction in a compliance notice may be expressed to be conditional on compliance by a third party with a specified direction contained in a third party compliance notice under regulation 27.

(6) A 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 [^{F5}person] to provide within a specified period specified information relating to the non-compliance;
- (c) require the [^{F6}person] to inform the Regulator, within a specified period, how the person has complied with or is complying with the notice;
- (d) state that if the Regulator is of the opinion that the [^{F7}person has] failed to comply with the requirements of the notice, the Regulator may issue a penalty notice under subparagraph (b)(i) of paragraph (1) of regulation 28;
- (e) give the [^{F8}person] a choice between different ways of remedying, or preventing the recurrence of, the non-compliance.

(7) A compliance notice must—

- (a) state which of the circumstances of non-compliance in paragraph (2) applies; and
- (b) if the circumstance in paragraph (2)(b) applies, state—

- (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 that belief is based.

- F1** Words in reg. 26(1) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, **7(2)**
- F2** Words in reg. 26(2)(a) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, **7(3)(a)**
- F3** Words in reg. 26(2)(b) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, **7(3)(b)**
- F4** Word in reg. 26(3) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, **7(4)**
- F5** Word in reg. 26(6)(b) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, **7(4)**
- F6** Word in reg. 26(6)(c) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, **7(4)**
- F7** Words in reg. 26(6)(d) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, **7(5)**
- F8** Word in reg. 26(6)(e) substituted (6.4.2016) by The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations 2016 (S.I. 2016/304), regs. 1, **7(4)**

Marginal Citations

- M1** Inserted by regulation 24(3) of these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Charges and Governance) Regulations 2015, Section 26.