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STATUTORY INSTRUMENTS

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**2015 No. 879**

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

**PART 4**

**COMPLIANCE**

**References to First-Tier Tribunal or Upper Tribunal**

**32.**—(1) A person to whom a penalty notice is issued under regulation 28 may, if one of the conditions in paragraph (2) is satisfied, make a reference to the Tribunal in respect of—

- (a) the issue of the notice;
- (b) the amount of the penalty under the notice.

(2) The conditions are—

- (a) that the Regulator has completed a review of the notice under regulation 31; or
- (b) that the person to whom the notice was issued has made an application for the review of the notice under paragraph (1)(a) of regulation 31 and the Regulator has determined not to carry out such a review.

(3) On a reference to the Tribunal in respect of a notice, the effect of the notice is suspended for the period beginning on the day on which the Tribunal receives notice of the reference and ending—

- (a) on the day on which the reference is withdrawn; or
- (b) if the reference is made out of time, on the day on which the Tribunal determines not to allow the reference to proceed; or
- (c) when the reference is completed.

(4) For the purposes of paragraph (3)(c), a reference is completed when—

- (a) the reference has been determined; the Tribunal has remitted the matter to the Regulator.

(5) In this regulation—

- (a) “the Tribunal” means—
  - (i) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the reference;
  - (ii) the First Tier Tribunal in any other case, and
- (b) “Tribunal Procedure Rules” means—
  - (i) the Tribunal Procedure (First-Tier Tribunal) (General Regulatory Chamber) Rules 2009<sup>(1)</sup> in relation to the First-Tier Tribunal; and

(ii) the Tribunal Procedure (Upper Tribunal) Rules 2008(2) in relation to the Upper Tribunal.