
STATUTORY INSTRUMENTS

2021 No. 839

**The Occupational Pension Schemes (Climate Change
Governance and Reporting) Regulations 2021**

PART 3

Compliance

Third party compliance notices

8.—(1) Where in any of the circumstances of non-compliance in paragraph (2)—

- (a) the Authority are of the opinion that the non-compliance is or was, wholly or partly, a result of an act or omission by another person (“the third party”); and
- (b) that act or omission is not in itself a contravention of Part 2 of, or the Schedule to, these Regulations,

the Authority may issue to the third party a third party compliance notice.

(2) The circumstances are—

- (a) receipt of an indication that a person is unable to confirm whether they are complying with, or will be able to comply with a provision under Part 2 of, or the Schedule to, these Regulations; or
- (b) the Authority are of the opinion that a person is not complying with, or has not complied with a provision under Part 2 of, or the Schedule to, these Regulations.

(3) A third party compliance notice is a notice directing the third party 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 reasonably necessary to ensure that any non-compliance with any provision under Part 2 of, or the Schedule to, these Regulations can be remedied and, where appropriate, is not repeated.

(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 information relating to the non-compliance;
- (c) require the third party to inform the Authority, within a specified period, how the third party has complied with, or is complying with, the notice;
- (d) give the third party a choice between different steps that may be taken to ensure that the non-compliance can be remedied and, where appropriate, is not repeated.

(6) A third party compliance notice must state—

- (a) the particulars of the act or omission by the third party and which of the circumstances in paragraph (2) apply in the Authority’s opinion;
- (b) if the Authority are of the opinion that the circumstances in paragraph (2)(a) apply, the evidence on which that opinion is based;

Changes to legislation: There are currently no known outstanding effects for the The Occupational Pension Schemes (Climate Change Governance and Reporting) Regulations 2021, Section 8. (See end of Document for details)

- (c) if the Authority are of the opinion that the circumstances in paragraph (2)(b) apply—
 - (i) which provision of Part 2 of, or the Schedule to, these Regulations was not, or is not, being complied with in the Authority’s opinion;
 - (ii) the evidence on which that opinion is based; and
- (d) that if the Authority are of the opinion that the third party has failed to comply with the requirements of the notice, the Authority may issue a penalty notice under regulation 9(1)(b) of these Regulations.

Commencement Information

II [Reg. 8](#) in force at 1.10.2021, see [reg. 1\(1\)](#)

Changes to legislation:

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