



Pensions Act 2008

2008 CHAPTER 30

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 2

COMPLIANCE

Reviews and references

43 Review of notices

- (1) The Regulator may review a notice to which this section applies—
 - (a) on the written application of the person to whom the notice was issued, or
 - (b) if the Regulator otherwise considers it appropriate.
- (2) This section applies to—
 - (a) a compliance notice issued under section 35;
 - (b) a third party compliance notice issued under section 36;
 - (c) an unpaid contributions notice issued under section 37;
 - (d) a fixed penalty notice issued under section 40;
 - (e) an escalating penalty notice issued under section 41.
- (3) Regulations may prescribe the period within which—
 - (a) an application to review a notice may be made under subsection (1)(a);
 - (b) a notice may be reviewed under subsection (1)(b).
- (4) On a review of a notice, the effect of the notice is suspended for the period beginning when the Regulator determines to carry out the review and ending when the review is completed.

Changes to legislation: Pensions Act 2008, Section 43 is up to date with all changes known to be in force on or before 01 March 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

- (5) In carrying out a review, the Regulator must consider any representations made by the person to whom the notice was issued.
- (6) The Regulator's powers on a review include power to—
- (a) confirm, vary or revoke the notice;
 - (b) substitute a different notice.

Modifications etc. (not altering text)

- C1** S. 43 applied (27.4.2017 for specified purposes, 5.9.2018 for specified purposes, 1.10.2018 in so far as not already in force) by [Pension Schemes Act 2017 \(c. 17\)](#), **ss. 17(5)(b)**, 44(1)(a); S.I. 2018/965, [reg. 2\(a\)\(b\)](#)
- C2** S. 43 applied (27.4.2017 for specified purposes, 5.9.2018 for specified purposes, 1.10.2018 in so far as not already in force) by [Pension Schemes Act 2017 \(c. 17\)](#), **ss. 18(7)(b)**, 44(1)(a); S.I. 2018/965, [reg. 2\(a\)\(b\)](#)
- C3** S. 43 applied (31.5.2021 for specified purposes, 1.10.2021 in so far as not already in force) by 2004 c. 35, s. 77B(7)(b) (with s. 77B(8)) (as inserted by [Pension Schemes Act 2021 \(c. 1\)](#), **ss. 112**, 131(1); S.I. 2021/620, [reg. 2\(1\)\(d\)](#); S.I. 2021/950, [reg. 2\(5\)\(c\)](#) (with [reg. 5](#)))
- C4** S. 43 applied (31.5.2021 for specified purposes, 1.10.2021 in so far as not already in force) by 2004 c. 35, s. 77A(5)(b) (with s. 77A(6)) (as inserted by [Pension Schemes Act 2021 \(c. 1\)](#), **ss. 112**, 131(1); S.I. 2021/620, [reg. 2\(1\)\(d\)](#); S.I. 2021/950, [reg. 2\(5\)\(c\)](#) (with [reg. 5](#)))

Commencement Information

- II** S. 43 wholly in force at 30.6.2012; s. 43 in force for certain purposes at Royal Assent see s. 149(2)(k); s. 43 in force so far as not already in force at 30.6.2012 by S.I. 2012/1682, **art. 2(1)(2)(a)**, [Sch. 1](#)

Changes to legislation:

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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. 3(1A) inserted by [2023 c. 44 s. 1\(2\)](#)
- s. 5(1C) inserted by [2023 c. 44 s. 1\(3\)](#)
- s. 13(3)(ec) inserted by [2023 c. 20 Sch. para. 56](#)
- s. 13A inserted by [2023 c. 44 s. 1\(4\)](#)
- s. 24(1)(c) inserted by [2015 c. 8 Sch. 2 para. 43\(2\)\(d\)](#)
- s. 143(6)(7) inserted by [2023 c. 44 s. 1\(5\)\(b\)](#)