



Pensions Act 2004

2004 CHAPTER 35

PART 1

THE PENSIONS REGULATOR

The Determinations Panel

9 The Determinations Panel

- (1) The Regulator must establish and maintain a committee consisting of—
 - (a) a chairman, and
 - (b) at least six other persons,(in this Part referred to as “the Determinations Panel”).
- (2) The Regulator must appoint as the chairman of the Panel the person nominated in accordance with paragraph 11 of Schedule 1 (nomination by a committee established by the chairman of the Regulator).
- (3) The chairman of the Panel must—
 - (a) decide the number of persons to be appointed as the other members of the Panel, and
 - (b) nominate a person suitable for each of those appointments.
- (4) The Regulator must then appoint as the other members of the Panel the persons nominated by the chairman of the Panel.
- (5) The following are ineligible for appointment as members of the Panel—
 - (a) any member of the Regulator;
 - (b) any member of the staff of the Regulator;
 - (c) any member of the Board of the Pension Protection Fund;
 - (d) any member of the staff of that Board.
- (6) The Panel may establish sub-committees consisting of members of the Panel.

- (7) Further provision about the Panel is made in Schedule 1, including provision as to the terms of appointment, tenure and remuneration of members and as to its procedure.

10 Functions exercisable by the Determinations Panel

- (1) The Determinations Panel is to exercise on behalf of the Regulator—
- (a) the power to determine, in the circumstances described in subsection (2), whether to exercise a reserved regulatory function, and
 - (b) where it so determines to exercise a reserved regulatory function, the power to exercise the function in question.
- (2) Those circumstances are—
- (a) where the Regulator considers that the exercise of the reserved regulatory function may be appropriate, or
 - (b) where an application is made under, or by virtue of, any of the provisions listed in subsection (6) for the Regulator to exercise the reserved regulatory function.
- (3) Where subsection (1) applies, the powers mentioned in that subsection are not otherwise exercisable by or on behalf of the Regulator.
- (4) For the purposes of this Part, a function of the Regulator is a “reserved regulatory function” if it is a function listed in Schedule 2.
- (5) Regulations may amend Schedule 2 by—
- (a) adding any function of the Regulator conferred by, or by virtue of, this or any other enactment,
 - (b) omitting any such function, or
 - (c) altering the description of any such function contained in that Schedule.
- (6) The provisions referred to in subsection (2)(b) are—
- (a) section 20(10) (application to permit payments out of an account that is subject to a restraining order);
 - (b) section 26(2) (application for order validating action taken in contravention of freezing order);
 - (c) section 41(7) (application for the issue of a revised contribution notice under section 41(9));
 - (d) section 50(7) (application for the issue of a revised contribution notice under section 50(9));
 - (e) section 3(3) of the Pensions Act 1995 (c. 26) (application for revocation of prohibition order);
 - (f) section 4(5) of that Act (application for revocation of a suspension order);
 - (g) section 7(5A) of that Act (application for appointment of a trustee under section 7(3)(a) or (c) of that Act);
 - (h) section 29(5) of that Act (application for waiver of disqualification);
 - (i) section 69(1) of that Act (application for order authorising modification or modifying a scheme);
 - (j) section 71A(2) of that Act (application for modifying a scheme to secure winding up);
 - (k) section 99(4A) of the Pension Schemes Act 1993 (c. 48) (application for extension under section 99(4) of that Act of a period for compliance);

- (l) section 101J(6)(a) of that Act (application for extension under section 101J(2) of that Act of a period for compliance).
- (7) Regulations may amend subsection (6) by—
 - (a) adding any provision of this or any other enactment to the list in that subsection, or
 - (b) omitting or altering the description of any provision mentioned in that list.
- (8) The Panel may be authorised under paragraph 20(4) or (6) of Schedule 1 to exercise further functions of the Regulator on behalf of the Regulator.
- (9) The Panel may authorise any of its members or any of its sub-committees to exercise on its behalf—
 - (a) any of the functions of the Regulator which are exercisable by the Panel on behalf of the Regulator, or
 - (b) any of the functions of the Panel under section 93(3), section 99(11) and paragraph 18(2) of Schedule 1 (procedure).
- (10) This section is subject to any regulations made by the Secretary of State under paragraph 21 of Schedule 1 (power to limit or permit delegation of functions).