



Pensions Act 2004

2004 CHAPTER 35

PART 1

THE PENSIONS REGULATOR

The Determinations Panel

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.

Status: This is the original version (as it was originally enacted).

- (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).