



Pensions Act 2004

2004 CHAPTER 35

PART 1

THE PENSIONS REGULATOR

Gathering information

74 Inspection of premises in respect of employers' obligations

[^{F1}(A1) An inspector may, for the purposes of investigating whether an employer is contravening, or has contravened—

- (a) any provision of, or of regulations under, Chapter 1 of Part 1, or section 50 or 54, of the Pensions Act 2008, or
- (b) any corresponding provision in force in Northern Ireland, at any reasonable time enter premises liable to inspection.

(B1) Premises are liable to inspection for the purposes of subsection (A1) if the inspector has reasonable grounds to believe that—

- (a) the employer employs workers there,
- (b) documents relevant to any of the following are being kept there—
 - (i) the administration of the employer's business,
 - (ii) the duties of the employer under Chapter 1 of Part 1 of the Pensions Act 2008 or under any corresponding provision in force in Northern Ireland,
 - (iii) the administration of a pension scheme that is relevant to the discharge of those duties, or
- (c) the administration of the employer's business, or work connected with that administration, is being carried out there.

(C1) In subsections (A1) and (B1) “employer” and “worker” have the meaning given by section 88 of the Pensions Act 2008.

Changes to legislation: Pensions Act 2004, Section 74 is up to date with all changes known to be in force on or before 25 July 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

- (D1) In the application of subsections (A1) and (B1) in relation to any provision mentioned in subsection (A1)(b) (a “corresponding Northern Ireland provision”), references in those subsections to “employer” or “worker” are to be read as having the meaning that they have for the purposes of the corresponding Northern Ireland provision.]
- (1) An inspector may, for the purposes of investigating whether an employer is complying, or has complied, with the requirements under—
- (a) section 3 of the Welfare Reform and Pensions Act 1999 (duty of employers to facilitate access to stakeholder pension schemes), or
 - (b) any corresponding provision in force in Northern Ireland,
- at any reasonable time enter premises liable to inspection.
- (2) Premises are liable to inspection for the purposes of subsection (1) if the inspector has reasonable grounds to believe that—
- (a) employees of the employer are employed there,
 - (b) documents relevant to the administration of the employer’s business are being kept there, or
 - (c) the administration of the employer’s business, or work connected with that administration, is being carried out there.
- (3) In subsections (1) and (2), “employer” has the meaning given by section 3(9) of the Welfare Reform and Pensions Act 1999 (or, where subsection (1)(b) applies, by any corresponding provision in force in Northern Ireland).
- (4) An inspector may, for the purposes of investigating whether, in the case of any direct payment arrangements relating to a personal pension scheme, any of the following provisions—
- (a) regulations made by virtue of sections 260 and 261 (consultation by employers),
 - (b) section 111A of the Pension Schemes Act 1993 (c. 48) (monitoring of employers’ payments to personal pension schemes), or
 - (c) any corresponding provisions in force in Northern Ireland,
- is being, or has been, complied with, at any reasonable time enter premises liable to inspection.
- (5) Premises are liable to inspection for the purposes of subsection (4) if the inspector has reasonable grounds to believe that—
- (a) employees of the employer are employed there,
 - (b) documents relevant to the administration of—
 - (i) the employer’s business,
 - (ii) the direct payment arrangements, or
 - (iii) the scheme to which those arrangements relate,
 are being kept there, or
 - (c) either of the following is being carried out there—
 - (i) the administration of the employer’s business, the arrangements or the scheme;
 - (ii) work connected with that administration.
- (6) In the application of subsections (4) and (5) in relation to any provision mentioned in subsection (4)(c) (a “corresponding Northern Ireland provision”), references in those subsections to—

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direct payment arrangements,
a personal pension scheme,
the employer, or
employees of the employer,

are to be read as having the meanings that they have for the purposes of the corresponding Northern Ireland provision.

Textual Amendments

F1 S. 74(A1)-(D1) inserted (30.6.2012) by [Pensions Act 2008 \(c. 30\)](#), **ss. 61(3)**, 149(1); [S.I. 2012/1682](#), **art. 2**, **Sch. 2**

Commencement Information

I1 S. 74 in force at 6.4.2005 by [S.I. 2005/275](#), **art. 2(7)**, **Sch. Pt. 7**

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. 18(5A) inserted by [2014 c. 19 s. 52\(2\)](#)
- s. 18(6) words inserted by [2014 c. 19 s. 52\(3\)](#)
- s. 18(8) words inserted by [2014 c. 19 s. 52\(3\)](#)
- s. 23(1A) inserted by [2015 c. 8 Sch. 2 para. 26\(3\)](#)
- s. 23(10A) inserted by [2015 c. 8 Sch. 2 para. 26\(5\)](#)
- s. 38(1)-(1B) substituted for s. 38(1) by [2015 c. 8 Sch. 2 para. 27](#)
- s. 38(7)(da) inserted by [2021 c. 1 s. 104\(2\)](#)
- s. 43(1)-(1B) substituted for s. 43(1) by [2015 c. 8 Sch. 2 para. 28\(2\)](#)
- s. 52(1)-(1B) substituted for s. 52(1) by [2015 c. 8 Sch. 2 para. 29](#)
- s. 80(1)(a)(iib) inserted by [2021 c. 1 s. 109\(3\)](#)
- s. 102(2)(a) words in s. 102(2) renumbered as s. 102(2)(a) by [2008 c. 30 s. 44\(5\)\(a\)](#)
- s. 102(2)(b) inserted by [2008 c. 30 s. 44\(5\)\(b\)](#)
- s. 103(1A) inserted by [2008 c. 30 s. 44\(6\)](#)
- s. 117A inserted by [2008 c. 30 Sch. 10 para. 3](#)
- s. 126(1)-(1B) substituted for s. 126(1) by [2015 c. 8 Sch. 2 para. 31](#)
- s. 188(1)(ba) inserted by [2008 c. 30 Sch. 10 para. 6](#)
- s. 189A inserted by [2008 c. 30 Sch. 10 para. 7](#)
- s. 209(9) added by [2008 c. 30 Sch. 10 para. 8](#)
- s. 291(4)(f) and word inserted by [2021 c. 1 Sch. 3 para. 19\(b\)](#)
- s. 318(3)(a)(viii)-(x) inserted by [2015 c. 8 Sch. 2 para. 38\(3\)\(a\)](#)
- s. 318(3)(b)(vi)-(viii) inserted by [2015 c. 8 Sch. 2 para. 38\(3\)\(b\)](#)
- Sch. 4 para. 7(5)(b) inserted by [2008 c. 30 s. 44\(8\)\(b\)](#)
- Sch. 4 para. 13(3) inserted by [2008 c. 30 s. 44\(9\)\(b\)](#)
- Sch. 4 para. 7(5)(a) words in Sch. 4 para. 7(5) renumbered as Sch. 4 para. 7(5)(a) by [2008 c. 30 s. 44\(8\)\(a\)](#)
- Sch. 7 para. 21(2)(c)-(cc) substituted for Sch. 7 para. 21(2)(b)(c) by [2008 c. 30 Sch. 8 para. 11](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 para. 10 (3.1.2012) omitted without ever being in force by virtue of [2011 c. 19](#), Sch. 4 para. 20; [S.I. 2011/3034 art. 3\(i\)\(iv\)](#))