

Status: Point in time view as at 10/08/2021. This version of this provision has been superseded.
Changes to legislation: *Pensions (No. 2) Act (Northern Ireland) 2008, Section 44 is up to date with all changes known to be in force on or before 29 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)*



2008 CHAPTER 13

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 2

COMPLIANCE

Reviews and references

References to [^{F1}First-tier Tribunal or Upper Tribunal]

44.—(1) A person to whom a notice is issued under section 40 or section 41 may, if one of the conditions in subsection (2) is satisfied, make a reference to [^{F2}the Tribunal] in respect of—

- (a) the issue of the notice;
- (b) the amount of the penalty payable under the notice.

(2) The conditions are—

- (a) that the Regulator has completed a review of the notice under section 43;
- (b) that the person to whom the notice was issued has made an application for the review of the notice under section 43(1)(a) and the Regulator has determined not to carry out such a review.

(3) On a reference to [^{F3}the Tribunal] in respect of a notice, the effect of the notice is suspended for the period beginning when the Tribunal receives notice of the reference and ending—

- (a) when the reference is withdrawn or completed, or

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- (b) if the reference is made out of time, on the Tribunal determining not to allow the reference to proceed.
- (4) For the purposes of subsection (3), a reference is completed when—
 - (a) the reference has been determined,
 - (b) the Tribunal has remitted the matter to the Regulator, and
 - (c) any directions of the Tribunal for giving effect to its determination have been complied with.

[^{F4}(4A) In this section “the Tribunal”, in relation to a reference under this section, means—

- (a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the reference;
- (b) the First-tier Tribunal, in any other case.]

^{F5}(5)

^{F6}(6)

Textual Amendments

- F1** S. 44: words in heading substituted (6.4.2010) by [Pensions Regulator Tribunal \(Transfer of Functions\) Act \(Northern Ireland\) 2010 \(c. 4\), ss. 3\(1\), 5\(2\), Sch. 1 para. 31\(a\)](#) (with Sch. 2); S.R. 2010/101, [art. 2](#)
- F2** Words in s. 44(1) substituted (6.4.2010) by [Pensions Regulator Tribunal \(Transfer of Functions\) Act \(Northern Ireland\) 2010 \(c. 4\), ss. 3\(1\), 5\(2\), Sch. 1 para. 31\(b\)](#) (with Sch. 2); S.R. 2010/101, [art. 2](#)
- F3** Words in s. 44(3) substituted (6.4.2010) by [Pensions Regulator Tribunal \(Transfer of Functions\) Act \(Northern Ireland\) 2010 \(c. 4\), ss. 3\(1\), 5\(2\), Sch. 1 para. 31\(b\)](#) (with Sch. 2); S.R. 2010/101, [art. 2](#)
- F4** S. 44(4A) inserted (6.4.2010) by [Pensions Regulator Tribunal \(Transfer of Functions\) Act \(Northern Ireland\) 2010 \(c. 4\), ss. 3\(1\), 5\(2\), Sch. 1 para. 31\(c\)](#) (with Sch. 2); S.R. 2010/101, [art. 2](#)
- F5** S. 44(5) repealed (6.4.2010) by [Pensions Regulator Tribunal \(Transfer of Functions\) Act \(Northern Ireland\) 2010 \(c. 4\), ss. 3\(3\), 5\(2\), Sch. 3](#) (with Sch. 2); S.R. 2010/101, [art. 2](#)
- F6** S. 44(6) repealed (6.4.2010) by [Pensions Regulator Tribunal \(Transfer of Functions\) Act \(Northern Ireland\) 2010 \(c. 4\), ss. 3\(3\), 5\(2\), Sch. 3](#) (with Sch. 2); S.R. 2010/101, [art. 2](#)

Modifications etc. (not altering text)

- C1** S. 44 applied (10.8.2021 for specified purposes) by [Pension Schemes Act \(Northern Ireland\) 2021 \(c. 6\), ss. 17\(5\)\(c\), 44\(1\)\(a\)\(iii\)](#) (with transitional provisions in S.R. 2021/234, [art. 3](#))
- C2** S. 44 applied (10.8.2021 for specified purposes) by [Pension Schemes Act \(Northern Ireland\) 2021 \(c. 6\), ss. 18\(7\)\(c\), 44\(1\)\(a\)\(iii\)](#) (with transitional provisions in S.R. 2021/234, [art. 3](#))

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Commencement Information

II S. 44 in operation at 30.6.2012 by [S.R. 2012/266](#), art. 2, **Sch. Pt. 2**

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