
STATUTORY INSTRUMENTS

2005 No. 255

The Pensions (Northern Ireland) Order 2005

PART II

THE PENSIONS REGULATOR

Contribution notices where avoidance of employer debt

Article 34 contribution notice: clearance statements

38^{F1}—(1) An application may be made to the Regulator under this Article for the issue of a clearance statement within sub-paragraph (a), (b) or (c) of paragraph (2) in relation to circumstances described in the application.

(2) A clearance statement is a statement, made by the Regulator, that in its opinion in the circumstances described in the application—

- (a) the applicant would not be, for the purposes of paragraph (3)(a) of Article 34, a party to an act or a deliberate failure to act falling within paragraph (5)(a) of that Article,
- (b) it would not be reasonable to impose any liability on the applicant under a contribution notice issued under Article 34, or
- (c) such requirements of that Article as may be prescribed would not be satisfied in relation to the applicant.

(3) Where an application is made under this Article, the Regulator—

- (a) may request further information from the applicant;
- (b) may invite the applicant to amend the application to modify the circumstances described.

(4) Where an application is made under this Article, the Regulator must as soon as reasonably practicable—

- (a) determine whether to issue the clearance statement, and
- (b) where it determines to do so, issue the statement.

(5) A clearance statement issued under this Article binds the Regulator in relation to the exercise of the power to issue a contribution notice under Article 34 to the applicant unless—

- (a) the circumstances in relation to which the exercise of the power under that Article arises are not the same as the circumstances described in the application, and
- (b) the difference in those circumstances is material to the exercise of the power.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

The Pensions (Northern Ireland) Order 2005, Section 38 is up to date with all changes known to be in force on or before 24 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.