
DRAFT STATUTORY INSTRUMENTS

2021 No.

The Occupational Pension Schemes (Climate Change
Governance and Reporting) Regulations 2021

PART 3

Compliance

Penalty notices: recovery from bodies corporate and Scottish partnerships

11.—(1) Where—

- (a) a penalty under regulation 9 is recoverable from a body corporate or Scottish partnership by reason of any act or omission of the body or partnership; and
- (b) the act or omission was done with the consent or connivance of, or is attributable to any neglect on the part of, any persons mentioned in paragraph (2),

the Authority may issue the penalty notice to each of those persons who consented to or connived in the act or omission or to whose neglect the act or omission was attributable.

(2) The persons are—

- (a) in relation to a body corporate—
 - (i) any director, manager, secretary, or other similar officer of the body, or a person purporting to act in any such capacity; and
 - (ii) where the affairs of a body corporate are managed by its members, any member who has management functions;
 - (b) in relation to a Scottish partnership, the partners of that partnership.
- (3) Where the Authority require any person mentioned in paragraph (2) to pay a penalty, they—
- (a) may not also require the relevant body corporate or Scottish partnership to pay a penalty in respect of the same act or omission; and
 - (b) must issue a penalty notice to the person who is required to pay, but may also notify the relevant body corporate or Scottish partnership.