
DRAFT STATUTORY INSTRUMENTS

2021 No.

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

PART 3

Compliance

Penalty notices

9.—(1) Subject to paragraph (2) and to regulation 11(1) and (3)(b), the Authority may issue a penalty notice to—

- (a) a person where they are of the opinion that the person has—
 - (i) failed to comply with a compliance notice under regulation 7; or
 - (ii) contravened a provision under Part 2 of, or the Schedule to, these Regulations;
- (b) a third party where they are of the opinion that the third party has failed to comply with a third party compliance notice under regulation 8.

(2) Where the Authority are of the opinion that a person has failed to comply with the requirement in regulation 6(1)(b) to publish a report on a publicly available website, accessible free of charge, the Authority must issue a penalty notice to that person.

(3) A penalty notice is a notice requiring the person to whom it is issued to pay a penalty within the period specified in the notice.

(4) The amount of the penalty is to be determined by the Authority, but—

- (a) for the purpose of a penalty notice issued under paragraph (1) or (2), must not exceed—
 - (i) £5,000 if the person is an individual; or
 - (ii) £50,000 if the person is a body corporate, Scottish partnership or any other person;
- (b) for the purpose of a penalty notice issued under paragraph (2), must be at least £2,500.

(5) A penalty notice must—

- (a) where it is issued to trustees, be issued to all the trustees of the scheme and specify their joint and several liability for the penalty;
- (b) state the amount of the penalty;
- (c) state the date by which the penalty must be paid, which must be at least 4 weeks after the date on which the notice is issued;
- (d) state the period (if any) to which the penalty relates;
- (e) if the notice is issued under paragraph (1)(a)(i) or (b) or (2), specify the failure to which the notice relates;
- (f) if the notice is issued under paragraph (1)(a)(ii), specify the provision or provisions which have been contravened; and

- (g) notify the person to whom the notice is issued of the review process under regulation 12 and the right of referral to a tribunal under regulation 13.