



Pensions Act 2004

2004 CHAPTER 35

PART 1

THE PENSIONS REGULATOR

[^{F1}References to a tribunal]

Textual Amendments

- F1** S. 102 cross-heading substituted (6.4.2010): (E.W.S.) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(2)(e), **Sch. 2 para. 77** (with Sch. 5) and (N.I.) by [Pensions Regulator Tribunal \(Transfer of Functions\) Act \(Northern Ireland\) 2010 \(c. 4\)](#), s. 5(2), **Sch. 1 para. 6** (with Sch. 2); S.R. 2010/101, art. 2

^{F2}102 The Pensions Regulator Tribunal

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Textual Amendments

- F2** S. 102 omitted (E.W.S.) (6.4.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(2)(e), **Sch. 2 para. 78** (with Sch. 5) and repealed (N.I.) (6.4.2010) by [Pensions Regulator Tribunal \(Transfer of Functions\) Act \(Northern Ireland\) 2010 \(c. 4\)](#), s. 5(2), Sch. 1 para. 7, **Sch. 3** (with Sch. 2); S.R. 2010/101, art. 2

^{F3}102A Offences

- (1) This section applies in respect of proceedings before a tribunal in relation to a decision of the Regulator.
- (2) A person is guilty of an offence if that person, without reasonable excuse, refuses or fails—

Status: Point in time view as at 01/08/2022.

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- (a) to attend following the issue of a summons by the tribunal; or
 - (b) to give evidence.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person is guilty of an offence if that person, without reasonable excuse—
- (a) alters, suppresses, conceals or destroys a document which that person is or is liable to be required to produce for the purposes of proceedings before the tribunal; or
 - (b) refuses to produce a document when so required.
- (5) A person guilty of an offence under subsection (4) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (6) In this section “document” includes information recorded in any form and, in relation to information recorded otherwise than in a legible form, references to its production include references to producing a copy of the information in a legible form, or in a form from which it can readily be produced in a legible form.]

Textual Amendments

- F3** S. 102A inserted (E.W.S.) (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(2)(e), [Sch. 2 para. 79](#) (with [Sch. 5](#))

103 References [^{F4}in relation to decisions of Regulator]

^{F5}(1)

^{F5}(2)

[^{F6}(2A) This section applies to references to a tribunal in relation to a decision of the Regulator.]

- (3) On a reference, [^{F7}the tribunal concerned] may consider any evidence relating to the subject-matter of the reference, whether or not it was available to the Regulator at the material time.
- (4) On a reference, [^{F8}the tribunal concerned] must determine what (if any) is the appropriate action for the Regulator to take in relation to the matter referred to [^{F9}it] .
- (5) On determining a reference, [^{F10}the tribunal concerned] must remit the matter to the Regulator with such directions (if any) as [^{F11}it] considers appropriate for giving effect to its determination.
- (6) Those directions may include directions to the Regulator—
 - (a) confirming the Regulator’s determination and any order, notice or direction made, issued or given as a result of it;
 - (b) to vary or revoke the Regulator’s determination, and any order, notice or direction made, issued or given as a result of it;
 - (c) to substitute a different determination, order, notice or direction;

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- (d) to make such savings and transitional provision as the [F12tribunal concerned] considers appropriate.
- (7) The Regulator must act in accordance with the determination of, and any direction given by, the [F13tribunal concerned] (and accordingly sections 96 to 99 (standard and special procedure) do not apply).
- (8) The [F13tribunal concerned] may, on determining a reference, make recommendations as to the procedure followed by the Regulator or the Determinations Panel.
- (9) An order of the [F13tribunal concerned] may be enforced—
- (a) as if it were an order of [F14the county court], or
 - (b) in Scotland, as if it were an order of the Court of Session.

Textual Amendments

- F4** Words in s. 103 heading substituted (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(2\)\(e\)](#), [Sch. 2 para. 80\(a\)](#) (with [Sch. 5](#))
- F5** S. 103(1)(2) omitted (6.4.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(2\)\(e\)](#), [Sch. 2 para. 80\(b\)](#) (with [Sch. 5](#))
- F6** S. 103(2A) inserted (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(2\)\(e\)](#), [Sch. 2 para. 80\(c\)](#) (with [Sch. 5](#))
- F7** Words in s. 103(3) substituted (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(2\)\(e\)](#), [Sch. 2 para. 80\(d\)](#) (with [Sch. 5](#))
- F8** Words in s. 103(4) substituted (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(2\)\(e\)](#), [Sch. 2 para. 80\(e\)\(i\)](#) (with [Sch. 5](#))
- F9** Word in s. 103(4) substituted (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(2\)\(e\)](#), [Sch. 2 para. 80\(e\)\(ii\)](#) (with [Sch. 5](#))
- F10** Words in s. 103(5) substituted (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(2\)\(e\)](#), [Sch. 2 para. 80\(e\)\(i\)](#) (with [Sch. 5](#))
- F11** Word in s. 103(5) substituted (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(2\)\(e\)](#), [Sch. 2 para. 80\(e\)\(ii\)](#) (with [Sch. 5](#))
- F12** Words in s. 103(6)(d) substituted (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(2\)\(e\)](#), [Sch. 2 para. 80\(f\)](#) (with [Sch. 5](#))
- F13** Words in s. 103(7)-(9) substituted (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(2\)\(e\)](#), [Sch. 2 para. 80\(f\)](#) (with [Sch. 5](#))
- F14** Words in s. 103(9)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 9 para. 52](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))

Commencement Information

- I1** S. 103(1)(a)(b)(2)-(9) in force at 6.4.2005 by [S.I. 2005/275](#), [art. 2\(7\)](#), [Sch. Pt. 7](#)

^{F15}104 Appeal on a point of law

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Textual Amendments

- F15** S. 104 omitted (6.4.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(2\)\(e\)](#), [Sch. 2 para. 81](#) (with [Sch. 5](#))

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^{F16}105 Redetermination etc by the Tribunal

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Textual Amendments

F16 S. 105 omitted (6.4.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(2)(e), [Sch. 2 para. 82](#) (with [Sch. 5](#))

106 Legal assistance scheme

- (1) The Lord Chancellor may by regulations establish a scheme governing the provision of legal assistance in connection with proceedings before [^{F17}a tribunal in relation to a decision of the Regulator].
- (2) The legal assistance scheme may, in particular, make provision as to—
 - (a) the kinds of legal assistance that may be provided;
 - (b) the persons by whom legal assistance may be provided;
 - (c) the manner in which applications for legal assistance are to be made;
 - (d) the criteria on which eligibility for legal assistance is to be determined;
 - (e) the persons or bodies by whom applications are to be determined;
 - (f) appeals against refusals of applications;
 - (g) the revocation or variation of decisions;
 - (h) its administration and the enforcement of its provisions.
- (3) Legal assistance under the scheme may be provided subject to conditions or restrictions.
- (4) Those conditions may include conditions as to the making of contributions by the person to whom the assistance is provided.
- (5) The Lord Chancellor must fund, out of money provided by Parliament, the costs of the scheme including the costs of legal assistance provided under it.
- (6) In this Part “the legal assistance scheme” means any scheme in force by virtue of subsection (1).

Textual Amendments

F17 Words in s. 106(1) substituted (6.4.2010): (E.W.S.) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(2)(e), [Sch. 2 para. 83](#) (with [Sch. 5](#)) and (N.I.) by [Pensions Regulator Tribunal \(Transfer of Functions\) Act \(Northern Ireland\) 2010 \(c. 4\)](#), s. 5(2), [Sch. 1 para. 8](#) (with [Sch. 2](#)); [S.R. 2010/101](#), art. 2

Commencement Information

- I2** S. 106(1)-(4) in force for the purpose only of conferring power to make regulations, orders or rules, as the case may be, 10.2.2005; and for all other purposes at 6.4.2005 in so far as not already in force by [S.I. 2005/275](#), art. 2(3), [Sch. Pt. 3](#)
- I3** S. 106(5)(6) in force in so far as not already in force (6.4.2005) by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

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