



Pensions Act 2004

2004 CHAPTER 35

PART 1

THE PENSIONS REGULATOR

Exercise of regulatory functions

93 The Regulator's procedure in relation to its regulatory functions

- (1) The Regulator must determine the procedure that it proposes to follow in relation to the exercise of its regulatory functions.
- (2) For the purposes of this Part the “regulatory functions” of the Regulator are—
 - (a) the power to issue an improvement notice under section 13,
 - (b) the power to issue a third party notice under section 14,
 - [^{F1}(ba) the power to appoint a skilled person in relation to a public service pension scheme under section 14A,]
 - (c) the reserved regulatory functions (see Schedule 2),
 - (d) the power to issue a clearance statement under section 42,
 - (e) the power to issue a notice under section 45(1) approving the details of arrangements,
 - (f) the power to issue a clearance statement under section 46,
 - (g) the power to vary or revoke under section 101 (to the extent that it does not fall within paragraph (c)),
 - (h) the power to make an order under section 154(8),
 - (i) the power to make an order under section 219(4),
 - (j) the power to grant or revoke authorisation under section 288,
 - (k) the power to grant or revoke approval under section 289,
 - (l) the power to issue a notice under section 293(5),
 - (m) the power by direction under section 2(3)(a) of the Welfare Reform and Pensions Act 1999 (c. 30) to refuse to register a scheme under section 2 of that Act,

Changes to legislation: Pensions Act 2004, Section 93 is up to date with all changes known to be in force on or before 26 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) View outstanding changes

- (n) the power to make an order under section 7 of the Pensions Act 1995 (c. 26) appointing a trustee (to the extent that it does not fall within paragraph (c)),
 - (o) the power to make an order under section 23 of that Act appointing an independent trustee,
 - (p) the power to give directions under section 72B of that Act (directions facilitating winding up), ^{F2}...
 - [^{F3}(pa) the power to give a direction under section 26(7) of the Pension Schemes Act 2017 (direction to submit implementation strategy [^{F4}for Master Trust scheme]), ^{F5}...]
 - [^{F6}(pb) the power to give a direction under section 23(2) of the Pension Schemes Act 2021 (direction to obtain actuarial valuation or take other steps to remedy or mitigate failure in relation to a collective money purchase scheme),
 - (pc) the power to give a notice under section 29(1) or (4) of that Act (risk notices),
 - (pd) the power to give a direction under section 29(6) of that Act (direction to implement proposals in a resolution plan),
 - (pe) the power to give a direction under section 39(4) of that Act (direction to submit implementation strategy), and]
 - (q) such other functions of the Regulator as may be prescribed.
- (3) The Determinations Panel must determine the procedure to be followed by it in relation to any exercise by it on behalf of the Regulator of—
- (a) the power to determine whether to exercise a regulatory function, and
 - (b) where the Panel so determines to exercise a regulatory function, the power to exercise the function in question.
- (4) The procedure determined under this section—
- (a) must provide for the procedure required under—
 - (i) section 96 (standard procedure), and
 - (ii) section 98 (special procedure), and
 - (b) may include such other procedural requirements as the Regulator or, as the case may be, the Panel considers appropriate.
- (5) This section is subject to—
- (a) sections 99 to 104 (the remaining provisions concerning the procedure in relation to the regulatory functions), and
 - (b) any regulations made by the Secretary of State under paragraph 19 of Schedule 1.

Textual Amendments

- F1** S. 93(2)(ba) inserted (1.4.2015) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), [Sch. 4 para. 17](#) (with [Sch. 11 para. 8](#)); S.I. 2015/4, art. 4(1)(b)
- F2** Word in s. 93(2)(p) omitted (5.9.2018 for specified purposes, 1.10.2018 so far as not already in force) by virtue of [Pension Schemes Act 2017 \(c. 17\)](#), s. 44(2), [Sch. 3 para. 10](#); S.I. 2018/965, reg. 2
- F3** S. 93(2)(pa) inserted (5.9.2018 for specified purposes, 1.10.2018 so far as not already in force) by [Pension Schemes Act 2017 \(c. 17\)](#), s. 44(2), [Sch. 3 para. 10](#); S.I. 2018/965, reg. 2
- F4** Words in s. 93(2)(pa) inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in force) by [Pension Schemes Act 2021 \(c. 1\)](#), s. 131(1)(3)(a), [Sch. 3 para. 14\(2\)\(a\)](#); S.I. 2022/721, regs. 1(2), 3(a)

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- F5** Word in s. 93(2)(pa) omitted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in force) by virtue of Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 3 para. 14(2)(b)**; S.I. 2022/721, regs. 1(2), 3(a)
- F6** S. 93(2)(pb)-(pe) inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 3 para. 14(3)**; S.I. 2022/721, regs. 1(2), 3(a)

Commencement Information

- I1** S. 93(1)(2)(a)-(p)(3)-(5) in force at 6.4.2005 by S.I. 2005/275, art. 2(7), **Sch. Pt. 7**
- I2** S. 93(2)(q) 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**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(5A) inserted by [2014 c. 19 s. 52\(2\)](#)
- s. 18(6) words inserted by [2014 c. 19 s. 52\(3\)](#)
- s. 18(8) words inserted by [2014 c. 19 s. 52\(3\)](#)
- s. 23(1A) inserted by [2015 c. 8 Sch. 2 para. 26\(3\)](#)
- s. 23(10A) inserted by [2015 c. 8 Sch. 2 para. 26\(5\)](#)
- s. 38(1)-(1B) substituted for s. 38(1) by [2015 c. 8 Sch. 2 para. 27](#)
- s. 38(7)(da) inserted by [2021 c. 1 s. 104\(2\)](#)
- s. 43(1)-(1B) substituted for s. 43(1) by [2015 c. 8 Sch. 2 para. 28\(2\)](#)
- s. 52(1)-(1B) substituted for s. 52(1) by [2015 c. 8 Sch. 2 para. 29](#)
- s. 80(1)(a)(iib) inserted by [2021 c. 1 s. 109\(3\)](#)
- s. 102(2)(a) words in s. 102(2) renumbered as s. 102(2)(a) by [2008 c. 30 s. 44\(5\)\(a\)](#)
- s. 102(2)(b) inserted by [2008 c. 30 s. 44\(5\)\(b\)](#)
- s. 103(1A) inserted by [2008 c. 30 s. 44\(6\)](#)
- s. 117A inserted by [2008 c. 30 Sch. 10 para. 3](#)
- s. 126(1)-(1B) substituted for s. 126(1) by [2015 c. 8 Sch. 2 para. 31](#)
- s. 188(1)(ba) inserted by [2008 c. 30 Sch. 10 para. 6](#)
- s. 189A inserted by [2008 c. 30 Sch. 10 para. 7](#)
- s. 209(9) added by [2008 c. 30 Sch. 10 para. 8](#)
- s. 291(4)(f) and word inserted by [2021 c. 1 Sch. 3 para. 19\(b\)](#)
- s. 318(3)(a)(viii)-(x) inserted by [2015 c. 8 Sch. 2 para. 38\(3\)\(a\)](#)
- s. 318(3)(b)(vi)-(viii) inserted by [2015 c. 8 Sch. 2 para. 38\(3\)\(b\)](#)
- Sch. 4 para. 7(5)(b) inserted by [2008 c. 30 s. 44\(8\)\(b\)](#)
- Sch. 4 para. 13(3) inserted by [2008 c. 30 s. 44\(9\)\(b\)](#)
- Sch. 4 para. 7(5)(a) words in Sch. 4 para. 7(5) renumbered as Sch. 4 para. 7(5)(a) by [2008 c. 30 s. 44\(8\)\(a\)](#)
- Sch. 7 para. 21(2)(c)-(cc) substituted for Sch. 7 para. 21(2)(b)(c) by [2008 c. 30 Sch. 8 para. 11](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 para. 10 (3.1.2012) omitted without ever being in force by virtue of [2011 c. 19](#), Sch. 4 para. 20; [S.I. 2011/3034 art. 3\(i\)\(iv\)](#))