



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 1 **U.K.**

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

### CHAPTER 2 **E+W+S**

#### COMPLIANCE

##### *Penalty notices*

#### 42 **Penalty notices: recovery** **E+W+S**

- (1) Any penalty payable under section 40 or section 41 is recoverable by the Regulator.
- (2) In England and Wales, any such penalty is, if [<sup>F1</sup>the county court] so orders, recoverable under section 85 of the County Courts Act 1984 (c. 28) or otherwise as if it were payable under an order of that court.
- (3) In Scotland, a fixed penalty notice or escalating penalty notice is enforceable as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (4) The Regulator must pay into the Consolidated Fund any penalty recovered under this section.

#### Textual Amendments

- F1** Words in s. 42(2) 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)

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**Changes to legislation:** *Pensions Act 2008, Section 42 is up to date with all changes known to be in force on or before 16 June 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*

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**Modifications etc. (not altering text)**

- C1** S. 42 applied (27.4.2017 for specified purposes, 5.9.2018 for specified purposes, 1.10.2018 in so far as not already in force) by [Pension Schemes Act 2017 \(c. 17\)](#), **ss. 18(7)(a)**, 44(1)(a); S.I. 2018/965, [reg. 2\(a\)\(b\)](#)
- C2** S. 42 applied (27.4.2017 for specified purposes, 5.9.2018 for specified purposes, 1.10.2018 in so far as not already in force) by [Pension Schemes Act 2017 \(c. 17\)](#), **ss. 17(5)(a)**, 44(1)(a); S.I. 2018/965, [reg. 2\(a\)\(b\)](#)
- C3** S. 42 applied (31.5.2021 for specified purposes, 1.10.2021 in so far as not already in force) by 2004 c. 35, s. 77A(5)(a) (with s. 77A(6)) (as inserted by [Pension Schemes Act 2021 \(c. 1\)](#), **ss. 112**, 131(1); S.I. 2021/620, [reg. 2\(1\)\(d\)](#); S.I. 2021/950, [reg. 2\(5\)\(c\)](#) (with [reg. 5](#)))
- C4** S. 42 applied (31.5.2021 for specified purposes, 1.10.2021 in so far as not already in force) by 2004 c. 35, s. 77B(7)(a) (with s. 77B(8)) (as inserted by [Pension Schemes Act 2021 \(c. 1\)](#), **ss. 112**, 131(1); S.I. 2021/620, [reg. 2\(1\)\(d\)](#); S.I. 2021/950, [reg. 2\(5\)\(c\)](#) (with [reg. 5](#)))

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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. 3(1A) inserted by [2023 c. 44 s. 1\(2\)](#)
- s. 5(1C) inserted by [2023 c. 44 s. 1\(3\)](#)
- s. 13(3)(ec) inserted by [2023 c. 20 Sch. para. 56](#)
- s. 13A inserted by [2023 c. 44 s. 1\(4\)](#)
- s. 24(1)(c) inserted by [2015 c. 8 Sch. 2 para. 43\(2\)\(d\)](#)
- s. 143(6)(7) inserted by [2023 c. 44 s. 1\(5\)\(b\)](#)