



Pensions Act 2008

2008 CHAPTER 30

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 4

SUPPLEMENTARY PROVISION ABOUT COMPLIANCE AND INFORMATION-SHARING

Records and information

61 Powers to require information and to enter premises

(1) The Pensions Act 2004 (c. 35) is amended as follows.

(2) In section 72, after subsection (1) insert—

“(1A) If the Regulator requires information which is relevant to the exercise of its functions under Chapter 2 of Part 1 of the Pensions Act 2008 or section 51 of that Act, the Regulator may, by notice in writing, require a person to whom subsection (2) applies—

- (a) to furnish the Regulator with an explanation of any document or information required under subsection (1);
- (b) to attend before the Regulator at such time and place as may be specified in the notice under that subsection to furnish any such explanation.

(1B) The Regulator may not require a person to answer any question or furnish any information which might incriminate the person or, if that person is married or a civil partner, the person’s spouse or civil partner.”

(3) In section 74, before subsection (1) insert—

Status: This is the original version (as it was originally enacted).

- “(A1) An inspector may, for the purposes of investigating whether an employer is contravening, or has contravened—
- (a) any provision of, or of regulations under, Chapter 1 of Part 1, or section 50 or 54, of the Pensions Act 2008, or
 - (b) any corresponding provision in force in Northern Ireland,
- at any reasonable time enter premises liable to inspection.
- (B1) Premises are liable to inspection for the purposes of subsection (A1) if the inspector has reasonable grounds to believe that—
- (a) the employer employs workers there,
 - (b) documents relevant to any of the following are being kept there—
 - (i) the administration of the employer’s business,
 - (ii) the duties of the employer under Chapter 1 of Part 1 of the Pensions Act 2008 or under any corresponding provision in force in Northern Ireland,
 - (iii) the administration of a pension scheme that is relevant to the discharge of those duties, or
 - (c) the administration of the employer’s business, or work connected with that administration, is being carried out there.
- (C1) In subsections (A1) and (B1) “employer” and “worker” have the meaning given by section 88 of the Pensions Act 2008.
- (D1) In the application of subsections (A1) and (B1) in relation to any provision mentioned in subsection (A1)(b) (a “corresponding Northern Ireland provision”), references in those subsections to “employer” or “worker” are to be read as having the meaning that they have for the purposes of the corresponding Northern Ireland provision.”
- (4) In section 75(1), after “subsection” (in the third place where it occurs) insert “(A1),”.
- (5) In section 76(9), after “subsection” (in the second place where it occurs) insert “(A1),”.