

**2009 No. 1888**

**PENSIONS**

**The Pensions Regulator (Delegation of Powers) Regulations  
2009**

<i>Made</i> - - - -	<i>14th July 2009</i>
<i>Laid before Parliament</i>	<i>20th July 2009</i>
<i>Coming into force</i> - -	<i>13th November 2009</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraph 21(1)(e) of Schedule 1 to, and section 318(1) of, the Pensions Act 2004(a).

In accordance with section 317(1) of the Pensions Act 2004, the Secretary of State has consulted such persons as she considers appropriate.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Pensions Regulator (Delegation of Powers) Regulations 2009 and shall come into force on 13th November 2009.

(2) In these Regulations—

“the 2004 Act” means the Pensions Act 2004;

“the 2008 Act” means the Pensions Act 2008(b).

**Delegation of powers by the Regulator**

2.—(1) The Regulator may authorise such persons, in such circumstances and under such arrangements, as the Regulator may determine, to exercise on behalf of the Regulator—

(a) the power to determine whether to exercise any of the functions listed in paragraph (2);

(b) the power to exercise any of the functions listed in paragraph (2).

(2) The functions are—

(a) the power to require payment of a penalty under section 10 of the Pensions Act 1995(c);

(b) the power to issue an improvement notice under section 13 of the 2004 Act;

(c) the power to issue a third party notice under section 14 of the 2004 Act;

(d) the power to recover unpaid contributions under section 17 of the 2004 Act;

(e) the power to require information under section 72 of the 2004 Act;

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(a) 2004 c.35. Paragraph 21 was amended by section 133(2), (3) and (4) of the Pensions Act 2008 (c.30). Section 318(1) is cited for the meaning it gives to the words “prescribed” and “regulations”.

(b) 2008 c.30.

(c) 1995 c.26. Section 10 has been amended but not in a way material to these Regulations.

- (f) the power to vary or revoke a determination, order, notice or direction under section 101 of the 2004 Act;
- (g) the power to issue a compliance notice under section 35 of the 2008 Act;
- (h) the power to issue a third party compliance notice under section 36 of the 2008 Act;
- (i) the power to issue an unpaid contributions notice under section 37 of the 2008 Act;
- (j) the power to issue a fixed penalty notice under section 40 of the 2008 Act;
- (k) the power to issue an escalating penalty notice under section 41 of the 2008 Act;
- (l) the power to recover penalties under section 42 of the 2008 Act;
- (m) the power to review a notice under section 43 of the 2008 Act;
- (n) the power to issue a compliance notice in respect of prohibited recruitment conduct under section 51 of the 2008 Act;
- (o) the power to issue a penalty notice in respect of prohibited recruitment conduct under section 52 of the 2008 Act.

Signed by authority of the Secretary of State for Work and Pensions.

14th July 2009

*Angela Eagle*  
Minister of State,  
Department for Work and Pensions

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations permit the Pensions Regulator (“the Regulator”) to authorise such persons, in such circumstances and under such arrangements, as the Regulator may determine, to exercise certain powers on the Regulator’s behalf.

These powers will enable a number of the Regulator’s functions to be delegated.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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