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STATUTORY INSTRUMENTS

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**2021 No. 839**

**The Occupational Pension Schemes (Climate Change  
Governance and Reporting) Regulations 2021**

**PART 3**

**Compliance**

**References to the First-tier Tribunal or Upper Tribunal**

**13.**—(1) A person to whom a penalty notice is issued under regulation 9 or 11 may, if one of the conditions in paragraph (2) is satisfied, make a reference to the Tribunal in respect of—

- (a) the issue of the notice;
- (b) the amount of the penalty under the notice.

(2) The conditions are—

- (a) that the Authority have completed a review of the notice under regulation 12; or
- (b) that the person to whom the notice was issued made an application for review of the notice under regulation 12(1)(a) and the Authority have determined not to carry out a review.

(3) On a reference to the Tribunal in respect of a notice, the effect of the notice is suspended for the period beginning on the day the Tribunal receives notice of the reference and ending—

- (a) on the day the reference is withdrawn;
- (b) if the reference is made out of time, on the day the Tribunal determines not to allow the reference to proceed; or
- (c) on the day the reference is completed.

(4) For the purposes of paragraph (3)(c), a reference is completed when—

- (a) the reference has been determined; and
- (b) the Tribunal has remitted the matter to the Authority.

(5) In this regulation—

- (a) “the Tribunal” means—
  - (i) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the reference;
  - (ii) the First-tier Tribunal in any other case; and
- (b) “Tribunal Procedure Rules” means—
  - (i) the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009<sup>(1)</sup> in relation to the First-tier Tribunal; and

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**Changes to legislation:** There are currently no known outstanding effects for the The Occupational Pension Schemes (Climate Change Governance and Reporting) Regulations 2021, Section 13. (See end of Document for details)

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(ii) the Tribunal Procedure (Upper Tribunal) Rules 2008(2) in relation to the Upper Tribunal.

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**Commencement Information**

**II** [Reg. 13](#) in force at 1.10.2021, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Occupational Pension Schemes (Climate Change Governance and Reporting) Regulations 2021, Section 13.