
STATUTORY INSTRUMENTS

2022 No. 1220

The Pensions Dashboards Regulations 2022

PART 4

Compliance and enforcement

Third party compliance notices

30.—(1) A third party compliance notice is a notice directing the third party to whom it is issued (as referred to in paragraph (2)) to take, or to refrain from taking, the steps specified in the notice.

(2) The Regulator may issue a third party compliance notice in any of the circumstances listed in paragraph (3), where—

- (a) the Regulator is of the opinion that the non-compliance by trustees or managers of a relevant occupational pension scheme with a requirement in Part 3 is or was, wholly or partly, a result of an act or omission by another person (“the third party”), and
- (b) that act or omission is not in itself a contravention of Part 3.

(3) The circumstances are—

- (a) receipt of an indication that the trustees or managers of a relevant occupational pension scheme are unable to confirm whether they are complying with, or will be able to comply with, a requirement under Part 3, or
- (b) the Regulator is of the opinion that the trustees or managers have not complied with a requirement under Part 3.

(4) The steps mentioned in paragraph (1) may be any steps that are reasonably necessary to ensure that any non-compliance with any requirement in Part 3 can be remedied and, where appropriate, is not repeated.

(5) A third party compliance notice may, in particular—

- (a) state the period within which any steps must be taken or must cease to be taken;
- (b) require the third party to provide to the Regulator, within a specified period, information relating to the non-compliance;
- (c) require the third party to inform the Regulator, within a specified period, how the third party has complied with, or is complying with, the third party compliance notice;
- (d) give the third party a choice between different steps that may be taken to ensure that the non-compliance can be remedied and, where appropriate, is not repeated;
- (e) cover more than one contravention, with separate steps specified in respect of each contravention, to the extent that the Regulator considers this to be appropriate.

(6) A third party compliance notice must state—

- (a) the particulars of the act or omission by the third party, and which of the circumstances in paragraph (3) apply in the opinion of the Regulator;

- (b) if the Regulator is of the opinion that the circumstances in paragraph (3)(a) apply, the evidence on which that opinion is based;
- (c) if the Regulator is of the opinion that the circumstances in paragraph (3)(b) apply—
 - (i) which provision of Part 3 was not, or is not, being complied with in the opinion of the Regulator;
 - (ii) the evidence on which that opinion is based;
- (d) that if the Regulator is of the opinion that the third party has failed to comply with the third party compliance notice, then the Regulator may issue a penalty notice under regulation 31.