
STATUTORY INSTRUMENTS

2022 No. 1220

The Pensions Dashboards Regulations 2022

PART 4

Compliance and enforcement

References to the First-tier Tribunal or Upper Tribunal

35.—(1) A person to whom a penalty notice is issued under regulation 31 or 33 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 Regulator has completed a review of the notice under regulation 34, or
- (b) that the person to whom the notice was issued made an application for review of the notice under regulation 34(1)(a) and the Regulator has 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- (a) on the day the reference is withdrawn,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 Regulator.

(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;
- (b) “Tribunal Procedure Rules” means—
 - (i) the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 in relation to the First-tier Tribunal(1), and
 - (ii) the Tribunal Procedure (Upper Tribunal) Rules 2008(2) in relation to the Upper Tribunal.

(1) S.I. 2009/1976.

(2) S.I. 2008/2698.

Status: *This is the original version (as it was originally made).*
