Case Reference PEN/2022/0085
[2022] UKFTT 00265 (GRC)

## FIRST-TIER TRIBUNAL <br> GENERAL REGULATORY CHAMBER (PENSIONS REGULATION)

Heard: by determination on the papers
Heard: 28 June 2022
Decision given on: 28 June 2022
Before: Judge Alison McKenna
Between:

MADINA INDIAN SPICE LIMITED

- and -

THE PENSIONS REGULATOR

DECISION
The appeal is struck out under rule 8 (2) (a) of the Tribunal's Procedure Rules

## REASONS

1. The Appellant seeks to appeal against a Fixed Penalty Notice dated 25 January 2022.
2. The Appellant has submitted a Notice of Appeal seeking to raise a reasonable excuse for its accepted default. The Respondent submitted that the Notice of Appeal should be struck out under rule 8(2)(a) of the Tribunal's Rules, as the Tribunal has no jurisdiction to determine it in the circumstances. The Appellant has made no submissions on the proposed strike out, despite being invited to comment, as required by rule 8 (4).
3. Parliament has provided that this Tribunal only has jurisdiction to consider appeals against financial penalties imposed by The Pensions Regulator when certain pre-conditions have been met. These include a requirement for The Pensions Regulator to have conducted a review. In this case, it is undisputed that there has been no such review.
4. I conclude that the necessary conditions for referral to the Tribunal under s. 44 (2) of the 2008 Act have not been met in this case. The Notice of Appeal must therefore be struck out under rule 8 (2) (a) of the Tribunal's Rules, because the Tribunal has no jurisdiction to determine it. I have no discretion to do otherwise in the particular circumstances of this case.
5. Accordingly, I now strike out the Notice of Appeal and these proceedings are concluded.
(Signed)
JUDGE ALISON MCKENNA
DATE: 28 June 2022
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