



Case Reference: PEN-2022-0059

[2022] UKFTT 00267 (GRC)

**First-tier Tribunal
General Regulatory Chamber
Pensions Regulation**

Between

UNITED TRAVELS READING LIMITED

Appellant

and

THE PENSIONS REGULATOR

Respondent

DECISION

The appeal is struck out under rule 8(2)(a) of The Tribunal (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (as amended)

REASONS

1. The Appellant seeks to appeal against a Fixed Penalty Notice ('FPN') dated 23 December 2021.
2. On 14 March 2022, the Appellant submitted a Notice of Appeal seeking to raise a reasonable excuse for failing to comply with the FPN.
3. The Respondent submits that the Notice of Appeal should be struck out under rule 8(2)(a) of the Tribunal Rules as the Tribunal has no jurisdiction to determine it in the circumstances.

4. The Appellant was given the opportunity to make representations in relation to the proposed striking out in accordance with rule 8(4) of the Tribunal Rules.
5. The Appellant made such representations to the Tribunal on 18 April 2022. The Appellant stated he did not understand why the request to strike out had been made: he said there is a *'real life genuine situation and yet nobody is interested'*. He asked how he could further appeal the FPN because *'a situation developed which was out of my control and I'm being punished for this during an unprecedented moment in our UK history'*. He repeated the grounds set out in the Notice of Appeal.
6. Parliament has provided this Tribunal with jurisdiction to consider appeals against financial penalties imposed by The Pensions Regulator only when certain pre-conditions have been met. These pre-conditions include a requirement for the Regulator to have conducted a review of the FPN.
7. In this case, there has been no such review. The reason is that the Appellant's request for a review was not made with 28 days of the FPN, but only 69 days after the FPN. As the Regulator explained to the Appellant in response to his belated request for a review, the Regulator has no power to extend the 28-day deadline. The Regulator could initiate its own review (under section 43(1)(b) of the Pensions Act 2008) but declined to do so.
8. In these circumstances, I conclude that the necessary conditions for referral to the Tribunal under section 44(2) of the Pensions Act 2008 have not been met: the Regulator has not reviewed the FPN. The Notice of Appeal must therefore be struck out under rule 8(2)(a) of the Tribunal Rules because the Tribunal has no jurisdiction to determine it. I have no discretion to do otherwise in this case.
9. Accordingly, I now strike out the Notice of Appeal and these proceedings are concluded.

Dated: 21 July 2022

Signed:

Alexandra Marks CBE
(Recorder sitting as a Judge of the First Tier Tribunal)