



STATUTORY INSTRUMENTS.

**S.I. No. 633 of 2007**



PENSIONS ACT (NOTICE OF ALLEGED OFFENCE) REGULATIONS  
2007

**(Prn. A7/1695)**

PENSIONS ACT (NOTICE OF ALLEGED OFFENCE) REGULATIONS  
2007

The Minister for Social and Family Affairs, in exercise of the powers conferred on him by section 3A and section 5 (both as amended by section 37 of the Social Welfare and Pensions Act 2007 (No. 8 of 2007)) of the Pensions Act 1990 (No. 25 of 1990), hereby makes the following Regulations:

*Citation and Commencement*

1. (1) These Regulations may be cited as the Pensions Act (Notice of Alleged Offence) Regulations 2007.

(2) These Regulations come into operation on 17 September 2007.

*Definitions*

2. In these Regulations—

“the Act” means the Pensions Act 1990 (No. 25 of 1990);

“notice” means a notice in writing issued by the Board under section 3A(1) of the Act;

*Notice of Alleged Offence*

3. The notice for the purposes of section 3A of the Act shall be in the form set out in the Schedule to these Regulations.

*Fines*

4. €2,000 shall be the prescribed amount for the purposes of section 3A(1)(b)(ii) of the Act.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 14th September, 2007.*

SCHEDULE

NOTICE IN RELATION TO AN ALLEGED OFFENCE

To: .....

Address: .....

Scheme: ..... (the "Scheme")

Pensions Board Number: .....

Date: .....

This notice is being issued to you in accordance with the powers conferred on the Pensions Board by section 3A (inserted by section 39 of the Social Welfare Law Reform and Pensions Act 2006) of the Pensions Act 1990.

The Pensions Board has reasonable grounds to allege that you have committed an offence under section ..... of the Pensions Act 1990.

The details of the alleged offence are as follows:

.....  
.....  
.....

A prosecution in respect of the alleged offence will not be instituted during the period of 21 days beginning on the date of this notice.

If during this period you:

- (a) pay to the Pensions Board the sum of €2,000 (two thousand euro) accompanied by this notice (which sum shall not be payable from the resources of the Scheme); and
- (b) remedy as far as practicable to the satisfaction of the Pensions Board the default which constitutes the alleged offence (as described above);

a prosecution in respect of the alleged offence will not be instituted.

In order for the Pensions Board to consider whether the alleged offence has been remedied to its satisfaction you are required in responding to this notice to outline how you have remedied the default and to provide any relevant supporting documentation.

The sum payable shall be paid to:-

The Pensions Board  
*[insert address at which fine can be paid]*

Signed:

Compliance Officer  
The Pensions Board



GIVEN under my Official Seal,  
11 September 2007

MARTIN CULLEN  
Minister for Social and Family Affairs.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

3A of the Pensions Act 1990 provides an alternative to the prosecution of certain offences under the Act. The new section 3A, which takes effect from 17 September 2007, provides that the Pensions Board may notify a person in writing that it is alleged that an offence has been committed and that if, within 21 days of the notice, the person has remedied the offence to the satisfaction of the Pensions Board and paid the appropriate fine, the prosecution will not be instituted.

These Regulations provide for the form of the notice to be issued in respect of an alleged offence and that the amount of such a fine shall be €2,000. These Regulations also take effect from 17 September 2007.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
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