



NCN: [2023] UKFTT 590 (GRC)

Case Reference: PEN/2023/0042

**First-tier Tribunal
General Regulatory Chamber
[Pensions]**

**Heard by determination on the papers.
Heard on: 5 July 2023
Decision given on: 5 July 2023**

Before

TRIBUNAL JUDGE ALISON McKENNA

Between

BOUTIQUE RAVELLO LTD

Appellant

And

THE PENSIONS REGULATOR

Respondent

Decision:

This appeal is struck out pursuant to rule 8 (2)(a)

REASONS

1. By a Notice of Appeal dated 13 February 2023, the Appellant seeks to appeal against the Escalating Penalty Notice dated 17 November 2022.
2. By application dated 29 March 2023 the Regulator applied for this appeal to be struck out under rule 8 (2) (a) of the Tribunal's Rules, on the basis that the Tribunal has no jurisdiction to determine it.
3. The Appellant was invited by the Tribunal, pursuant to rule 8 (4), to provide representations on the proposed strike out. The Appellant replied on 12 April, submitting that the amount of the penalty was too high.

4. 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, the Regulator did not review the Escalating Penalty Notice because the application for review was received outside the time limit. It informed the Appellant of this on 13 January 2023.

5. I therefore 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. This has not been disputed by the Appellant. If the Tribunal lacks jurisdiction to determine an appeal, it is required to strike it out and has no discretion to consider it.

6. Accordingly, I now direct that this appeal is struck out and it will proceed no further.

(Signed)

JUDGE ALISON MCKENNA

DATE: 5 July 2023

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