



Neutral citation number: [2025] UKFTT 32 (GRC)

Case Reference FT/PEN/2024/0050

First-tier Tribunal
General Regulatory Chamber
Pensions Regulation

Determined in Chambers on 13 January 2025
Decision given on: 17 January 2025

Before

TRIBUNAL JUDGE FINDLAY

Between

CHOMMZY CARE SERVICES LIMITED

Appellant

and

THE PENSIONS REGULATOR

Respondent

Decision: The appeal is struck out under Rule 8(2)(a) of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (“the Rules”). The Respondent’s application on GRC% form is granted.

REASONS

1. The Appellant lodged an appeal with the Tribunal on 8 February 2024. The appeal relates to a fixed penalty notice dated 15 November 2023 and an escalating penalty notice dated 15 December 2023.
2. An appeal to the Tribunal can only arise where a request for a review has been made within 28 days of the penalty and the penalty is upheld or a request for a review has been declined.
3. The Respondent has stated that the review requests were made outside the statutory 28 day period.

4. The Respondent has not refused to carry out reviews requested by the Appellant for the purposes of section 44(2)(b) of the Pensions Act 2008. For section 44(2)(b) to be engaged the Respondent must have refused to conduct a review which has been requested within the timescales set down in section 43(1)(a) i.e. a review request must be made within 28 days of issue of the notice. The review requests were not requested within the required period.
5. As no valid reviews have taken place no appeal can be made to the Tribunal and the Tribunal has no jurisdiction in relation to the proceedings.
6. Case Management Directions dated 13 November 2024 directed that the Tribunal was considering striking out the appeal on the basis that the Tribunal had no jurisdiction and the Appellant was directed to provide any written representation on the Respondent's application to strike out the appeal by 29 November 2024.
7. The Appellant has not responded to the Case Management Directions of 13 November 2024 and has made no representations.
8. There are grounds to strike out the proceedings because the Tribunal does not have jurisdiction in relation to the proceedings and the Appellant has been given an opportunity to make representation in relation to the proposed striking out and has failed to make any representations.

Signed: *J Findlay*

Date: 13 January 2025