



NCN: [2025] UKFTT 00744 (GRC)

Case Reference: FT/PEN/2025/0061

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

Heard: on the papers in Chambers

**Heard on: 18 June 2025
Decision given on: 20 June 2025**

Before

TRIBUNAL JUDGE HAZEL OLIVER

Between

BELVEDERE CARE HOMES LTD

Appellant

and

THE PENSIONS REGULATOR

Respondent

Decision:

1. The proceedings are struck out under Rule 8(3)(a) for failure to comply with a direction which stated that failure to comply could lead to the striking out of the proceedings.

REASONS

1. The Appellant lodged an appeal on 27 February 2025 indicating they wished to challenge a decision of the Respondent.
2. The Appellant provided a copy of a letter from the Respondent which indicated that their application for a review was sent outside the 28 day deadline, and the Respondent did not consider it appropriate to conduct a review on their own initiative. The letter stated, "*As your request was received beyond the 28 day time limit, and no review has been conducted, you should be aware that the General Regulatory*

Chamber of the First Tier Tribunal has consistently confirmed that it has no power to hear an appeal against a penalty in such circumstances. You may wish to contact the Tribunal Service to check this on 0300 123 4504. Please also note that the Tribunal does not deal with complaints about our decision not to undertake a review."

3. The Tribunal sent an email to the Appellant dated 6 March 2025 informing them that further information was required, as it is not clear from the provided documents that they have a right of appeal to the Tribunal. The email attached case management directions which stated, "Pensions appeals only – *If the Tribunal has indicated that it is not clear whether you have a right of appeal, you must complete and return the "Pensions - right to appeal" form at the bottom of this document.*" The form asks the Appellant to confirm information about whether an application for a review was sent to the Regulator within 28 days, and includes a box for providing another reason why the appeal should proceed.
4. The Appellant did not complete and return the "Pensions – right to appeal" form. The Appellant sent an email to the Tribunal on 6 March 2025 which complains about what happened with the Regulator. This email does not address the issue about the application for a review not having been sent to the Regulator within 28 days.
5. On 14 April 2025, Senior Legal Officer Collins directed the Appellant to provide a copy of the "Pensions – right to appeal" form, by no later than 28 April 2025.

The directions stated, "The Appellant is asked to note that failure to comply with the direction above could lead to the Tribunal striking out this appeal for failure to comply pursuant to Rule 8(3)(a) of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 without further direction."

6. The Appellant did not complete the form or otherwise contact the Tribunal.
7. Under Rule 8(3)(a), the Tribunal may strike out the proceedings if "*the appellant has failed to comply with a direction which stated that failure by the appellant to comply with the direction could lead to the striking out of the proceedings or part of them*". The Rules do not require the Appellant to be given a further opportunity to make representations before the proceedings are struck out.
8. The Appellant failed to comply with this direction, having been warned that this could lead to the proceedings being struck out. The Appellant has not contacted the Tribunal to explain their position or ask for additional time to comply. Although the Appellant sent an email to the Tribunal on 6 March 2025, this was before the latest direction and did not address the issues that the Tribunal was concerned about. In all the circumstances, it is appropriate to strike out the proceedings under Rule 8(3)(a).

Signed: *Judge Hazel Oliver*

Date: 18 June 2025