
Changes to legislation: There are currently no known outstanding effects for the Taxation of Pensions Act 2014, Paragraph 87. (See end of Document for details)

SCHEDULES

SCHEDULE 1

PENSION FLEXIBILITY ETC

PART 6

PROVISION OF INFORMATION

87 After regulation 14 insert—

“Information provided to member by scheme administrator where it appears member may be first flexibly accessing pension rights

14Z(A) If a relevant event (see paragraph (2)) occurs in relation to a member of a registered pension scheme, the scheme administrator—

- (a) must provide the member with a statement—
 - (i) stating the date of the relevant event, and
 - (ii) explaining the matters specified in paragraph (3), and
- (b) must do so before the end of the 31 days beginning with the date of the relevant event,

but this is subject to paragraph (4).

(2) For the purposes of this regulation—

- (a) if—
 - (i) the member has a member's flexi-access drawdown fund in respect of an arrangement under the scheme, and
 - (ii) the fund came into being as a result of sums or assets being designated on or after 6 April 2015 as available for the payment of drawdown pension, or as a result of the operation of paragraph 8D(2) of Schedule 28,

a relevant event occurs when a qualifying payment is made to the member from the fund,

- (b) if—
 - (i) the member has a member's drawdown pension fund in respect of an arrangement under the scheme, and
 - (ii) the sums and assets that make up the fund become newly-designated funds by the operation of paragraph 8B of Schedule 28,

a relevant event occurs when a qualifying payment is made to the member from the member's flexi-access drawdown fund in respect of the arrangement,

- (c) a relevant event occurs when an uncrystallised funds pension lump sum is paid to the member by the scheme,

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- (d) if the member is entitled to payment of a lifetime annuity under a flexible annuity contract as defined by section 227G(8), a relevant event occurs when the first payment of the annuity is made,
 - (e) if—
 - (i) the member is entitled to payment of a scheme pension under a money purchase arrangement under the scheme,
 - (ii) the member became entitled to the scheme pension on or after 6 April 2015,
 - (iii) the member became entitled to the scheme pension at a time when fewer than 11 other individuals were entitled to the present payment of a scheme pension, or dependants' scheme pension, under the scheme, and
 - (iv) the scheme pension is not payable under an annuity contract treated under section 153(8) or (8A) as having become a registered pension scheme,
 a relevant event occurs when the first payment of the scheme pension is made, and
 - (f) a relevant event occurs when a stand-alone lump sum is paid on or after 6 April 2015 to the member by the scheme in circumstances where article 25B(2) of the Taxation of Pension Schemes (Transitional Provisions) Order 2006 applies.
- (3) The matters mentioned in paragraph (1)(a)(ii) are—
- (a) that a relevant event has occurred in relation to the member and that, as a result, the member has flexibly accessed the member's pension rights (although may have first done so previously),
 - (b) that if in any tax year the total of the pension inputs to money purchase arrangements, and certain hybrid arrangements, relating to the member exceeds £10,000—
 - (i) there will be an annual allowance tax charge on the excess, and
 - (ii) the annual allowance for pension inputs to other arrangements relating to the member will be £10,000 less than it would otherwise be, and
 - (c) the duties under regulation 14ZB and the circumstances in which the member will have to comply with them.
- (4) The scheme administrator is not required to comply with paragraph (1) in relation to the relevant event if—
- (a) the scheme administrator has complied with paragraph (1) in respect of an earlier relevant event, or
 - (b) the scheme administrator is, at any time before complying with paragraph (1) in relation to the relevant event, informed—
 - (i) by the member, or
 - (ii) by the scheme administrator of another registered pension scheme,
 that the member flexibly accessed pension rights at a time before the relevant event occurred.
- (5) In this regulation, a reference to a qualifying payment from a fund is a reference to—

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- (a) payment of income withdrawal from the fund, or
- (b) payment of a short-term annuity purchased using sums or assets out of the fund,

but does not include payment at a time when the whole of the fund represents rights attributable to a disqualifying pension credit.

- (6) In paragraph (5) “disqualifying pension credit” is to be read in accordance with paragraph 2(3) and (4) of Schedule 29.

Passing-on by member of information under regulation 14ZA if active or contributing etc

14ZB(1) Paragraphs (3) and (4) apply if—

- (a) an individual receives a statement under regulation 14ZA from the scheme administrator of a registered pension scheme (the “flexed” registered pension scheme), and
- (b) on the date of the relevant event concerned, or at any later time, the individual is an accruing member (see paragraph (7)) of the flexed or any other registered pension scheme.

(2) In this regulation—

“the relevant 13-week period” means the period of 91 days beginning with—

- (a) the date of receipt if the individual is an accruing member of any registered pension scheme on any day in the period—
 - (i) beginning with the date of the relevant event concerned, and
 - (ii) ending with the date of receipt, or
- (b) if not, the first day after the date of receipt when the individual is an accruing member of a registered pension scheme, and

“the intervening period” means the period—

- (a) beginning with the date of the relevant event concerned, and
- (b) ending with the first day of the relevant 13-week period.

(3) The individual must before the end of the relevant 13-week period—

- (a) pass on a copy of the statement, or
- (b) otherwise give notice—
 - (i) of receipt of the statement, and
 - (ii) of the date of the relevant event concerned or (if applicable) of its having occurred more than 2 years before the start of the relevant 13-week period,

to the scheme administrator of each other registered pension scheme of which the individual is an accruing member on any day in the intervening period; but this is subject to paragraph (6).

(4) Where, in the case of a particular registered pension scheme other than the flexed scheme, the individual is not an accruing member of that other scheme on any day in the intervening period but becomes an accruing member of that other scheme on a day (“the activation day”) after the last day of that period, the individual must before the end of the 91 days beginning with the activation day—

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- (a) pass on a copy of the statement, or
- (b) otherwise give notice—
 - (i) of receipt of the statement, and
 - (ii) of the date of the relevant event concerned or (if applicable) of its having occurred more than 2 years before the activation day,
 to the scheme administrator of that other scheme; but this is subject to paragraphs (5) and (6).
- (5) Paragraph (4) does not apply in connection with the individual becoming an accruing member of any particular scheme if the individual becomes an accruing member of that scheme upon or after becoming a member of that scheme as a result of a recognised transfer after the date of the relevant event concerned.
- (6) Paragraph (3) or (4), as the case may be, does not require the information concerned to be provided to the scheme administrator of a particular scheme if the individual has complied with regulation 14ZD(3) or (4) or 14ZE(3) or (4), or has previously complied with paragraph (3) or (4), in relation to the scheme administrator of that scheme.
- (7) For the purposes of this regulation, the individual is an accruing member of a registered pension scheme on any particular day if—
 - (a) the individual is an active member of the scheme on that day as a result of there presently being arrangements for the accrual of benefits to or in respect of the individual under a cash balance arrangement or hybrid arrangement, or
 - (b) a relevant contribution is made under the scheme on that day.
- (8) For the purposes of this regulation, a relevant contribution is made under a registered pension scheme if—
 - (a) a relievable pension contribution is paid by or on behalf of the individual under a non-cash-balance money purchase arrangement relating to the individual under the scheme,
 - (b) a contribution is paid in respect of the individual by an employer of the individual under a non-cash-balance money purchase arrangement relating to the individual under the scheme, or
 - (c) a contribution—
 - (i) paid under the scheme by an employer of the individual, and
 - (ii) paid otherwise than in respect of any individual,
 becomes held for the purposes of a non-cash-balance money purchase arrangement relating to the individual under the scheme; and in this paragraph “non-cash-balance money purchase arrangement” means a money purchase arrangement other than a cash balance arrangement.

Information between scheme administrators on recognised transfers

14Z(1) Paragraph (2) applies if—

- (a) in connection with a member of a registered pension scheme (“the transferring scheme”), there is a recognised transfer from

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- the transferring scheme to another registered pension scheme (“the recipient scheme”), and
- (b) the scheme administrator of the transferring scheme has reason to believe that the member first flexibly accessed pension rights before the transfer.
- (2) The scheme administrator of the transferring scheme must provide the scheme administrator of the recipient scheme with a statement—
- (a) stating that the scheme administrator of the transferring scheme has reason to believe that the member first flexibly accessed pension rights before the transfer, and
- (b) specifying the date the scheme administrator of the transferring scheme understands to be the date when the member first flexibly accessed pension rights.
- (3) The requirement under paragraph (2) is to be complied with before—
- (a) the end of the 31 days beginning with the date of the transfer, or
- (b) if later, the end of the 31 days beginning with the date when the scheme administrator of the transferring scheme first has reason for the belief mentioned in paragraph (1)(b).
- (4) References in this regulation to an individual first flexibly accessing pension rights are to be read in accordance with section 227G.

Individual to whom flexible drawdown arrangements applied before 6 April 2015 must tell other schemes if active or contributing etc

- 14ZD(1) Paragraphs (3) and (4) apply if—
- (a) at any time before 6 April 2015, section 165(3A) applied to an arrangement relating to an individual under a registered pension scheme (the “flexed” registered pension scheme), and
- (b) on or after 6 April 2015, the individual is an accruing member (see paragraph (9)) of the flexed or any other registered pension scheme.
- (2) In this regulation “the relevant 13-week period” means the period of 91 days beginning with—
- (a) 6 April 2015 if on that date the individual is an accruing member of any registered pension scheme, or
- (b) if not, the first day after 6 April 2015 when the individual is an accruing member of a registered pension scheme.
- (3) The individual must, before the end of the relevant 13-week period, provide the information specified in paragraph (5) to the scheme administrator of each registered pension scheme of which the individual is an accruing member on the first day of the relevant 13-week period; but this is subject to paragraphs (6) and (8).
- (4) Where, in the case of a particular registered pension scheme other than the flexed scheme, the individual is not an accruing member of that other scheme on the first day of the relevant 13-week period but becomes an accruing member of that other scheme on a day (“the activation day”) after the first day of that period, the individual must, before the end of the 91 days beginning with the activation day, provide the information specified

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in paragraph (5) to the scheme administrator of that other scheme; but this is subject to paragraphs (7) and (8).

- (5) The information is that, as a result of section 227G(3), the individual is treated for the purposes of sections 227B to 227F as having first flexibly accessed pension rights at the start of 6 April 2015.
- (6) Paragraph (3) does not require that information to be provided to the scheme administrator of a particular scheme if, immediately before 6 April 2015, section 165(3A) applied to an arrangement relating to the individual under that scheme.
- (7) Paragraph (4) does not require that information to be provided to the scheme administrator of a particular scheme if the individual becomes an accruing member of that scheme upon or after becoming a member of that scheme as a result of a recognised transfer made to the scheme after 6 April 2015.
- (8) Paragraph (3) or (4), as the case may be, does not require that information to be provided to the scheme administrator of a particular scheme if the individual has complied with regulation 14ZB(3) or (4) or 14ZE(3) or (4), or has previously complied with paragraph (3) or (4), in relation to the scheme administrator of that scheme.
- (9) For the purposes of this regulation, the individual is an accruing member of a registered pension scheme on any particular day if—
 - (a) the individual is an active member of the scheme on that day as a result of there presently being arrangements for the accrual of benefits to or in respect of the individual under a cash balance arrangement or hybrid arrangement, or
 - (b) a relevant contribution is made under the scheme on that day.
- (10) For the purposes of this regulation, a relevant contribution is made under a registered pension scheme if—
 - (a) a relievable pension contribution is paid by or on behalf of the individual under a non-cash-balance money purchase arrangement relating to the individual under the scheme,
 - (b) a contribution is paid in respect of the individual by an employer of the individual under a non-cash-balance money purchase arrangement relating to the individual under the scheme, or
 - (c) a contribution—
 - (i) paid under the scheme by an employer of the individual, and
 - (ii) paid otherwise than in respect of any individual,
 becomes held for the purposes of a non-cash-balance money purchase arrangement relating to the individual under the scheme; and in this paragraph “non-cash-balance money purchase arrangement” means a money purchase arrangement other than a cash balance arrangement.

Member to inform other schemes if active or contributing etc and, under paragraph 8C of Schedule 28, drawdown pension fund becomes flexi-access drawdown fund

14ZE) Paragraphs (3) and (4) apply if—

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- (a) under paragraph 8C of Schedule 28, the drawdown pension fund in respect of an arrangement relating to an individual under a registered pension scheme (the “flexed” registered pension scheme) becomes the individual's flexi-access drawdown fund in respect of the arrangement, and
 - (b) on the conversion date, or at any later time, the individual is an accruing member (see paragraph (7)) of the flexed or any other registered pension scheme.
- (2) In this regulation “the relevant 13-week period” means the period of 91 days beginning with—
 - (a) the conversion date if on that date the individual is an accruing member of any registered pension scheme, or
 - (b) if not, the first day after that date when the individual is an accruing member of a registered pension scheme.
- (3) The individual must, before the end of the relevant 13-week period, inform the scheme administrator of each other registered pension scheme of which the individual is an accruing member on the first day of the relevant 13-week period—
 - (a) of the conversion, and
 - (b) of the conversion date or (if applicable) of the conversion's having occurred more than 2 years before the start of the relevant 13-week period;but this is subject to paragraph (6).
- (4) Where, in the case of a particular registered pension scheme other than the flexed scheme, the individual is not an accruing member of that other scheme on the first day of the relevant 13-week period but becomes an accruing member of that other scheme on a day (“ the activation day ”) after the first day of that period, the individual must, before the end of the 91 days beginning with the activation day, inform the scheme administrator of that other scheme—
 - (a) of the conversion, and
 - (b) of the conversion date or (if applicable) of the conversion's having occurred more than 2 years before the activation day;but this is subject to paragraphs (5) and (6).
- (5) Paragraph (4) does not apply in connection with the individual becoming an accruing member of any particular scheme if the individual becomes an accruing member of that scheme upon or after becoming a member of that scheme as a result of a recognised transfer after the conversion date.
- (6) Paragraph (3) or (4), as the case may be, does not require the information concerned to be provided to the scheme administrator of a particular scheme if the individual has complied with regulation 14ZB(3) or (4) or 14ZD(3) or (4), or has previously complied with paragraph (3) or (4), in relation to the scheme administrator of that scheme.
- (7) For the purposes of this regulation, the individual is an accruing member of a registered pension scheme on any particular day if—
 - (a) the individual is an active member of the scheme on that day as a result of there presently being arrangements for the accrual of

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- benefits to or in respect of the individual under a cash balance arrangement or hybrid arrangement, or
- (b) a relevant contribution is made under the scheme on that day.
- (8) For the purposes of this regulation, a relevant contribution is made under a registered pension scheme if—
- (a) a relievable pension contribution is paid by or on behalf of the individual under a non-cash-balance money purchase arrangement relating to the individual under the scheme,
- (b) a contribution is paid in respect of the individual by an employer of the individual under a non-cash-balance money purchase arrangement relating to the individual under the scheme, or
- (c) a contribution—
- (i) paid under the scheme by an employer of the individual, and
- (ii) paid otherwise than in respect of any individual,
- becomes held for the purposes of a non-cash-balance money purchase arrangement relating to the individual under the scheme;
- and in this paragraph “non-cash-balance money purchase arrangement” means a money purchase arrangement other than a cash balance arrangement.”

Commencement Information

II Sch. 1 para. 87 in force at Royal Assent, but see Sch. 1 para. 91

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