
STATUTORY INSTRUMENTS

2014 No. 1711

**The Pensions Act 2011 (Transitional, Consequential
and Supplementary Provisions) Regulations 2014**

PART 19

Disclosure

Benefits and schemes treated as money purchase before the appointed day

78.—(1) Where the conditions specified in paragraph (2) are met—

- (a) the trustees or managers of an occupational pension scheme are not, in relation to any period before the appointed day, required to supply information under the provisions specified in paragraph (2)(c); and
- (b) neither—
 - (i) regulation 11 (civil penalties)⁽¹⁾ of the Occupational Pension Schemes (Disclosure of Information) Regulations 1996⁽²⁾ (“the 1996 Disclosure Regulations”); nor
 - (ii) regulation 5 (civil penalties relating to occupational pension schemes) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013⁽³⁾ (“the Disclosure Regulations”),

applies in relation to a failure to provide information required under the provisions specified in paragraph (2)(c) in relation to a period before the appointed day.

(2) The conditions specified in this paragraph are that, before the appointed day—

- (a) members of an occupational pension scheme—
 - (i) had, under the scheme, accrued rights to cash balance benefits, a defined benefit minimum (in relation to money purchase underpin benefits) or top-up benefits; or
 - (ii) were entitled to a pension derived from cash balance benefits or money purchase benefits;
- (b) the trustees or managers of the scheme treated benefits specified in sub-paragraph (a) as money purchase benefits or treated the scheme as a money purchase scheme; and
- (c) the trustees or managers did not supply to members of the scheme information specified in the following provisions—
 - (i) in the 1996 Disclosure Regulations—
 - (aa) paragraph 4 of Schedule 2⁽⁴⁾, in accordance with regulation 5(4) (information to be made available to individuals);
 - (bb) paragraph 16 of Schedule 2, in accordance with regulation 5(12)(a);

(1) Regulation 11 was substituted by [S.I. 2005/704](#) and amended by [S.I. 2009/615](#) before revocation by [S.I. 2013/2734](#).

(2) [S.I. 1996/1655](#). These Regulations were (prospectively) revoked by [S.I. 2013/2734](#).

(3) [S.I. 2013/2734](#).

(4) Paragraph 4 of Schedule 2 was amended by [S.I. 2000/2691](#).

- (cc) paragraphs 17 to 22 of Schedule 2(5), in accordance with regulation 5(12ZA)(6) and subject to regulation 5(16)(7);
 - (dd) regulation 6(1)(b) to (d) (availability and content of annual report)(8);
 - (ee) regulation 7(1)(a) to (ca) and (e) (availability of other documents)(9);
- (ii) in the Disclosure Regulations—
- (aa) Part 3 of Schedule 3 (information on funding principles and actuarial valuations etc), in accordance with regulation 13 (other information to be given on request);
 - (bb) Schedule 4, in accordance with regulation 15(1) (summary funding statements);
 - (cc) Schedule 5, in accordance with regulation 16 (statements of benefits: non money purchase benefits);
 - (dd) paragraph 16 of Schedule 8 (information on expected benefits), in accordance with regulation 25(2)(b)(ii) (occupational pension schemes after winding up for individual members).

Commencement Information

- II** Reg. 78 comes into force in accordance with reg. 1(1)

(5) Paragraphs 17 to 22 of Schedule 2 were inserted by S.I. 2005/3377.

(6) Paragraph (12ZA) of regulation 5 was inserted by S.I. 2005/3377 and was amended by S.I. 2007/814.

(7) Paragraph (16) of regulation 5 was inserted by S.I. 2007/814.

(8) Paragraph (1) of regulation 6 was amended by S.I.s 1997/786 and 2005/3377.

(9) Paragraph (1) of regulation 7 was amended by S.I.s 2005/3377 and 2006/1733.

Changes to legislation:

There are currently no known outstanding effects for the The Pensions Act 2011 (Transitional, Consequential and Supplementary Provisions) Regulations 2014, Section 78.