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STATUTORY INSTRUMENTS

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**2013 No. 2734**

**PENSIONS**

**The Occupational and Personal Pension Schemes  
(Disclosure of Information) Regulations 2013**

<i>Made</i>	- - - -	<i>24th October 2013</i>
<i>Laid before Parliament</i>		<i>31st October 2013</i>
<i>Coming into force</i>	- -	<i>6th April 2014</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 113, 168(4), 181(1), 182(2) and (3) and 183(1) of the Pension Schemes Act 1993 <sup>M1</sup>, sections 10(3), 41(1), (5), (5A) and (6), 124(1) and 174(2) and (3) of the Pensions Act 1995 <sup>M2</sup> and sections 1(1)(b), 8(1) and 83(4) to (6) of the Welfare Reform and Pensions Act 1999 <sup>M3</sup>.

In accordance with section 185(1) of the Pension Schemes Act 1993 <sup>M4</sup> and section 120(1) of the Pensions Act 1995, the Secretary of State has consulted with such persons as the Secretary of State considers appropriate.

**Marginal Citations**

- M1** 1993 c.48. Section 113 was amended by the [Employment Rights \(Dispute Resolution\) Act 1998 \(c.8\)](#), [section 1\(2\)\(a\)](#); the [Child Support, Pensions and Social Security Act 2000 \(c.19\)](#), [section 52](#); the 2004 Act, section 319(1) and Schedule 12, paragraphs 9 and 17; the [Pensions Act 2007 \(c.22\)](#), [section 17](#) and Schedule 5, paragraph 6 and [S.I. 2005/2053](#). Section 168 was substituted by the 1995 Act, section 155(1) and subsection (4) was amended by the 2004 Act, section 319(1) and Schedule 12, paragraphs 9 and 27. Section 181(1) is cited for the meaning given to “prescribe” and “regulations”. In section 181(1), the relevant amending provisions are the 1995 Act, sections 151 and 171 and Schedule 5, paragraph 77(a)(i); the [Employment Tribunals Act 1996 \(c.17\)](#), [section 43](#) and Schedule 1, paragraph 11; the [Employment Rights \(Dispute Resolution\) Act 1998](#), section 1(2)(a) and (c); the 1999 Act, section 84(1) and Schedule 12, paragraphs 28 and 41(a); the 2004 Act, section 319(1) and Schedule 12, paragraph 31; the [Pensions Act 2007](#), section 15(3)(a) and Schedule 4, paragraph 34(1) and (2)(a); the [Pensions Act 2011 \(c.19\)](#), [section 29\(1\)](#) (with effect from a day to be appointed) and [S.I. 2005/2053](#). Section 183(1) was amended by the 1995 Act, sections 151, 173, 177, Schedule 5, paragraph 79 and Schedule 6, paragraph 15(a).
- M2** 1995 c.26. Section 41 was amended by the [Employment Rights \(Dispute Resolution\) Act 1998](#), section 1(2)(a); the [Child Support, Pensions and Social Security Act 2000](#), section 56 and Schedule 5, paragraph 12(1); the 2004 Act, sections 319(1) and 320, Schedule 12, paragraphs 34 and 52(a) and (b) and Schedule 13, Part 1 and [S.I. 2005/2053](#). Section 124(1) is cited for the meaning given to “prescribed” and “regulations”.

- M3** 1999 c.30. Section 1(1) was amended by the 2004 Act, section 285(1) and (2) and the Pensions Act 2007, section 15(3)(a). Section 8(1) is cited for the meaning given to “prescribed”.
- M4** Section 185(1) was amended by the 1995 Act, sections 122, 151 and 177 and Schedule 3, paragraph 46, Schedule 5, paragraph 80(a), (d) and (f) and Schedule 7, Part 1.

## PART 1

### General

#### Citation, commencement, expiry, revocations and amendments

1.—(1) These Regulations may be cited as the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 and come into force on 6th April 2014.

(2) On 6th April 2015 the following provisions cease to have effect—

- (a) paragraphs 2 and 3 of Schedule 6, and
- (b) paragraph 11(1)(b) and (2) of Schedule 8.

(3) The following regulations are revoked—

- (a) the Personal Pension Schemes (Disclosure of Information) Regulations 1987<sup>M5</sup>, and
- (b) the Occupational Pension Schemes (Disclosure of Information) Regulations 1996<sup>M6</sup>.

(4) The amendments made by Schedule 9 have effect.

#### Marginal Citations

**M5** S.I. 1987/1110.

**M6** S.I. 1996/1655.

#### Interpretation

2.—<sup>[F1]</sup>(1) In these Regulations—

“the 1993 Act” means the Pension Schemes Act 1993;

“the 1995 Act” means the Pensions Act 1995;

“the 1999 Act” means the Welfare Reform and Pensions Act 1999;

<sup>M7</sup>“the 2004 Act” means the Pensions Act 2004;

<sup>[F2]</sup>“the 2013 Act” means the Public Service Pensions Act 2013;

<sup>[F3]</sup>“the 2021 Act” means the Pension Schemes Act 2021;

<sup>[F3]</sup>“the available assets of the scheme”, in relation to a collective money purchase scheme, has the meaning given by section 2(2) of the 2021 Act;

“accrued rights”—

(a) in relation to an occupational pension scheme, has the meaning given in section 124(2) of the 1995 Act (interpretation of Part 1), and

(b) in relation to a personal pension scheme means rights that have accrued under the scheme;

<sup>[F3]</sup>“actuarial valuation”, in relation to a collective money purchase scheme, has the meaning given by section 20(2) of the 2021 Act;

“beneficiary” means a person, other than a member, who is entitled to the payment of benefits under the scheme;

[<sup>F4</sup>“cash balance benefit” has the meaning given in section 75 of the Pension Schemes Act 2015 (meaning of “cash balance benefit”);]

[<sup>F3</sup>“collective money purchase scheme” means a scheme or a section of a scheme which is a collective money purchase scheme for the purposes of Part 1 of the 2021 Act;]

[<sup>F5</sup>“drawdown pension” has the meaning given in paragraph 4 of Schedule 28 to the Finance Act 2004 (drawdown pension);]

<sup>M8</sup>“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation);

“excluded person” means a member or beneficiary—

- (a) whose present postal address and electronic address is not known to the trustees or managers of the scheme, and
- (b) in respect of whom the trustees or managers of the scheme have sent correspondence to their last known—
  - (i) postal address and that correspondence has been returned, or
  - (ii) electronic address and the trustees or managers of the scheme are satisfied that correspondence has not been delivered;

[<sup>F5</sup>“flexible benefit” has the meaning given in section 74 of the Pension Schemes Act 2015 (meaning of “flexible benefit”);]

<sup>F6</sup> ...

[<sup>F7</sup>“ill-health condition” has the meaning given in paragraph 1 of Schedule 28 to the Finance Act 2004 (ill-health condition);]

“illustration date” means the date specified by the trustees or managers of the scheme as the date by reference to which amounts are calculated for the purpose of giving the information in Part 2 of Schedule 6 [<sup>F8</sup>and in Schedule 6A];

“lifestyling” means an investment strategy that aims progressively to reduce the potential for significant variation caused by market conditions in the value of the member's rights;

“member”—

- (a) <sup>M9</sup>in relation to an occupational pension scheme, has the meaning given in section 124(1) of the 1995 Act, and
- (b) in relation to a personal pension scheme, means a member of the scheme;

[<sup>F3</sup>“multi-annual reduction” has the meaning given by regulation 2 of the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022;]

[<sup>F5</sup>“normal minimum pension age” has the meaning given in section 279(1) of the Finance Act 2004 (other definitions);]

[<sup>F9</sup>“pensions guidance” means information or guidance provided by any person in pursuance of the requirements mentioned in section 4 of the Financial Guidance and Claims Act 2018 (information etc. about flexible benefits under pension schemes);]

“prospective member” means a person who, under the terms of their contract of service, the scheme rules or both—

- (a) can choose to become a member of the scheme,

- (b) will be able to choose to become a member of the scheme if they continue in the same employment for a certain period of time,
- (c) will become a member of the scheme automatically unless they choose not to become a member of the scheme, or
- (d) can become a member of the scheme if their employer consents;

“recipient” means the person, organisation or body to whom these Regulations require information or documents to be made available;

<sup>M10</sup>“recognised trade union” means an independent trade union (within the meaning given in section 235(1) of the Employment Rights Act 1996 (other definitions)) that is recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of a scheme;

“the Regulator” means the Pensions Regulator established under section 1 of the 2004 Act (the Pensions Regulator);

“relevant employment” means any employment to which the scheme relates;

<sup>M11</sup>“relevant guidance” means the document entitled “AS TM1: Statutory Money Purchase Illustrations” that is adopted or prepared, and from time to time revised, by the Financial Reporting Council Limited ;

“relevant person” means a—

- (a) member or prospective member of the scheme,
- (b) spouse or civil partner of a member or prospective member,
- (c) beneficiary of the scheme,
- (d) recognised trade union;

“retirement date” has the meaning given in regulation 19(5);

“scheme year” means, in relation to an occupational pension scheme—

- (a) a year specified for the purposes of the scheme in any scheme document or, if there is no such year specified, a period of 12 months commencing on 1st April or on such other date as the trustees choose, or
- (b) a period between 6 and 18 months specified by the trustees in connection with—
  - (i) the commencement or termination of the scheme, or
  - (ii) a variation of the date on which the period referred to in paragraph (a) is to commence;

[<sup>F5</sup>“survivor” has the meaning given in section 76(1) of the Pension Schemes Act 2015 (interpretation of Part 4);]

“tax registered scheme” means a scheme that—

- (a) <sup>M12</sup>is registered under section 153 of the Finance Act 2004 (registration of pension schemes),
- (b) was formerly registered under that section,
- (c) is deemed to be registered under that section by virtue of paragraph 1 of Schedule 36 to that Act (pension schemes: transitional provisions and savings), or
- (d) has applied for registration under that section and the Commissioners for Her Majesty's Revenue and Customs have not decided whether to register the scheme;

[<sup>F5</sup>“transferrable rights” has the meaning given in section 93(11)(b) of the 1993 Act (scope of Chapter 1);]

[<sup>F10</sup>“unfunded public service defined benefits scheme” has the meaning given in section 95(2C) of the 1993 Act (ways of taking right to cash equivalent);]

“wholly insured scheme” means a scheme under which all the benefits provided are secured by a policy or policies of insurance or annuity contract or contracts.

[<sup>F11</sup>(2) In these Regulations—

[<sup>F12</sup>(a) a member has an opportunity to transfer flexible benefits where—

(i) the member—

(aa) has transferrable rights in relation to flexible benefits; or

(bb) would have transferrable rights in relation to flexible benefits if the member stopped accruing rights to some or all of the flexible benefits (see subparagraph (b)),

and the making of a transfer or transfer payment in respect of the flexible benefits is not prohibited by section 135(4)(a) of the 2004 Act (restrictions on winding up, discharge of liabilities etc. ); or

(ii) the member has an opportunity to transfer accrued rights to flexible benefits out of the scheme under the scheme rules;]

(b) a member stops accruing rights to flexible benefits when there are no longer arrangements in place for the accrual of rights to those flexible benefits for or in respect of the member.]

- F1** Reg. 2(1): reg. 2 renumbered as reg. 2(1) (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(1)**
- F2** Words in reg. 2(1) inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(2)(a)**
- F3** Words in reg. 2(1) inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(2)(a)**
- F4** Words in reg. 2(1) substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(2)(c)**
- F5** Words in reg. 2(1) inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(2)(b)**
- F6** Words in reg. 2(1) omitted (6.4.2015) by virtue of [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(2)(e)**
- F7** Words in reg. 2(1) inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(2)(d)**
- F8** Words in reg. 2 inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(2)(b)**
- F9** Words in reg. 2(1) substituted (1.6.2022) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Requirements to Refer Members to Guidance etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/30\)](#), regs. 1(2), **2(2)**
- F10** Words in Reg. 2(1) inserted (6.4.2016) by [The Pension Protection Fund and Occupational and Personal Pension Schemes \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/294\)](#), regs. 1, **8(1)**
- F11** Reg. 2(2) inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(3)**
- F12** Reg. 2(2)(a) substituted (6.4.2016) by [The Pension Protection Fund and Occupational and Personal Pension Schemes \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/294\)](#), regs. 1, **8(2)**

#### Marginal Citations

**M7** 2004 c.35.

- M8** 2000 c.7. The definition of “electronic communications” was amended by the [Communications Act 2003 \(c.21\)](#), [section 406](#) and paragraph 158 of Schedule 7.
- M9** The definition of “member” in section 124(1) of the 1995 Act was amended by the 1999 Act, section 84(1) and Schedule 12, paragraphs 43 and 61(1).
- M10** 1996 c.18.
- M11** A company registered in England and Wales with number 02486368.
- M12** 2004 c.12. Section 153 was amended by the [Finance Act 2005 \(c.7\)](#), [section 101](#) and Schedule 10, paragraphs 1 to 3.

### Recognised trade union

3. Where there is a question about whether an organisation is a recognised trade union, that question must be referred to an employment tribunal.

### Application of these Regulations

4.—<sup>F13</sup>(1) Subject to paragraphs (2), (3), (6) and (9), the trustees or managers of an occupational pension scheme that falls within paragraph 1 of Schedule 1 must give information in accordance with regulations 6, 8, 9 to 17, 18 to 22, 24, 25 and, where the scheme falls within section 35 (investment principles) of the 1995 Act or the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, regulation 29A.]

(2) Regulations 9, 10, 12, 13 and 15 do not apply to a public service pension scheme if—

- (a) there are no requirements for assets related to the intended rate or amount of benefit under the scheme to be set aside in advance (disregarding requirements relating to additional voluntary contributions),
- (b) it is made under section 7 of the Superannuation Act 1972 <sup>M13</sup> (superannuation of persons employed in local government service, etc.) <sup>F14</sup> or it is a defined benefits scheme under section 1 (schemes for persons in public service) of the 2013 Act in relation to persons specified in subsection (2)(c) of that section], or

<sup>F15</sup>(c) it is provided for by section 40 of, and Schedule 6 to, the Constitutional Reform and Governance Act 2010 (Parliamentary and other pensions).]

(3) Regulation 17 does not apply to a stakeholder pension scheme within the meaning of section 1 of the 1999 Act <sup>M14</sup> (meaning of “stakeholder pension scheme”).

(4) Subject to paragraph (6), the trustees or managers of a pension scheme that is—

- (a) an occupational pension scheme that does not fall within paragraph 1 of Schedule 1, or
- (b) established under the Salvation Army Act 1963 <sup>M15</sup>,

must give information in accordance with regulation 7.

(5) Subject to paragraphs (3) and (6) the managers of a personal pension scheme that falls within paragraph 2 of Schedule 1 must give information in accordance with regulations 10, 17<sup>F16</sup>, 18], 21 and 23.

(6) Paragraphs (1), (4) and (5) do not require the trustees or managers of a scheme to give information to—

- (a) a member or prospective member if no person who employs them in relevant employment has informed the trustees or managers of the scheme that they are a member or prospective member,

- (b) a recognised trade union if no person who employs a member or prospective member in relation to whom the trade union is a recognised trade union has informed the trustees or managers of the scheme that the trade union is a recognised trade union, or
- (c) a member of an occupational pension scheme where all the members are trustees or managers of the scheme.

(7) [<sup>F17</sup>Except when information is given verbally in accordance with regulation 18B(3) [<sup>F18</sup>or 18C(4) or (7)], when] any information is given in accordance with paragraph (1), (4) or (5), it must be accompanied by the postal and electronic address to which a person should send requests for further information or any other enquiry.

[<sup>F19</sup>(8) In this regulation “defined benefits scheme” has the meaning given in section 37 of the 2013 Act.]

[<sup>F20</sup>(9) Regulations 12A, 17, 18B, 19 and 25 do not apply to a collective money purchase scheme.

(10) For the purposes of these Regulations, where a pension scheme is divided into sections, each section that is a collective money purchase scheme is to be treated as a separate scheme.]

- F13** Reg. 4(1) substituted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(3)(a)**
- F14** Words in reg. 4(2)(b) inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **4(2)(a)**
- F15** Reg. 4(2)(c) substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **4(2)(b)**
- F16** Word in reg. 4(5) substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **4(3)**
- F17** Words in reg. 4(7) substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **4(4)**
- F18** Words in reg. 4(7) inserted (1.6.2022) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Requirements to Refer Members to Guidance etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/30\)](#), regs. 1(2), **2(3)**
- F19** Reg. 4(8) inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **4(5)**
- F20** Reg. 4(9)(10) inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(3)(b)**

#### Marginal Citations

- M13** 1972 c.11.
- M14** Section 1 was amended by the 2004 Act, sections 285(1) to (4) and 319(1) and Schedule 12, paragraphs 71 and 72; the Pensions Act 2007, section 15(3)(a) and Schedule 4, paragraph 37(a) and Part 3 and [S.I. 2005/275](#) and 2006/745.
- M15** 1963 c.xxxii.

### Civil penalties relating to occupational pension schemes

5. Where in relation to an occupational pension scheme a person fails without reasonable excuse to comply with any requirement imposed under these Regulations, the Regulator may, by notice in writing, require that person to pay, within 28 days, a penalty that must not—

- (a) in the case of an individual, exceed £5,000, and
- (b) in any other case exceed £50,000.

**Modifications etc. (not altering text)**

- C1** Reg. 5 excluded (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **78** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

## PART 2

### Information for new and prospective members

#### Basic scheme information

**6.—(1)** The basic scheme information mentioned in paragraph (2) must be given in accordance with this regulation.

- (2) The basic scheme information is the information listed in—
- (a) Part 1 of Schedule 2, and
  - (b) Part 3 of that Schedule where the scheme contains provision for lifestyling (see regulation 18).
- (3) The information must be given to—
- (a) prospective members, if it is practicable to do so, and
  - (b) members who have not already been given the information.
- (4) The information must also be given to a relevant person who—
- (a) makes a request for the information, and
  - (b) has not been given that information in the previous 12 months.
- (5) Where the trustees or managers of the scheme have in relation to a member or prospective member received jobholder information, the information must be given within one month of the date that information was received.
- (6) Where the trustees or managers of the scheme have not received jobholder information in relation to a member or prospective member, the information must be given within two months of the date the person became an active member of the scheme.
- (7) Where the trustees or managers of the scheme have received a request for the information from a relevant person, the information must be given within two months of that request.
- (8) No information is required to be given under this regulation to—
- (a) a relevant person, except a recognised trade union, unless it is relevant to the person's rights or prospective rights under the scheme, and
  - (b) a recognised trade union unless it is relevant to the rights or prospective rights of persons who are in that recognised trade union.
- (9) In this regulation “jobholder information” means the information specified in regulation 3 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010 <sup>M16</sup> (jobholder information).



**Marginal Citations**

M16 S.I. 2010/772.

**Basic scheme information to be given by certain schemes**

7.—(1) The basic scheme information mentioned in paragraph (2) must be given in accordance with this regulation.

- (2) The basic scheme information is the information listed in—
  - (a) Part 2 of Schedule 2, and
  - (b) Part 3 of that Schedule where the scheme contains provision for lifestyling (see regulation 18).
- (3) The information must be given to—
  - (a) prospective members,
  - (b) members who have not already been given the information, and
  - (c) a recognised trade union on request.
- (4) The information must be given to—
  - (a) a prospective member, if it is practicable to do so,
  - (b) a member within two months of membership beginning, and
  - (c) a recognised trade union within two months of the date the request is made.

## PART 3

### Changes to information

**Material alterations to basic scheme information**

8.—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where—

- (a) there is a change in relation to the scheme, and
  - (b) that change results in a material alteration in the information listed in Part 1 of Schedule 2.
- (2) The information is the information referred to in paragraph (1)(b) that has materially changed.
- (3) The information must be given to all members and beneficiaries of the scheme except for excluded persons and to a recognised trade union.
- (4) The information must be given before or as soon as possible after (and in any event within three months after) the change referred to in paragraph (1)(a) takes effect.
- (5) No information is required to be given under this regulation to—
- (a) relevant persons, except a recognised trade union, unless it is relevant to the person's rights or prospective rights under the scheme, and
  - (b) a recognised trade union unless—
    - (i) it is relevant to the rights or prospective rights of persons who are in that recognised trade union, and
    - (ii) basic scheme information has already been given to the recognised trade union under regulation 6.

[<sup>F21</sup>(6) This regulation does not apply where regulation 8A applies.]

**F21** Reg. 8(6) inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(4)**

[<sup>F22</sup>**Scheme closure: collective money purchase schemes**

**8A.**—(1) In relation to a collective money purchase scheme, the information specified in paragraphs (2) and (3) must be given in accordance with this regulation.

(2) The information listed in paragraphs 30 to 33 of Schedule 2 must be given as soon as practicable and in any event no more than one month after a decision by the trustees to pursue continuity option 3.

(3) The information listed in paragraphs 34 to 38 of Schedule 2 must be given as soon as is practicable and in any event no more than one month after the date on which the Regulator notifies the trustees in accordance with section 38(4) of the 2021 Act.

(4) The information must be given to all members and beneficiaries of the scheme except for excluded persons.

(5) In this regulation, and in Schedule 2, “continuity option 3” is the conversion of the scheme into a closed scheme in accordance with sections 34 and 38 of the 2021 Act and regulations made under the latter of those sections.]

**F22** Reg. 8A inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(5)**

**Modification by the Regulator**

**9.** Active members must be informed of any modification to the scheme by the Regulator under section 231(2)(a) of the 2004 Act (powers of the Regulator) within one month of the modification taking effect.

**Former stakeholder pension schemes**

**10.**—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where a scheme is removed from the register of stakeholder pension schemes kept under section 2 of the 1999 Act<sup>M17</sup> (registration of stakeholder pension schemes).

(2) The information is a statement that the scheme—

- (a) has been removed from the register,
- (b) is no longer a stakeholder pension scheme, and
- (c) is required to begin winding up.

(3) The information must be given to members except excluded persons.

(4) The information must be given no more than [<sup>F23</sup>two weeks after] the trustees or managers of the scheme are notified that the scheme has been removed from the register.

**F23** Words in reg. 10(4) substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **5**

### Marginal Citations

**M17** Section 2 was amended by the 2004 Act, section 319(1) and Schedule 12, paragraphs 71 and 73 and the Pensions Act 2007, section 15(3)(a) and Schedule 4, paragraph 38.

## PART 4

### Information to be given on request

#### Constitution of the scheme

**11.**—(1) The information listed in Part 1 of Schedule 3 must be given to a relevant person in accordance with this regulation where the relevant person makes a request for the information.

(2) The information must be given within two months of the date the request is made.

(3) The information must be given in accordance with regulation 29.

(4) Any document that must be given under paragraph (1) which is not in the English language must be accompanied by a translation in that language.

(5) No information is required to be given under this regulation—

(a) to relevant persons, except a recognised trade union, unless it is relevant to the person's rights or prospective rights under the scheme,

(b) to a recognised trade union unless it is relevant to the rights or prospective rights of persons who are in that recognised trade union, and

(c) where the information has been given to the relevant person in the previous 12 months unless there has been a change in the information.

#### Annual report

**12.**—(1) A document containing the information listed in Part 2 of Schedule 3 must be prepared within seven months of the end of each scheme year and [<sup>F24</sup>(subject to paragraph (5))] given in accordance with this regulation.

(2) The document must be given to a relevant person where the relevant person—

(a) makes a request for the document within five years of the end of the scheme year to which the information relates, and

(b) has not been given the document before.

(3) The document must be given within two months of the date the request is made.

(4) The document must be given in accordance with—

(a) regulation 26 or 29(3), where the document relates to the most recent scheme year, or

(b) regulation 29, where the document does not relate to that year.

[<sup>F25</sup>(5) Where section 35 of the 1995 Act applies to a scheme the following information must be made publicly available free of charge in accordance with regulation 29A—

(a) the information listed in paragraph 30(ca) of Schedule 3 but only if the scheme is not a relevant scheme within the meaning of regulation 1(2) (interpretation) of the Occupational Pension Schemes (Scheme Administration) Regulations 1996; or

(b) the information listed in paragraph 30(f) of that Schedule but only if the scheme is a relevant scheme within the meaning of that regulation.]

- F24** Words in reg. 12(1) inserted (1.10.2020) by [The Pension Protection Fund \(Pensionable Service\) and Occupational Pension Schemes \(Investment and Disclosure\) \(Amendment and Modification\) Regulations 2018 \(S.I. 2018/988\)](#), regs. 1(3)(a), **5(2)(a)**
- F25** Reg. 12(5) inserted (1.10.2020 (as substituted by 2019/982)) by [The Pension Protection Fund \(Pensionable Service\) and Occupational Pension Schemes \(Investment and Disclosure\) \(Amendment and Modification\) Regulations 2018 \(S.I. 2018/988\)](#), regs. 1(3)(a), **5(2)(b)**

**[<sup>F26</sup>Additional information available on request: pooled funds**

**12A.**—(1) Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, a statement containing the information listed in paragraph 35 of Schedule 3 must be given on request to a member, or to a recognised trade union on behalf of the member, in accordance with this regulation.

(2) The statement must be given within two months of the date the request is made and it must be given in accordance with regulation 26 (giving information and documents).

(3) A statement is not required to be given where the request is made—

- (a) less than 6 months after the last occasion on which information was given to or in respect of the member under this regulation; or
- (b) by a recognised trade union unless it is relevant to the rights of a member who is in that recognised trade union.]

- F26** [Reg. 12A](#) inserted (6.4.2019) by [The Occupational Pension Schemes \(Administration and Disclosure\) \(Amendment\) Regulations 2018 \(S.I. 2018/233\)](#), regs. 1(2), **3(3)**

**Other information to be given on request**

**13.**—(1) The information listed in Part 3 of Schedule 3 must be given to a relevant person in accordance with this regulation where the relevant person makes a request for the information.

(2) The information must be given within two months of the date the request is made.

(3) The information must be given in accordance with regulation 29.

**Transfer credits**

**14.**—(1) The information listed in Part 4 of Schedule 3 must be given in accordance with this regulation.

(2) Subject to paragraph (3), the information must be given to any member or prospective member who makes a request for it.

(3) Paragraph (2) does not apply where the request mentioned in that paragraph is made less than 12 months after the last occasion on which such information was given.

(4) The information must be given within two months of the date the request is made.

## PART 5

### Funding statements, benefit statements and illustrations

#### Summary funding statements

**15.**—(1) The information listed in Schedule 4, in the form of a summary funding statement, must be given in accordance with this regulation where the trustees or managers of the scheme have obtained an actuarial valuation or report under section 224 of the 2004 Act (actuarial valuations and reports).

(2) The information must be given to all members and beneficiaries of the scheme except—

- (a) excluded persons, and
- (b) members or beneficiaries whose only entitlement to benefits under the scheme is, or will be, to money purchase benefits.

(3) The information must be given on, before or within a reasonable period after, the date by which the trustees or managers of the scheme are required under section 224 of the 2004 Act to ensure that the valuation or report is received by them.

#### Statements of benefits: non money purchase benefits

**16.**—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where—

- (a) the member has rights to benefits that are not money purchase benefits,
- (b) the member requests that information, <sup>F27</sup> ...
- (c) information has not been given to that member under this regulation in the 12 months before that [<sup>F28</sup>request, and].
- <sup>F29</sup>(d) in relation to active members, a benefit information statement has not been provided pursuant to section 14(1) (information about benefits) of the 2013 Act in the 12 months before the request in sub-paragraph (b).]

(2) The information is—

- (a) for active members, the information listed in Parts 1 and 2 of Schedule 5,
- (b) for deferred members, the information listed in Parts 2 and 3 of that Schedule,
- (c) for pension credit members, the information listed in Part 4 of that Schedule.

(3) The information must be given as soon as practicable but no more than two months after the date the request is made.

(4) In this regulation “pension credit member” means a person who has rights under the scheme that are attributable (directly or indirectly) to a credit under section 29(1)(b) of the 1999 Act (creation of pension debits and credits) or under article 26(1)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 <sup>M18</sup>.

**F27** Word in reg. 16(1)(b) omitted (6.4.2015) by virtue of [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **6(a)**

**F28** Words in reg. 16(1)(c) substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **6(b)**

**F29** Reg. 16(1)(d) inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **6(c)**

### Marginal Citations

**M18** S.I. 1999/147 (N.I. 11).

### [<sup>F30</sup>Statements of benefits: cash balance benefits

**16A.**—(1) The information mentioned in paragraph (2) (in addition to the information required under regulation 16 (statements of benefits: non money purchase benefits)) must be given to any member in accordance with this regulation where—

- (a) the member has rights to cash balance benefits;
- (b) the member requests that information; and
- (c) information has not been given to that member under this regulation in the 12 months before that request.

(2) The information is that listed in paragraphs 6A, 9 to 14, 16A and 17 of Schedule 6 (statements of benefits: money purchase benefits).

(3) The information must be given as soon as practicable but no more than two months after the date the request is made.]

**F30** Reg. 16A inserted (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **79(3)** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

### Statements of benefits: money purchase benefits

**17.**—(1) Information relating to a member's money purchase benefits must be given in accordance with this regulation to a member who—

- (a) has rights to money purchase benefits, and
- (b) is not an excluded person.

(2) The information listed in Part 1 of Schedule 6 must be given.

(3) The information listed in paragraphs 6 to 8 of Schedule 6 must be given except where paragraph (6) applies.

(4) Where paragraph (6) applies, the information listed in paragraphs 6 to 8 of Schedule 6 may be given.

(5) Where the information listed in paragraphs 6 to 8 of Schedule 6 is given under paragraph (3) or (4), the information listed in—

- (a) paragraphs 9 to 14 of that Schedule must be given with that information, and
- (b) Part 3 of that Schedule must be given.

(6) This paragraph applies where—

- (a) the member is in receipt of benefits under the scheme,
- (b) the date referred to in paragraph 4 of Schedule 6 is not more than two years before the member's retirement date for the purpose of Part 2 of Schedule 6,
- (c) in relation to the member—

- (i) the value, determined in accordance with the relevant guidance, of the member's accrued rights to money purchase benefits under the scheme was less than £5,000

- on the last illustration date in respect of which the information listed in Part 2 of Schedule 6 was last given,
- (ii) since that previous illustration date, no contributions (including transfers of pension rights and pension credits) have been made to the scheme by, or on behalf of, the member in respect of the member's money purchase benefits, and
  - (iii) the trustees or managers of the scheme have previously given notice to the member that the information listed in Part 2 of Schedule 6 will not be given to the member again unless further contributions referred to in paragraph (ii) have been made,
- (d) in relation to the member—
- (i) on the first illustration date after 5th April 2003, the value, determined in accordance with the relevant guidance, of the member's accrued rights to money purchase benefits under the scheme was less than £5,000,
  - (ii) no contributions, including transfers of pension rights and pension credits, have been made to the scheme by, or on behalf of, the member after 5th April 2003 in respect of the member's money purchase benefits, and
  - (iii) the trustees or managers of the scheme think that no further such contributions are likely to be made after that illustration date, or
- (e) the member's benefit is calculated by reference to the greater of a money purchase formula and a defined benefit formula and the trustees or managers of the scheme think the benefit calculated using the money purchase formula is unlikely to affect the pension payable.
- (7) The information to be given under paragraphs (2) to (5) must be given within 12 months of—
- (a) in the case of an occupational pension scheme, the end of each scheme year, except where paragraph (9) applies, and
  - (b) in the case of a personal pension scheme—
    - (i) the date—
      - (aa) the person became a member of the scheme, or
      - (bb) contributions were first credited to the scheme in respect of the person, and
    - (ii) each subsequent anniversary of that date.
- (8) Where paragraph (9) applies, the information mentioned in paragraphs (2) to (5) may be given.
- (9) This paragraph applies where—
- (a) the scheme year is the first to end on or after the date the person became a member of the scheme, and
  - (b) the end of that scheme year falls at a time when—
    - (i) no contributions have been credited to the scheme in respect of the person, or
    - (ii) the person has the right to opt out of the scheme under section 8 of the Pensions Act 2008 (jobholder's right to opt out).
- (10) For the purposes of paragraph (6), a part of an occupational pension scheme that provides additional money purchase benefits where the member pays voluntary contributions to that part is to be treated as a separate scheme from any other part of that scheme.
- [<sup>F31</sup>(11) Paragraph (12) applies where—
- (a) information must be given in accordance with this regulation by the trustees or managers of an automatic enrolment scheme to a member, and
  - (b) the automatic enrolment scheme is a scheme under which all the benefits which may be payable are money purchase benefits.

(12) Where this paragraph applies—

- (a) the prescribed information must be set out in the form of a statement,
- (b) the prescribed information, and any other information which is included as part of that statement, must not exceed one double-sided sheet of A4-sized paper (being one double-sided sheet of paper with the dimensions 210 by 297 millimetres) when printed, and
- (c) the trustees or managers of the scheme must have regard to guidance published from time to time by the Secretary of State concerning content and layout.

(13) The trustees or managers of the scheme may give the prescribed information in a format which does not comply with paragraph (12) in response to a request by a member for it to be provided in an alternative format, where the trustees or managers are reasonably satisfied that it is necessary to do so to comply with their duties under the Equality Act 2010.

(14) For the purposes of paragraphs (12) and (13), prescribed information is the information concerning the member's money purchase benefits given under paragraphs (2) to (5) within the prescribed time in paragraph (7).

(15) For the purposes of paragraph (11)—

“automatic enrolment scheme” has the meaning given in section 99 of the Pensions Act 2008, and

“member” does not include a member who is in receipt of benefits under an automatic enrolment scheme (within the meaning in this paragraph).]

**F31** Reg. 17(11)-(15) inserted (1.10.2022) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Statements of Benefits: Money Purchase Benefits\) \(Amendment\) Regulations 2021](#) (S.I. 2021/1150), regs. 1(1), 2(2)

### [<sup>F32</sup>Statements of benefits: collective money purchase schemes

**17A.**—(1) The information mentioned in paragraph 2 must be given in accordance with this regulation to a member of a collective money purchase scheme who is not—

- (a) an excluded person, or
- (b) a member to whom benefits under the scheme have, or are about to, become payable.

(2) The information is—

- (a) for active members, the information listed in Parts 1, 2 and 4 of Schedule 6A,
- (b) for deferred members, the information listed in Parts 1, 2, 3 and 5 of Schedule 6A. and
- (c) for pension credit members, the information listed in Parts 1 and 3 of Schedule 6A.

(3) The information must be given—

- (a) no more than 12 months after the effective date of the first actuarial valuation, and
- (b) thereafter, no more than 12 months after the end of each scheme year.

(4) In this regulation, “the effective date” is the date by reference to which the available assets of the scheme are determined.

(5) A notification need not be given under regulation 27 in relation to the information on the website that is also given to the person in accordance with paragraphs 15 and 16 of Schedule 6A (statements of benefits: collective money purchase benefits).]



**F32** Reg. 17A inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022 (S.I. 2022/337), regs. 1(3), **13(6)**

## PART 6

### Lifestyling and accessing benefits

#### Lifestyling

**18.**—(1) The information listed in Part 3 of Schedule 2 must be given to a member in accordance with this regulation where the scheme contains provision for lifestyling.

(2) The information must, subject to paragraph (3), be given between 5 and 15 years before the member's retirement date.

(3) Information need not be given under paragraph (2) where it has been given in the previous 12 months under regulation 6.

#### **[<sup>F33</sup>Information to be given on request and on a member providing certain information**

**18A.**—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation to a member who—

- (a) has an opportunity to transfer flexible benefits;
- (b) (i) requests information about what the member may do with the flexible benefits; or  
(ii) informs the trustees or managers of the scheme that the member is considering, or has made a decision in relation to, what to do with the flexible benefits;
- (c) (i) will reach normal minimum pension age within four months of making a request, or informing the trustees or managers of the scheme, in accordance with subparagraph (b);  
(ii) has reached normal minimum pension age; or  
(iii) meets the ill-health condition; and
- (d) has not been given information under this regulation or regulation 19(2)(b)(ii) (first information on accessing benefits) in the previous 12 months.

(2) The information is—

- (a) a statement of the options available to the member under the scheme rules; and
- (b) that listed in Part 3 of Schedule 7 (information to be given to members having an opportunity to transfer flexible benefits) and [<sup>F34</sup>, subject to regulation 18C,] in Schedule 10 (information to be given on the pensions guidance and members' benefits).

**[<sup>F35</sup>(2A)** In relation to a collective money purchase scheme, information given in accordance with paragraph (2)(a) must include a statement that—

- (a) there is no promise or guarantee as to the rate or amount of benefits provided under the scheme, and
- (b) the rate or amount of benefits may fluctuate, which may result in—
  - (i) reduced benefits before benefit becomes payable;
  - (ii) reduced benefits after benefit becomes payable.]

(3) The information must be given within two months of the member making a request, or informing the trustees or managers of the scheme, in accordance with paragraph (1)(b).

- F33** Regs. 18A, 18B inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, 7
- F34** Words in [reg. 18A\(2\)\(b\)](#) inserted (1.6.2022) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Requirements to Refer Members to Guidance etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/30\)](#), regs. 1(2), **2(4)**
- F35** [Reg. 18A\(2A\)](#) inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(7)**

### **Information to be given on communicating with a member about what the member may do with flexible benefits**

**18B.**—(1) Subject to paragraph (5) [<sup>F36</sup>and regulation 18C], the information mentioned in paragraph (2) must be given to a member in accordance with this regulation where—

- (a) the member has an opportunity to transfer flexible benefits;
- (b) the trustees or managers of the scheme contact the member, or the member contacts the trustees or managers of the scheme, in connection with what the member may do with the flexible benefits; and
- (c) the member—
  - (i) will reach normal minimum pension age within four months of the date on which the contact mentioned in sub-paragraph (b) is made;
  - (ii) has reached normal minimum pension age; or
  - (iii) meets the ill-health condition.

(2) The information is—

- (a) that listed in paragraphs 1, 4 and 5 of Schedule 10;
- (b) that listed in paragraphs 2 and 3 of Schedule 10, unless the trustees or managers of the scheme—
  - (i) give information under this regulation verbally; and
  - (ii) offer to give the member information about how the member may access the pensions guidance and the offer is declined by the member; and
- (c) where information has not been given to the member under regulation 18A (information to be given on request and on a member providing certain information) in the previous 12 months, a statement that—
  - (i) the member may request information about—
    - (aa) the flexible benefits that may be provided to the member;
    - (bb) the member's opportunity to transfer those benefits; and
    - (cc) the options available to the member under the scheme rules; and
  - (ii) the information may help the member to decide what to do with the flexible benefits.

(3) The information may be given verbally unless the member requests that the information is given in writing.

(4) The information must be given within 20 days of the contact mentioned in paragraph (1)(b) or the request mentioned in paragraph (3), whichever is later.

- (5) No information is required to be given under this regulation where—
- (a) the member informs the trustees or managers of the scheme that the member has accessed the pensions guidance in the previous 12 months;
  - (b) the member informs the trustees or managers of the scheme that the member has received independent financial advice in the previous 12 months about what the member may do with the flexible benefits; or
  - (c) the trustees or managers of the scheme—
    - (i) have given information to the member under regulation 18A in the two months immediately preceding the date on which the contact mentioned in paragraph (1)(b) is made; or
    - (ii) are required to give information to the member under regulation 18A within two months of the date on which the contact mentioned in paragraph (1)(b) is made.]

- F33** Regs. 18A, 18B inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, 7
- F36** Words in [reg. 18B\(1\)](#) inserted (1.6.2022) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Requirements to Refer Members to Guidance etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/30\)](#), regs. 1(2), **2(5)**

**[<sup>F37</sup> Requirement to refer members and survivors to guidance etc.**

**18C.**—(1) Where this regulation applies, the requirements in the following regulations to provide the information on pensions guidance in Part 1 of Schedule 10 do not apply—

- (a) regulation 18A(1) and (2)(b) (information to be given on request and on a member providing certain information); and
- (b) regulation 18B(1) and (2) (information to be given on communicating with a member about what the member may do with flexible benefits).

(2) Subject to paragraph (3), this regulation applies where the trustees or managers of an occupational pension scheme receive on or after 1st June 2022 from any person an application, or communication made in relation to an application, from a relevant beneficiary (“B”)—

- (a) to transfer any rights to flexible benefits accrued by B under the scheme; or
- (b) to start receiving flexible benefits provided by the scheme.

(3) This regulation does not apply where the trustees or managers of an occupational pension scheme receive on or after 1st June 2022 from any person an application, or communication made in relation to an application, from B to transfer rights in accordance with paragraph (2)(a) if—

- (a) B is under the age of 50;
- (b) receiving flexible benefits is not the purpose, or one of the purposes, of the application; or
- (c) the trustees or managers have received from B or a person authorised to act on behalf of B confirmation (given verbally or in writing) in relation to the application that—
  - (i) B—
    - (aa) has been referred by the trustees or managers of a different pension scheme to appropriate pensions guidance; and
    - (bb) has received or opted out of receiving that guidance, in accordance with the requirements of this regulation; or
  - (ii) B is transferring rights to flexible benefits into a relevant pension scheme in respect of which the trustees or managers are required to comply with rules made under

section 137FB of the Financial Services and Markets Act 2000 (FCA general rules: disclosure of information about the availability of pensions guidance).

- (4) As part of the application process, the trustees or managers—
- (a) must offer to book a pensions guidance appointment on behalf of B on a date, at a time and of a kind suitable for B;
  - (b) where B accepts the offer mentioned in sub-paragraph (a), must take reasonable steps to book that appointment;
  - (c) where B does not accept that offer, or where the trustees or managers are unable to book such an appointment on a date, at a time and of a kind suitable for B despite having taken reasonable steps, must provide B with details of how to book a pensions guidance appointment;
  - (d) must explain to B that they cannot proceed with the application unless—
    - (i) B has received, and notified them of receipt of, appropriate pensions guidance; or
    - (ii) B opts out of receiving such guidance by giving them an opt-out notification; and
  - (e) must explain to B that B can only opt out of receiving appropriate pensions guidance by giving them an opt-out notification.
- (5) Where the trustees or managers receive an application, or communication made in relation to an application, as mentioned in paragraph (2), B may give an opt-out notification—
- (a) in a communication made solely for the purpose of opting out of receiving appropriate pensions guidance; or
  - (b) where paragraph (9) applies.
- (6) Paragraph (7) applies to any interaction subsequent to the interaction mentioned in paragraph (4) where B contacts the trustees or managers in connection with B's application unless—
- (a) B has confirmed to the trustees or managers that B has received appropriate pensions guidance in connection with the application; or
  - (b) B has provided to the trustees or managers an opt-out notification in a communication made solely for the purpose of opting out of receiving appropriate pensions guidance.
- (7) Where this paragraph applies, the trustees or managers must repeat the steps required by paragraph (4).
- (8) If, at any point while the trustees or managers are repeating the steps required by paragraph (4) by virtue of paragraph (7), B confirms to them that B has received appropriate pensions guidance in connection with the application, the trustees or managers may treat the requirements of paragraph (4) as having been satisfied.
- (9) This paragraph applies where the trustees or managers have received from B or a person authorised to act on behalf of B confirmation (given verbally or in writing) that—
- (a) B has received—
    - (i) appropriate pensions guidance; or
    - (ii) regulated financial advice in connection with the application, provided by a financial adviser regulated and authorised by the Financial Conduct Authority to provide such advice,
 in the 12-month period (excluding the date of receipt) before the trustees or managers received an application, or communication made in relation to an application, as mentioned in paragraph (2);
  - (b) B qualifies for a serious ill-health lump sum within the meaning of paragraph 4(1) of Schedule 29 to the Finance Act 2004; or

(c) B's application is solely to transfer any of their rights to flexible benefits accrued under the scheme.

(10) In this regulation—

“appropriate pensions guidance” means pensions guidance accessible by B during a pensions guidance appointment which includes the facility for real-time human interaction between the parties during the appointment (whether face to face, by telephone or through another electronic medium);

“opt-out notification” means a notification (given verbally or in writing) given to the trustees or managers of an occupational pension scheme for the purpose of confirming that B is opting out of receiving appropriate pensions guidance in connection with an application or communication made in relation to an application;

“pensions guidance appointment” means an appointment of B with the provider of appropriate pensions guidance;

“regulated financial advice” means advice of a kind mentioned in article 53 of the Financial Services and Markets Act (Regulated Activities) Order 2001 (advising on investments);

“relevant beneficiary” has the meaning given by the definition in section 113B(6) of the 1993 Act and for the purposes of paragraph (b) of that definition another person of a prescribed description is a survivor of a member.

**F37** Regs. 18C-18E inserted (1.6.2022) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Requirements to Refer Members to Guidance etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/30\)](#), regs. 1(2), **2(6)**

### Consequential modifications of sections 99 and 101J of the 1993 Act

**18D.**—(1) The 1993 Act has effect subject to the following modifications.

(2) Where regulation 18C of these Regulations applies in relation to an application under section 95(1) (ways of taking right to cash equivalent), section 99(2)(b) (trustees' duties after exercise of option) has effect as if the duty it imposes only applies if, within the 6-month period to which it refers, the requirements under that regulation for proceeding with the application have been satisfied.

(3) Where regulation 18C of these Regulations applies in relation to the requirement under section 101G(4) (restrictions on power to give transfer notice) for a member to make an application under section 95(1) in addition to giving a transfer notice, section 101J(1)(b) (time for compliance with transfer notice) has effect as if the duty it imposes only applies if, within the 6-month period to which it refers, the requirements under that regulation for proceeding with the application have been satisfied.

**F37** Regs. 18C-18E inserted (1.6.2022) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Requirements to Refer Members to Guidance etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/30\)](#), regs. 1(2), **2(6)**

### Record-keeping requirements of trustees and managers

**18E.**—(1) The trustees or managers of an occupational pension scheme must, in respect of a relevant beneficiary (“B”), keep a record of—

(a) the receipt by B of appropriate pensions guidance in connection with an application, or communication made in relation to an application, from B under regulation 18C(2);

- (b) the provision to them by B of an opt-out notification in connection with an application, or communication made in relation to an application, from B under regulation 18C(2); or
  - (c) the receipt of a confirmation referred to in regulation 18C(9).
- (2) For the purposes of paragraph (1), “relevant beneficiary”, “appropriate pensions guidance” and “opt-out notification” have the meanings given in regulation 18C(10).]

**F37** Regs. 18C-18E inserted (1.6.2022) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Requirements to Refer Members to Guidance etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/30\)](#), regs. 1(2), **2(6)**

### First information on accessing benefits

**19.**—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation to a member who has [<sup>F38</sup>a right or entitlement to flexible benefits].

[<sup>F39</sup>(2) The information is—

- (a) where the member has been given information in accordance with regulation 18A in the 12 months before the date on which the trustees or managers of the scheme give information under this regulation—
    - (i) a statement that the member has been given information about—
      - (aa) the flexible benefits that may be provided to the member;
      - (bb) the member’s opportunity to transfer those benefits; and
      - (cc) the options available to the member under the scheme rules; and
    - (ii) that listed in paragraphs 1 to 9 of Schedule 10; and
  - (b) in any other case—
    - (i) a statement of the options available to the member under the scheme rules; and
    - (ii) where the member has an opportunity to transfer flexible benefits, that listed in Part 3 of Schedule 7 and in Schedule 10.]
- (3) The information must be given at least four months before—
- (a) where there is a retirement date, that date, or
  - (b) where there is no retirement date, the date the member attains normal pension age <sup>M19</sup>.
- (4) For the purposes of paragraph (3) where the interval between the date on which the retirement date is specified and the date that the benefits will become payable is less than four months, the information must be given within [<sup>F40</sup>20] days of the date on which the retirement date is specified.
- (5) In this regulation, “retirement date” means the date specified by—
- (a) the member to the trustees or managers of the scheme that is acceptable under the rules of the scheme, or
  - (b) the trustees or managers of the scheme where no acceptable date has been specified under sub-paragraph (a).

**F38** Words in reg. 19(1) substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **8(2)** (with reg. 15)

**F39** Reg. 19(2) substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **8(3)** (with reg. 15)

**F40** Word in reg. 19(4) substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **8(4)** (with reg. 15)

**Marginal Citations**

**M19** See section 180 of the 1993 Act.

**[F41] Retirement risk warnings**

**19A.**—(1) Subject to paragraphs (5) and (7), the trustees or managers of the scheme must give a retirement risk warning to a member in accordance with this regulation where they are giving a member—

- (a) information in accordance with regulation 18A, 18B or 19 or the member has been given such information previously; and
- (b) an application form, online access, information about access or any other method of access that enables the member to require the trustees or managers of the scheme to take any of the actions in paragraph (2).

(2) The actions referred to in paragraph (1)(b) are—

- (a) the application of sums or assets held for the purpose of providing flexible benefits for purchasing an annuity;
- (b) the payment of a lump sum in respect of flexible benefits; or
- (c) the designation of sums or assets held for the purpose of providing flexible benefits as available for the payment of drawdown pension.

(3) A retirement risk warning under paragraph (1) must be given at the same time as the method of access in paragraph (1)(b) and before any of the actions set out in paragraph (2) are concluded.

(4) When giving a retirement risk warning to a member, the trustees or managers of the scheme must also give the member a statement that asks the member to note the importance of—

- (a) reading the retirement risk warning; and
- (b) accessing pensions guidance or independent advice.

(5) A retirement risk warning for any specific action in paragraph (2) need not be given to a member within 12 months of a retirement risk warning for that action having been given in accordance with this regulation to that member.

(6) For the purpose of—

- (a) this regulation, “retirement risk warning” means a statement that sets out the characteristic attributes and features of an annuity, lump sum and drawdown pension referred to in paragraph (2) and the factors in paragraph (b)(iv); and

(b) sub-paragraph (a)—

- (i) the statement must be generic in nature and not tailored to or based on the personal circumstances of any individual member;
- (ii) the statement may be limited to the characteristic attributes and features of an annuity, lump sum or drawdown pension referred to in paragraph (2) in respect of which the trustees or scheme managers are giving the member a method of access in paragraph (1)(b);
- (iii) characteristic attributes and features are those that have the potential to adversely affect the retirement income of any member or their widow, widower, surviving civil partner, nominee, successor or other dependant; and

- (iv) the factors are those that have the potential to affect the appropriateness of an annuity, lump sum and drawdown pension for a member such as: the impact of health status and lifestyle choices; whether a member has dependants, is in debt or in receipt of means tested benefits; and any other relevant factors.
- (7) Subject to paragraph (8)—
- (a) a retirement risk warning under paragraph (1) need not be given where the trustees or managers of the scheme give the member an appropriate risk warning before any of the actions listed in paragraph (2) are concluded;
  - (b) an appropriate risk warning must be given either verbally or in writing; and
  - (c) for the purposes of sub-paragraphs (a) and (b), an appropriate risk warning is a statement—
    - (i) that sets out the risks associated with any of the actions listed in paragraph (2) that the member is proposing to require the trustees or managers of the scheme to take and that have the potential to adversely affect the retirement income of that member or their widow, widower, surviving civil partner, nominee, successor or other dependant; and
    - (ii) that is based on the characteristic attributes and features of an annuity, lump sum or drawdown pension referred to in paragraph (2) and answers to questions the trustees or managers of the scheme have asked the member in order to identify any factors or other variables that increase the risks referred to in paragraph (i).
- (8) Paragraph (7) only applies where the trustees or managers of the scheme have—
- (a) asked the member whether they have received pensions guidance or independent advice; and
  - (b) if the member has not received such guidance or advice, or is unsure, encouraged the member to use pensions guidance or to take independent advice to understand the options available to that member at retirement.]

**F41** Reg. 19A inserted (6.4.2016) by [The Pension Protection Fund and Occupational and Personal Pension Schemes \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/294\)](#), regs. 1, 9

### Second information on accessing benefits

**20.**—(1) The information mentioned in paragraph (2) must be given to a person in accordance with this regulation where benefit under the scheme has, or is about to, become payable to the person.

- (2) The information is the information listed—
- (a) in paragraphs 6 to 9 of Schedule 7, <sup>F42</sup>...
  - (b) in Part 1 of that Schedule where the person has an opportunity to select an annuity under any rights and options in relation to the death of the member<sup>F43</sup>; and
  - (c) in Part 1 of Schedule 10 (information on the pensions guidance) where the person, under any rights and options in relation to the death of the member, has an opportunity to—
    - (i) transfer accrued rights to flexible benefits out of the scheme under the scheme rules;
    - (ii) apply sums or assets held for the purpose of providing flexible benefits for purchasing an annuity;
    - (iii) take payment of a lump sum in respect of flexible benefits; or
    - (iv) designate sums or assets held for the purpose of providing flexible benefits as available for the payment of drawdown pension.]
- (3) The information mentioned in paragraph (2)(a) must be given—



- (a) where benefit becomes payable on or after normal pension age before benefit becomes payable, if practicable and in any event within one month after benefit becomes payable, or
- (b) where benefit becomes payable on a date before normal pension age, within two months of that date.

[<sup>F44</sup>(4) Before benefit becomes payable—

- (a) the information mentioned in sub-paragraph (b) of paragraph (2) must be given to a person having the opportunity mentioned in that sub-paragraph;
- (b) the information mentioned in sub-paragraph (c) of paragraph (2) must be given to a person having an opportunity mentioned in that sub-paragraph.]

**F42** Word in reg. 20(2)(a) omitted (6.4.2015) by virtue of [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **9(2)(a)** (with reg. 15)

**F43** Reg. 20(2)(c) and word inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **9(2)(b)** (with reg. 15)

**F44** Reg. 20(4) substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **9(3)** (with reg. 15)

### Accessing benefits on the death of the member or beneficiary

**21.**—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where the trustees or managers of the scheme are aware that—

- (a) a member or beneficiary of the scheme has died, and
  - (b) a person may be entitled to exercise rights or options under the scheme as a result of that death.
- (2) The information is the information listed in—
- (a) Part 1 and paragraphs 8 to 10 of Schedule 7 where the person referred to in paragraph (1) (b) has an opportunity to select an annuity, <sup>F45</sup>...
  - (b) Part 2 of that Schedule in any other case<sup>F46</sup>; and
  - (c) Part 1 of Schedule 10 where the person has an opportunity to—
    - (i) transfer accrued rights to flexible benefits out of the scheme under the scheme rules;
    - (ii) apply sums or assets held for the purpose of providing flexible benefits for purchasing an annuity;
    - (iii) take payment of a lump sum in respect of flexible benefits; or
    - (iv) designate sums or assets held for the purpose of providing flexible benefits as available for the payment of drawdown pension.]
- (3) The information must be given to—
- (a) the person referred to in paragraph (1)(b), if that person is at least 18 years old and the trustees or managers of the scheme know their postal or electronic address, and
  - (b) subject to paragraph (4), a person who is—
    - (i) a personal representative of the member or beneficiary of the scheme, or
    - (ii) authorised to act on behalf of the person referred to in paragraph (1)(b).
- (4) For the purposes of paragraph (3), the information—

- (a) must be given only where the personal representative or the person authorised to act requests it, and
  - (b) need not be given where a request is made within three years of the same information being given under this regulation to the same person in the same capacity.
- (5) The information must be given as soon as possible and in any event within two months of—
- (a) the date on which the trustees or managers of the scheme become aware of the death, or
  - (b) the request referred to in paragraph (4).

- F45** Word in reg. 21(2)(a) omitted (6.4.2015) by virtue of [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **10(a)** (with reg. 15)
- F46** Reg. 21(2)(c) and word inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **10(b)** (with reg. 15)

## PART 7

### Information about benefits in payment

#### Changes to benefits

**22.**—(1) The information listed in paragraphs 6, 8 and 9 of Schedule 7 must be given to a person in accordance with paragraph (2) where—

- (a) the amount of benefit payable to the person alters, and
- (b) that alteration is not made in accordance with the provisions referred to in paragraph 7(b) of Schedule 7.

(2) The information must be given before the date on which the decision to alter the benefit takes effect, where possible and in any event within one month of that date.

[<sup>F47</sup>(3) This regulation does not apply where regulation 22B applies.]

- F47** Reg. 22(3) inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(8)**

#### [<sup>F48</sup>**Benefit adjustment information: collective money purchase schemes**

**22A.**—(1) Information listed in paragraphs 15 to 20 of Schedule 7 must be provided in accordance with this regulation to members and beneficiaries of a collective money purchase scheme.

- (2) The information must be given each time an actuarial valuation is obtained—
- (a) as soon as reasonably practicable after the certification of the actuarial valuation by the scheme actuary, and
  - (b) no less than six weeks before any adjustment to the rate or amount of benefits provided under the scheme following the latest actuarial valuation is applied, where reasonably practicable.

**F48** Regs. 22A, 22B inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022 (S.I. 2022/337), regs. 1(3), **13(9)**

### **Incorrect benefit adjustments in collective money purchase schemes**

**22B.**—(1) The information listed in paragraphs 21 to 27 of Schedule 7 must be given in accordance with this regulation where—

- (a) the scheme is a collective money purchase scheme, and
- (b) a benefit adjustment has not been applied in accordance with the scheme rules or (as the case may be) the latest actuarial valuation.

(2) The information must be given as soon as reasonably practicable to members and beneficiaries who have been or will be affected by the failure to apply the benefit adjustment in accordance with the scheme rules or (as the case may be) the latest actuarial valuation.]

**F48** Regs. 22A, 22B inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022 (S.I. 2022/337), regs. 1(3), **13(9)**

## **PART 8**

### **Information about winding up**

#### **Personal pension schemes that have begun winding up**

**23.**—(1) The information mentioned in paragraph (3) must be given to members, except excluded persons, in accordance with this regulation.

(2) The information must be given where a decision has been made to wind up the scheme or to cease accepting contributions or to cause it to cease to manage the contributions already paid to it (“the decision”).

- (3) The information is—
  - (a) notification of the decision,
  - (b) the information listed in paragraphs 11 to 13 of Schedule 8,
  - (c) the information listed in paragraph 14 of Schedule 8 where the scheme is unable to meet in full its liabilities to its members.

(4) The information must be given as soon as practicable after the decision and, in any event—

- (a) the notification referred to in paragraph (3)(a) must be given within one month, and
- (b) the information mentioned in paragraph (3)(b) and (c) must be given within four months,

of the decision.

#### **Occupational pension schemes during winding up**

**24.**—(1) The information mentioned in paragraph (2) must be given to members and beneficiaries of the scheme, except excluded persons, in accordance with this regulation where the trustees have begun to wind up the scheme.

- (2) The information is the information listed in—

- (a) Part 1 of Schedule 8,
  - (b) paragraphs 5, 6 and 7 of that Schedule, and
  - (c) Part 4 of that Schedule.
- (3) Where the trustees begin to wind up the scheme on a date on or after 6th April 2014—
- (a) the information mentioned in paragraph (2)(a) must be given as soon as practicable and in any event no more than one month of that date, and
  - (b) the information mentioned in paragraph (2)(b) must be given within every 12 months of the date information was given under sub-paragraph (a) until the trustees complete winding up the scheme.
- (4) Where the trustees began to wind up the scheme before 6th April 2014, the information mentioned in paragraph (2)(b) must be given within 12 months of 6th April 2014 and within every 12 months thereafter until the trustees complete winding up the scheme.
- (5) Where a request is made for the information mentioned in paragraph (2)(c), it must be given within two months of the date the request is made.
- (6) For the purposes of this regulation the date the trustees begin to wind up the scheme is to be determined—
- [<sup>F49</sup>(za) in relation to a collective money purchase scheme, in accordance with paragraph 4 of Schedule 6 to the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022,]
- (a) in a case where regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations 1996 <sup>M20</sup> (commencement of winding up) applies, in accordance with that regulation, and
  - (b) in any other case, in accordance with section 124(3A) <sup>M21</sup> and (3B) of the 1995 Act.
- (7) Where a scheme is a sectionalised scheme, this regulation applies as if—
- (a) each section of the scheme were a separate scheme, and
  - (b) the members of each section were the members of a separate scheme.
- (8) For the purposes of paragraph (6), a sectionalised scheme is a scheme where—
- (a) Part 3 of the 2004 Act (scheme funding) applies to the scheme as if a section of a scheme were a separate scheme by virtue of paragraph 1 of Schedule 2 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005 <sup>M22</sup> (sectionalised multi-employer schemes), or
  - (b) Part 3 of the 2004 Act does not apply to the scheme, but would apply in that way if it did.

**F49** Reg. 24(6)(za) inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(10)**

#### Marginal Citations

**M20** [S.I. 1996/3126](#). Regulation 2 was amended by [S.I. 2005/706](#).

**M21** Subsections (3A) to (3E) were inserted by the Child Support, Pensions and Social Security Act 2000, section 49(2). Subsections (3A) and (3B) were amended by the 2004 Act, section 319(1) and Schedule 12, paragraphs 34 and 69(1), (3) and (4).

**M22** [S.I. 2005/3377](#).

## Occupational pension schemes after winding up for individual members

**25.**—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where—

- (a) the scheme is being wound up, and
- (b) the trustees or managers of the scheme have done what they can to discharge the scheme's liabilities for a particular member or beneficiary of the scheme.

(2) The information is—

[<sup>F50</sup>(a) where the member or beneficiary of the scheme—

- (i) has rights to benefits other than money purchase benefits, the information mentioned in Part 2 of Schedule 8; or
- (ii) has rights to money purchase benefits, the information mentioned in paragraph 10 of Schedule 8; and]

(b) where the member or beneficiary of the scheme is, for the time being—

- (i) entitled to payment of benefits, the information listed in paragraphs 6 and 7 of Schedule 7, or
- (ii) except in relation to money purchase benefits, not entitled to payment of benefits, the information listed in paragraph 16 of Schedule 8.

(3) The information mentioned in paragraph (2) must be given to the member or beneficiary of the scheme except that an excluded person need not be given the information mentioned in paragraph (2)(b)(ii).

(4) The information must be given as soon as practicable after and in any event no more than three months of the date paragraph (1)(b) is satisfied.

**F50** Reg. 25(2)(a) substituted (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **79(5)** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

## PART 9

### Giving information and documents

#### Giving information and documents

**26.**—(1) Except where these Regulations otherwise provide, the methods for giving information or documents that these Regulations require to be given include the methods set out in paragraph (2).

(2) The information may be given by—

- (a) sending it to the person's last known postal address, or
- (b) subject to paragraphs (3) to (5), using either or both of the following methods—
  - (i) sending it to the person's last known electronic address, or
  - (ii) making it available on a website (see regulation 27).

(3) Where a member or beneficiary of the scheme has requested in writing that—

- (a) any of the information, or
- (b) all of the information,

is not given in accordance with paragraph (2)(b), that information may not be given in accordance with paragraph (2)(b).

(4) Information may only be given by an electronic communication where the trustees or managers of the scheme are satisfied that the electronic communications have been designed—

- (a) so that the person will be able to—
  - (i) get access to, and
  - (ii) store or print, the information, and
- (b) taking into account the requirements of disabled persons.

[<sup>F51</sup>(4A) The provisions of paragraph (4) do not apply where regulation 29A applies to the information.]

- (5) Where—
  - (a) a member or beneficiary of the scheme was a member or beneficiary of the scheme on 1st December 2010, and
  - (b) information was not given by the trustees or managers of the scheme before that date by the methods described in paragraph (2)(b),

information may not be given to that member or beneficiary of the scheme in accordance with paragraph (2)(b) unless the trustees or managers of the scheme have given them the written notice referred to in paragraph (6).

- (6) The written notice mentioned in paragraph (5) must state that—
  - (a) the trustees or managers of the scheme propose to give information to the member or beneficiary of the scheme by means of an electronic communication, and
  - (b) the member or beneficiary of the scheme may request in writing that information is not given by means of an electronic communication.

(7) The written notice mentioned in paragraph (5) must not be given by the methods mentioned in paragraph (2)(b).

**F51** Reg. 26(4A) inserted (coming into force in accordance with reg. 1(1)(3) of the amending S.I.) by [The Occupational Pension Schemes \(Administration and Disclosure\) \(Amendment\) Regulations 2018 \(S.I. 2018/233\)](#), **reg. 3(4)**

### Provision of information on a website

**27.**—(1) [<sup>F52</sup>Except where [<sup>F53</sup>regulations 29A and 29B provide] otherwise,] where a website is used for the first time to make available the information or document, a notification must be given to the recipient.

- (2) The notification referred to in paragraph (1) must include—
  - (a) a statement that the information or document is available on the website,
  - (b) the website address,
  - (c) details of the place on the website where the information or document may be read, and
  - (d) an explanation of how the recipient may read the information or document on the website.

(3) Subject to regulation 28, each time a website is used at a subsequent time to make available information or documents, a notification must be given to the recipient.

(4) The notification referred to in paragraph (3) must state that the information or document is available on the website.

(5) The notifications mentioned in paragraphs (1) and (3) must not be given by making them available on a website.

- F52** Words in reg. 27(1) inserted (coming into force in accordance with reg. 1(1)(3) of the amending S.I.) by [The Occupational Pension Schemes \(Administration and Disclosure\) \(Amendment\) Regulations 2018 \(S.I. 2018/233\)](#), **reg. 3(5)**
- F53** Words in reg. 27(1) substituted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(11)**

### **Provision of information on a website: supplemental**

**28.**—(1) The notification mentioned in regulation 27(3) need not be given where paragraphs (2) to (4) are satisfied.

- (2) This paragraph is satisfied where—
- (a) the trustees or managers of the scheme have given the recipient at least two documents by either of the following methods—
    - (i) given by hand, or
    - (ii) sent to the recipient's last known postal address, and
  - (b) each of those documents—
    - (i) asks the recipient to give their electronic address to the trustees or managers of the scheme except where the trustees or managers of the scheme do not have the facility for sending information or documents to that address, and
    - (ii) states that the recipient may request in writing that information or documents are not given by means of an electronic communication.
- (3) This paragraph is satisfied where—
- (a) paragraph (2) is satisfied, and
  - (b) the trustees or managers of the scheme have given the recipient, by either of the methods mentioned in paragraph (2)(a), a further document that—
    - (i) meets the requirements of paragraph (2)(b), and
    - (ii) states that further information and documents will be available to read on the website and that no further notifications will be sent to the recipient.
- (4) This paragraph is satisfied where—
- (a) paragraphs (2) and (3) are satisfied, and
  - (b) the trustees or managers of the scheme—
    - (i) do not know the recipient's electronic address or do not have the facility for sending information or documents to that address, and
    - (ii) have not received a written request that information or documents are not given to the recipient by means of an electronic communication.
- (5) Where the information to be made available is that required by paragraph (1) of regulation 17, the notification mentioned in regulation 27(3) need only be given as required by paragraph (7) of regulation 17.

### Giving information and documents in certain cases

**29.**—(1) Information or documents to be given in accordance with this regulation are to be given as follows.

(2) Where the person or recognised trade union makes a request for the information in hard copy form, the trustees or managers of the scheme must, subject to paragraph (3) give the information in that form and if a charge is levied for giving the information in that form, it must not exceed the cost of producing and giving it.

(3) Where the information in hard copy form is publicly available, the trustees or managers of the scheme may give details of where it is publicly available instead of giving it under paragraph (2).

(4) Where the person or recognised trade union makes a request for the information other than in hard copy form, it may be made available free of charge—

- (a) for inspection at a place that is reasonable having regard to who made the request, or
- (b) on a website.

(5) For the purposes of paragraph (4)(b), the provisions of regulations 27 and 28 do not apply, except that the trustees or managers of the scheme must give the notification described in regulation 27(2) to the person or recognised trade union who requested the information.

(6) Information is in “hard copy form” if it is given in a paper copy or similar form capable of being read.

### [<sup>F54</sup> Publishing charges and transaction costs [<sup>F55</sup> and other relevant information]

**29A.**—(1) Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, the information specified in paragraph (2) [<sup>F56</sup>and, where that scheme falls within section 35 of the 1995 Act, paragraph (2A)] must be made publicly available free of charge on a website in accordance with this regulation.

[  
<sup>F57</sup>(1A) Where section 35 of the 1995 Act applies to a scheme which does not fall within paragraph (1), the information specified in paragraph (2B) must be made publicly available free of charge on a website in accordance with this regulation.]

(2) The specified information is the information which must be included in the most recent statement prepared under regulation 23 (annual statement regarding governance) of those Regulations in accordance with the following paragraphs of that regulation—

(a) paragraph (1)(a);

[ paragraph (1)(aza);]  
<sup>F58</sup>(aza)

[ paragraph (1)(aa);]  
<sup>F59</sup>(aa)

(b) paragraph (1)(c); <sup>F60</sup>...

[ paragraph (1)(cza);]  
<sup>F61</sup>(ba)

(c) paragraph (1)(ca)[<sup>F62</sup>, <sup>F63</sup> ...

(d) paragraph (1)(cb)][<sup>F64</sup>; and

(e) paragraph (1)(cc).]

[  
<sup>F65</sup>(2A) The specified information is—



- (a) the latest statement of investment principles governing decisions about investments prepared for the scheme under section 35 of the 1995 Act; and
- [ the information which must be included in the most recent document prepared under <sup>F66</sup>(b) regulation 12 in accordance with paragraph 30(f) of Schedule 3.]
- [
- <sup>F67</sup>(2B) The specified information is—
- (a) the latest statement of investment principles governing decisions about investments prepared for the scheme under section 35 of the 1995 Act; and
- (b) the information which must be included in the most recent document prepared under regulation 12 in accordance with paragraph 30(ca) of Schedule 3.]
- (3) Where this regulation applies—
- (a) a notification need not be given under regulation 27 in relation to the information on the website where information is given to the person in accordance with paragraph 5B(a) of Schedule 6 (statements of benefits: money purchase and cash balance benefits); and
- (b) the trustees or managers of the scheme must have regard to guidance prepared from time to time by the Secretary of State concerning the publication of the information.
- (4) Where a person requests the trustees or managers of the scheme to provide the information referred to in paragraph (2)[<sup>F68</sup>, (2A) or (2B)] in hard copy form, the trustees or managers of the scheme must give that information to the person in hard copy form only where the trustees or managers are satisfied that it would be unreasonable for that person to obtain it from the website on which it is published.
- (5) Where information is required to be given in hard copy form in accordance with paragraph (4), it must be given within two months of the date the request is made.]

- F54** Reg. 29A inserted (coming into force in accordance with reg. 1(1)(3) of the amending S.I.) by [The Occupational Pension Schemes \(Administration and Disclosure\) \(Amendment\) Regulations 2018 \(S.I. 2018/233\)](#), **reg. 3(6)**
- F55** Words in reg. 29A heading inserted (1.10.2019) by [The Pension Protection Fund \(Pensionable Service\) and Occupational Pension Schemes \(Investment and Disclosure\) \(Amendment and Modification\) Regulations 2018 \(S.I. 2018/988\)](#), regs. 1(1), **5(3)**
- F56** Words in reg. 29A(1) inserted (1.10.2019) by [The Pension Protection Fund \(Pensionable Service\) and Occupational Pension Schemes \(Investment and Disclosure\) \(Amendment and Modification\) Regulations 2018 \(S.I. 2018/988\)](#), regs. 1(1), **5(4)(a)**
- F57** Reg. 29A(1A) inserted (1.10.2019) by [The Occupational Pension Schemes \(Investment and Disclosure\) \(Amendment\) Regulations 2019 \(S.I. 2019/982\)](#), regs. 1(3)(b), **3(3)(a)** (with reg. 5)
- F58** Reg. 29A(2)(aza) inserted (with application in accordance with reg. 1(6) of the amending S.I.) by [The Occupational Pension Schemes \(Administration, Investment, Charges and Governance\) and Pensions Dashboards \(Amendment\) Regulations 2023 \(S.I. 2023/399\)](#), regs. 1(3), **5(2)(a)**
- F59** Reg. 29A(2)(aa) inserted (with application in accordance with reg. 1(3) of the amending S.I.) by [The Occupational Pension Schemes \(Administration, Investment, Charges and Governance\) \(Amendment\) Regulations 2021 \(S.I. 2021/1070\)](#), regs. 1(2), **5(a)(i)**
- F60** Word in reg. 29A(2)(b) omitted (with application in accordance with reg. 1(4) of the amending S.I.) by virtue of [The Occupational Pension Schemes \(Administration, Investment, Charges and Governance\) \(Amendment\) Regulations 2021 \(S.I. 2021/1070\)](#), regs. 1(2), **5(a)(ii)**
- F61** Reg. 29A(2)(ba) inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(12)**

- F62** Reg. 29A(2)(d) and word inserted (with application in accordance with reg. 1(4) of the amending S.I.) by The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment) Regulations 2021 (S.I. 2021/1070), regs. 1(2), **5(a)(iii)**
- F63** Word in reg. 29A(2)(c) omitted (with application in accordance with reg. 1(7) of the amending S.I.) by virtue of The Occupational Pension Schemes (Administration, Investment, Charges and Governance) and Pensions Dashboards (Amendment) Regulations 2023 (S.I. 2023/399), regs. 1(3), **5(2)(b)**
- F64** Reg. 29A(2)(e) and word inserted (with application in accordance with reg. 1(7) of the amending S.I.) by The Occupational Pension Schemes (Administration, Investment, Charges and Governance) and Pensions Dashboards (Amendment) Regulations 2023 (S.I. 2023/399), regs. 1(3), **5(2)(c)**
- F65** Reg. 29A(2A) inserted (1.10.2019) by The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018 (S.I. 2018/988), regs. 1(1), **5(4)(b)**
- F66** Reg. 29A(2A)(b) and word inserted (1.10.2020) by The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018 (S.I. 2018/988), regs. 1(3)(b), **5(4)(b)**
- F67** Reg. 29A(2B) inserted (1.10.2019 for specified purposes, 1.10.2020 in so far as not already in force) by The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations 2019 (S.I. 2019/982), reg. 1(3)(c)(4)(a), **3(3)(b)** (with reg. 5)
- F68** Words in reg. 29A(4) inserted by S.I. 2018/988, reg. 5(4)(c) (as substituted) (1.10.2019) by The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations 2019 (S.I. 2019/982), regs. 1(2), **4(3)(b)** (with reg. 5)

#### **[F69] Additional publication requirements for collective money purchase schemes**

**29B.**—(1) In relation to a collective money purchase scheme, the information specified in paragraphs (2) to (4) must be published in accordance with this regulation.

(2) The following information must be published no more than one month after the date on which the Regulator notifies the applicant of its decision to authorise the scheme—

- (a) a statement explaining the design of the scheme, which must contain the information listed in Part 1 of Schedule 11, and
- (b) the scheme’s rules.

(3) The information listed in Part 2 of Schedule 11 must be published no more than three months after the latest actuarial valuation is sent to the Regulator.

(4) The model used to calculate information specified in paragraphs 5, 6, 19, 20 and 23 to 25 of Schedule 6A must be published as soon as reasonably practicable after information is first provided in accordance with regulation 17A.

(5) Where there is a change in relation to the information listed in paragraph 4 or paragraph 5 of Schedule 11, the statement mentioned in sub-paragraph (2)(a) must be altered accordingly, and published before or as soon as practicable after the change.

(6) Each time the document specified in sub-paragraph (2)(b) is changed after it is first published, the changed version must be published before or as soon as possible after (and in any event within three months after) the change.

(7) A notification need not be given under regulation 27 in relation to the information on the website that is published in accordance with this regulation.

(8) Where a person requests the trustees of the scheme to provide the information referred to in paragraph (2), (3) or (4) in hard copy form, the trustees of the scheme must give that information to the person in hard copy form where, but only where, the trustees are satisfied that it would be unreasonable for that person to obtain it from the website on which it is published.

(9) Where information is required to be given in hard copy form in accordance with paragraph (8), it must be given within two months of the date the request is made.

(10) In this regulation “published” means made publicly available free of charge on a website.]

**F69** Reg. 29B inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022 (S.I. 2022/337), regs. 1(3), **13(13)**

### **Responsibility for giving information and documents**

**30.** The trustees or managers of a scheme are responsible for ensuring that information or documents are given in accordance with these Regulations whether they give the information or documents—

- (a) directly, or
- (b) indirectly, through a third party.

Signed by authority of the Secretary of State for Work and Pensions.

Department for Work and Pensions

*Esther McVey*  
Minister of State,

## SCHEDULES

### SCHEDULE 1

Regulation 4(1), (4) and (5)

#### Description of schemes

1.—(1) An occupational pension scheme falls within this paragraph if it meets the following conditions.

(2) The first condition is that the scheme—

- (a) is a tax registered scheme,
- (b) was formerly—

- (i) approved by the Commissioners for Her Majesty's Revenue and Customs for the purposes of section 590 or 591 of the Income and Corporation Taxes Act 1988<sup>M23</sup>,
- (ii) a statutory scheme as defined in section 611A of that Act<sup>M24</sup>, or
- (iii) approved by the Commissioners for Her Majesty's Revenue and Customs under Chapter 4 of Part 14 of that Act<sup>M25</sup>,

<sup>F70</sup>(c) ..... or

(d) is a public service pension scheme<sup>M26</sup>.

(3) The second condition is that the scheme—

- (a) has 2 or more members,
- (b) does not provide only death benefits,
- (c) is established in the United Kingdom or has at least one trustee or manager resident in the United Kingdom, and
- (d) is not established by the Salvation Army Act 1963.

**F70** Sch. 1 para. 1(2)(c) omitted (31.12.2020) by virtue of [The Occupational and Personal Pension Schemes \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/192\)](#), regs. 1, **34(2)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Marginal Citations

- M23** 1988 c.1. Sections 590 and 591 were repealed by the Finance Act 2004, section 326 and Schedule 42, Part 3.
- M24** Section 611A was repealed by the Finance Act 2004, section 326 and Schedule 42, Part 3.
- M25** Chapter IV of Part XIV was repealed by the Finance Act 2004, section 326 and Schedule 42, Part 3.
- M26** See section 1 of the 1993 Act.

2. A personal pension scheme falls within this paragraph if it is not a pension scheme that is—

- (a) either—
  - (i) set up or established in an annuity contract, or
  - (ii) a trust scheme, and
- (b) to be treated as becoming a registered pension scheme under section 153(9) of the Finance Act 2004 in accordance with paragraph 1(1)(f) of Schedule 36 to that Act.

## SCHEDULE 2

Regulations 6(2), 7(2), 8(1) and 18(1)

### Basic information

## PART 1

### Information to be given by occupational pension schemes that fall within paragraph 1 of Schedule 1

1. The conditions persons must meet to become members of the scheme and a summary of the categories of persons who are eligible to become members of the scheme.
2. How persons who are eligible to be members of the scheme are admitted to it.
3. A summary of what can be done with a member's accrued rights where the member leaves pensionable service before normal pension age, including whether accrued rights can be transferred out of the scheme, converted into an annuity [<sup>F71</sup>, designated as available for the payment of drawdown pension] and commuted to a lump sum.

**F71** Words in Sch. 2 para. 3 inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **11(2)**

4. A statement relating to the matters mentioned in paragraph 3—
  - (a) as to whether a charge may be made, and
  - (b) that further information is available on request.

[<sup>F72</sup>4A. Where the member has flexible benefits, a statement explaining the circumstances in which the member may transfer accrued rights to flexible benefits out of the scheme.

**F72** Sch. 2 paras. 4A, 4B inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **11(3)**

**4B.** [<sup>F73</sup>Subject to paragraph 4C] where the member has safeguarded benefits (which has the meaning given in section 48(8) of the Pension Schemes Act 2015 (independent advice in respect of conversions and transfers)), a statement that the member may be required to take independent advice before the member may—

- (a) convert any of the safeguarded benefits into different benefits that are flexible benefits under the scheme;
- (b) transfer safeguarded benefits to another pension scheme with a view to acquiring a right or entitlement to flexible benefits; and
- (c) withdraw an uncrystallised funds pension lump sum (which has the meaning given in paragraph 4A of Schedule 29 to the Finance Act 2004 (uncrystallised funds pension lump sum)).]

**F72** Sch. 2 paras. 4A, 4B inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **11(3)**

**F73** Words in Sch. 2 para. 4B inserted (6.4.2016) by [The Pension Protection Fund and Occupational and Personal Pension Schemes \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/294\)](#), regs. 1, **10(2)**

[<sup>F74</sup>4C. Paragraph 4B does not apply to a member of an occupational pension scheme that is an unfunded public service defined benefits scheme, unless it is a scheme in relation to which section 95(2A)(a)(i) of the 1993 Act has been disapplied, pursuant to section 95(2B) of that Act (ways of taking right to cash equivalent).]

**F74** Sch. 2 para. 4C inserted (6.4.2016) by [The Pension Protection Fund and Occupational and Personal Pension Schemes \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/294\)](#), regs. 1, **10(3)**

5. Whether the scheme is a tax registered scheme or, if not, whether an application for the scheme to become a tax registered scheme is under consideration by the Commissioners for Her Majesty's Revenue and Customs.

6. A statement that explains whether transfers can be made into the scheme, including whether such transfers can be made in accordance with [<sup>F75</sup>Chapters 1 and 2 of Part 4ZA of the 1993 Act (transfers and contribution refunds)].

**F75** Words in Sch. 2 para. 6 substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **11(4)**

7. The arrangements, if any, for the payment by members of additional voluntary contributions.

8. A summary of how the contributions, if any, payable by the employer and the member are calculated.

9. Where the scheme is the National Employment Savings Trust Corporation established under section 75(1) of the Pensions Act 2008 <sup>M27</sup>, a statement of the maximum amount, if any, of contributions that may be paid in any tax year in relation to a member of the scheme.

#### Marginal Citations

**M27** 2008 c.30.

10. A statement that—

- (a) the [<sup>F76</sup>Money and Pensions Service] is available at any time to assist members and beneficiaries with—
  - (i) pensions questions, and
  - (ii) issues they have been unable to resolve with the trustees or managers of the scheme,
- (b) the Pensions Ombudsman <sup>M28</sup> may investigate and determine certain complaints or disputes about pensions that are referred to the Ombudsman in accordance with the 1993 Act, and
- (c) the Regulator may intervene in the running of schemes where trustees, managers, employers or professional advisers have failed in their duties.

**F76** Words in Sch. 2 para. 10(a) substituted (6.4.2019) by [The Financial Guidance and Claims Act 2018 \(Naming and Consequential Amendments\) Regulations 2019 \(S.I. 2019/383\)](#), reg. 1(1), **Sch. para. 22(a)**

#### Marginal Citations

**M28** The Pensions Ombudsman is appointed under section 145(2) of the 1993 Act.

11. The postal and electronic address at which each of the bodies referred to in paragraph 10 may be contacted.

<sup>F77</sup>12. ....

**F77** Sch. 2 para. 12 omitted (6.4.2017) by virtue of [The Pensions Act 2014 \(Abolition of Contracting-out for Salary Related Pension Schemes\) \(Consequential Amendments and Savings\) Order 2016 \(S.I. 2016/200\)](#), arts. 1(3), **32**

**13.** If a member of the scheme has to give a period of notice to terminate their pensionable service, the length of that period of notice.

**14.** Whether, and if so on what conditions (if any), a member of the scheme, whose pensionable service has terminated before normal pension age, may re-enter pensionable service.

**15.** The following information about benefits payable under the scheme (referred to in this paragraph as “benefits”)—

- (a) what the benefits are,
- (b) how benefits are calculated,
- (c) how the scheme defines pensionable earnings, if appropriate,
- (d) how and when benefits in payment are increased [<sup>F78</sup>or decreased], if appropriate,
- (e) the rate at which rights to benefits accrue, if appropriate,
- (f) the conditions on which benefits are payable,
- (g) when benefits (including survivor's benefits) are payable.

**F78** Words in Sch. 2 para. 15(d) inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(14)(a)**

**16.** Where the member has money purchase benefits, a statement that the value of the pension will depend on several factors including [<sup>F79</sup>where appropriate] the amount of the contributions paid [<sup>F80</sup>, any cost of exercising any right to transfer the benefits, any charges payable, the age at which the member accesses the benefits’], the performance of [<sup>F81</sup>investments and any] cost of converting the benefit into an annuity.

**F79** Words in Sch. 2 para. 16 inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(14)(b)**

**F80** Words in Sch. 2 para. 16 inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **11(5)(a)**

**F81** Words in Sch. 2 para. 16 substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **11(5)(b)**

[<sup>F82</sup>**16A.** Where the member has rights to cash balance benefits, a statement that the value of the pension will depend on several factors including the amount of contributions paid [<sup>F83</sup>, any cost of exercising any right to transfer the benefits, any charges payable, the age at which the member accesses the benefits], any guaranteed interest or bonuses [<sup>F84</sup>applied and any] cost of converting the benefits into an annuity.]

**F82** Sch. 2 para. 16A inserted (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **79(6)(a)** (with regs. 6, 41,

**Changes to legislation:** There are currently no known outstanding effects for the *The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013*. (See end of Document for details)

44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

**F83** Words in Sch. 2 para. 16A inserted (6.4.2015) by *The Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations 2015* (S.I. 2015/482), regs. 1, **11(6)(a)**

**F84** Words in Sch. 2 para. 16A substituted (6.4.2015) by *The Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations 2015* (S.I. 2015/482), regs. 1, **11(6)(b)**

**17.** Except where the scheme is a public service pension scheme, a statement that the scheme annual report will be given on request.

**18.—(1)** The scheme's internal dispute resolution arrangements.

(2) The postal or electronic address and job title of the person who should be contacted to use those arrangements.

(3) This paragraph does not apply to a scheme within section 50(8) of the 1995 Act <sup>M29</sup> (requirement for dispute resolution arrangements).

#### Marginal Citations

**M29** Section 50 was substituted by the 2004 Act, section 273 and there are no relevant amendments.

[<sup>F85</sup>**18A.** In respect of a collective money purchase scheme, a statement that—

- (a) there is no promise or guarantee as to the rate or amount of benefit provided under the scheme, and
- (b) the rate or amount of benefits may fluctuate, which may result in—
  - (i) reduced benefits before benefit becomes payable;
  - (ii) reduced benefits after benefit becomes payable.

**F85** Sch. 2 paras. 18A, 18B inserted (1.8.2022) by *The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022* (S.I. 2022/337), regs. 1(3), **13(14)(c)**

**18B.** In respect of a collective money purchase scheme, a summary of the rules governing how the rate or amount of benefits provided under the scheme is to be adjusted from time to time, including—

- (a) that annual benefit calculations and any adjustments of the rate or amount of benefits are applied to all the members of the scheme without variation,
- (b) where relevant, an explanation of how any multi-annual reduction permitted under the scheme rules operates and the effect it may have on the rate or amount of benefits provided under the scheme, and
- (c) the arrangements in place for making any adjustments to the rate or amount of benefits provided to pensioner members.]

**F85** Sch. 2 paras. 18A, 18B inserted (1.8.2022) by *The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022* (S.I. 2022/337), regs. 1(3), **13(14)(c)**



## PART 2

Information to be given by occupational pension schemes not falling within paragraph 1 of Schedule 1 and schemes that are established under the Salvation Army Act 1963

**19.** The following information about benefits payable under the scheme (referred to in this paragraph as “benefits”)—

- (a) what the benefits are,
- (b) how benefits are calculated,
- (c) how the scheme defines pensionable earnings, if appropriate,
- (d) how and when benefits in payment are increased, if appropriate,
- (e) the rate at which rights to benefits accrue, if appropriate,
- (f) the conditions on which benefits are payable,
- (g) when benefits (including survivor's benefits) are payable.

**20.** A statement that explains whether transfers can be made into the scheme, including whether such transfers can be made in accordance with [<sup>F86</sup>Chapters 1 and 2 of Part 4ZA] of the 1993 Act.

**F86** Words in Sch. 2 para. 20 substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **11(7)**

**21.** A summary of what can be done with a member's accrued rights where the member leaves pensionable service before normal pension age, including whether the accrued rights can be transferred out of the scheme, converted into an annuity[<sup>F87</sup>, designated as available for the payment of drawdown pension] and commuted to a lump sum.

**F87** Words in Sch. 2 para. 21 inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **11(2)**

**22.** A statement relating to the matters mentioned in paragraph 21—

- (a) as to whether a charge may be made, and
- (b) that further information is available.

[<sup>F88</sup>**22A.** Where the member has flexible benefits, a statement explaining the circumstances in which the member may transfer accrued rights to flexible benefits out of the scheme.

**F88** Sch. 2 paras. 22A, 22B inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **11(8)**

**22B.** [<sup>F89</sup>Subject to paragraph 22C] where the member has safeguarded benefits (which has the meaning given in section 48(8) of the Pension Schemes Act 2015), a statement that the member may be required to take independent advice before the member may—

- (a) convert any of the safeguarded benefits into different benefits that are flexible benefits under the scheme;
- (b) transfer safeguarded benefits to another pension scheme with a view to acquiring a right or entitlement to flexible benefits; and
- (c) withdraw an uncrystallised funds pension lump sum (which has the meaning given in paragraph 4A of Schedule 29 to the Finance Act 2004).]

**Changes to legislation:** There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013. (See end of Document for details)

**F88** Sch. 2 paras. 22A, 22B inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **11(8)**

**F89** Words in Sch. 2 para. 22B inserted (6.4.2016) by [The Pension Protection Fund and Occupational and Personal Pension Schemes \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/294\)](#), regs. 1, **10(4)**

**[<sup>F90</sup>22C.** Paragraph 22B does not apply to a member of an occupational pension scheme that is an unfunded public service defined benefits scheme, unless it is a scheme in relation to which section 95(2A)(a)(i) of the 1993 Act has been disapplied, pursuant to section 95(2B) of that Act.]

**F90** Sch. 2 para. 22C inserted (6.4.2016) by [The Pension Protection Fund and Occupational and Personal Pension Schemes \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/294\)](#), regs. 1, **10(5)**

**23.—(1)** The scheme's internal dispute resolution arrangements.

(2) The postal or electronic address and job title of the person who should be contacted to use those arrangements.

(3) This paragraph does not apply to a scheme within section 50(8) of the 1995 Act.

**24.** A statement that—

(a) the [<sup>F91</sup>Money and Pensions Service] is available at any time to assist members and beneficiaries with—

(i) pensions questions, and

(ii) issues they have been unable to resolve with the trustees or managers of the scheme,

(b) the Pensions Ombudsman may investigate and determine certain complaints or disputes about pensions that are referred to the Ombudsman in accordance with the 1993 Act, and

(c) the Regulator may intervene in the running of schemes where trustees, managers, employers or professional advisers have failed in their duties.

**F91** Words in Sch. 2 para. 24(a) substituted (6.4.2019) by [The Financial Guidance and Claims Act 2018 \(Naming and Consequential Amendments\) Regulations 2019 \(S.I. 2019/383\)](#), reg. 1(1), **Sch. para. 22(b)**

**25.** The postal address and electronic address at which each of the bodies referred to in paragraph 24 may be contacted.

**[<sup>F92</sup>26.** A statement setting out—

(a) which benefits—

(i) are provided by means of the setting aside of resources (other than assets at the disposal of the employer of any person who is employed in relevant employment) for a benefit, before the benefit becomes payable, that are related to the intended rate or amount of benefit; and

(ii) are not provided by that means; and

(b) the manner in which any benefits mentioned in sub-paragraph (a)(i) are secured.]

**F92** Sch. 2 para. 26 substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **11(9)**

**27.** A statement that most of the provisions of the 1995 Act do not apply to the scheme.

**28.** Where the member has money purchase benefits, a statement that the value of the pension will depend on several factors including the amount of the contributions paid, the performance of investments and the cost of converting the benefit into an annuity.

[<sup>F93</sup>**28A.** Where the member has rights to cash balance benefits, a statement that the value of the pension will depend on several factors including the amount of contributions paid, any guaranteed interest or bonuses applied and the cost of converting the benefits into an annuity.]

**F93** Sch. 2 para. 28A inserted (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **79(6)(b)** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

## PART 3

### Lifestyling

- 29.** A statement explaining lifestyling, its advantages and disadvantages, and either—
- (a) that lifestyling will be adopted, indicating when lifestyling is likely to be adopted, or
  - (b) that lifestyling has been adopted.

## [<sup>F94</sup>PART 4

### Scheme closure: collective money purchase schemes

**F94** Sch. 2 Pt. 4 inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(14)(d)**

- 30.** A statement that a decision has been made to pursue continuity option 3.
- 31.** A summary of the reasons for the decision in paragraph 30.
- 32.** An estimate of when information will be provided in accordance with paragraphs 34 to 38.
- 33.** A statement that the scheme will continue to operate in respect of its current members and beneficiaries.
- 34.** A statement confirming that the scheme will be closed, which must include whether it will be closed to new contributions or new members (or both).
- 35.** The date the scheme will begin to operate as a closed scheme.
- 36.** A statement explaining any impact that the closure will have in relation to accrued rights to benefits under the scheme, including any differences in impact for active, deferred and pensioner members.
- 37.** The arrangements for—
- (a) the future operation of the scheme, and
  - (b) where the scheme will be closed to new contributions, any scheme or section of a scheme to which future contributions may be made.]

## SCHEDULE 3

Regulations 11 to 14

Information to be given on request

### PART 1

Information on the constitution of the scheme

1. The contents of any trust deed or document under which the scheme is made.
2. The scheme rules [<sup>F95</sup>(except where regulation 29B applies)].

**F95** Words in Sch. 3 para. 2 inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022 (S.I. 2022/337), regs. 1(3), 13(15)(a)

3. The contents of any document that supplements or alters in any way the information referred to in paragraphs 1 and 2.
4. The name and postal and electronic address of every person who employs any member of the scheme in relevant employment.

### PART 2

Information in the annual report etc.

5. A copy of the appropriate audited accounts or auditor's statements prepared and audited in accordance with regulations made under section 41 of the 1995 Act (provision of documents for members).
6. If Part 3 of the 2004 Act applies, a copy of the certificate by the actuary under section 227 of the 2004 Act (schedule of contributions) about the adequacy of the contributions payable towards the scheme.
7. Any of the information listed in Part 5 of this Schedule that applies.

### PART 3

Information on funding principles and actuarial valuations etc.

8. The latest statement of funding principles where required under section 223 of the 2004 Act (statement of funding principles).
9. Where Part 3 of the 2004 Act applies to the scheme, a copy of the last actuarial valuation referred to in section 224 of the 2004 Act (actuarial valuations and reports) that the trustees or managers of the scheme have received.
10. Where Part 3 of the 2004 Act applies to the scheme, the latest actuarial report referred to in section 224 of the 2004 Act that the trustees or managers of the scheme have received after the last actuarial valuation.

[<sup>F96</sup>**10A.** In respect of a collective money purchase scheme, the latest actuarial valuation.]

**F96** Sch. 3 para. 10A inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022 (S.I. 2022/337), regs. 1(3), **13(15)(b)**

**11.** Any recovery plan prepared under section 226 of the 2004 Act (recovery plan) that is currently in force.

**12.** The latest payment schedule under section 87 of the 1995 Act <sup>M30</sup> (schedules of payments to money purchase schemes) or the latest schedule of contributions under section 227 of the 2004 Act that relates to the employer of the member.

**Marginal Citations**

**M30** Section 87 was amended by the 2004 Act, sections 319(1) and 320, Schedule 12, paragraph 64 and Schedule 13, Part 1.

**13.** The latest statement of principles governing decisions about investments where required by section 35 of the 1995 Act <sup>M31</sup> (investment principles).

**Marginal Citations**

**M31** Section 35 was substituted by the 2004 Act, section 244.

**14.** A summary of the winding up procedure under section 231A of the 2004 Act <sup>M32</sup> (requirements for winding up procedure).

**Marginal Citations**

**M32** Section 231A was inserted by S.I. 2006/1733.

## PART 4

### Information on transfer credits

**15.** Whether the member or prospective member is entitled to acquire transfer credits in exchange for—

- (a) a specified cash equivalent (within the meaning of [<sup>F97</sup>Chapter 1 of Part 4ZA], or Chapter 2 of Part 4A, of the 1993 Act) <sup>M33</sup> (requirements relating to pension credit benefit) provided by another scheme, or
- (b) any transfer payment (within the meaning of [<sup>F97</sup>Chapter 1 of Part 4ZA], or Chapter 2 of Part 4A, of the 1993 Act) provided by another scheme.

**F97** Words in Sch. 3 para. 15 substituted (6.4.2015) by The Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations 2015 (S.I. 2015/482), regs. 1, **12(2)**

**Marginal Citations**

**M33** Part 4A was inserted by the 1999 Act, section 37.

16. A statement of any transfer credits referred to in paragraph 15 which the member or prospective member is entitled to acquire.

## PART 5

### Information that applies to the scheme

17. The names of the persons who are trustees of the scheme, and in the case of a scheme none of the trustees of which is an individual, the names of the directors of any company that is a trustee, during the scheme year to which the information relates (referred to in this Part as “the year”).

18. The provisions of the scheme in relation to the appointment of trustees and their removal from office and, in the case of a scheme none of the trustees of which is an individual, the provisions in the articles of association of each trustee that relate to the appointment and removal from office of any directors.

19. The names of the professional advisers and of such banks, custodians, and other persons and organisations who have acted for or who have been retained by the trustees during the year, with an indication (except in a case where regulation 12 is complied with by the trustees of a scheme for the first time) of any changes since the previous year.

20. The postal and electronic address to which enquiries about the scheme generally or about an individual's entitlement to benefit should be sent.

21. The number of beneficiaries and active, deferred and pensioner members as at any one date during the year.

22. Except in the case of a money purchase scheme [<sup>F98</sup>other than a collective money purchase scheme], the percentage [<sup>F99</sup>increases or decreases] made (otherwise than in accordance with a legislative requirement) during the year (or, if there have been different [<sup>F99</sup>increases or decreases] for different individuals or groups of individuals, the maximum, minimum and average percentage [<sup>F99</sup>increases or decreases]) to—

- (a) pensions that were payable, and
- (b) deferred pensions,

with a statement whether the [<sup>F99</sup>increases or decreases] were to any extent discretionary.

**F98** Words in Sch. 3 para. 22 inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(15)(c)(i)**

**F99** Words in Sch. 3 para. 22 substituted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(15)(c)(ii)**

23. Except in the case of a money purchase scheme that is a wholly insured scheme, the following information—

- (a) where any cash equivalents <sup>F100</sup>... (within the meaning of [<sup>F101</sup>Chapter 1 of Part 4ZA] or Chapter 2 of Part 4A of the 1993 Act) paid during the year were not calculated and verified in the manner prescribed by regulations made under sections 97 or 101I of the 1993 Act <sup>M34</sup> (calculation of cash equivalents), as the case may be, a statement explaining why,

- (b) where any of the cash equivalents<sup>F100</sup> ... paid during the year were less than the amount for which [<sup>F102</sup>section 94] of the 1993 Act<sup>M35</sup> (right to cash equivalent) provides, a statement to that effect together with information as to why they were less,
- (c) a statement of when full values became, or are likely to become, available, and
- (d) a statement whether discretionary benefits are included in the calculation of the transfer values and, if so, the method by which the value of discretionary benefits is assessed.

**F100** Words in Sch. 3 para. 23 omitted (6.4.2015) by virtue of [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **12(3)(a)**

**F101** Words in Sch. 3 para. 23 substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **12(3)(b)**

**F102** Words in Sch. 3 para. 23 substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **12(3)(c)**

#### Marginal Citations

**M34** Section 97 was amended by the 1995 Act, section 173 and Schedule 6, paragraph 4(a) to (c) and the Child Support, Pensions and Social Security Act 2000, section 56 and Schedule 5, paragraph 8(1). Section 101I was inserted by the 1999 Act, section 37.

**M35** Section 94(1) was amended by the 1995 Act, section 154(1) and (2).

**24.** A statement as to whether the accounts have been prepared and audited in accordance with regulations made under section 41(1) and (6) of the 1995 Act (unless the scheme is exempt from such requirements by virtue of those regulations).

**25.** If the auditor's statement made in accordance with regulations made under section 41(1)(a) and (2)(b) of the 1995 Act is negative or qualified, an account of the reasons why and a statement as to how the situation has been or is likely to be resolved.

**26.** If such situation as is mentioned in paragraph 25 in respect of a previous scheme year was not resolved in a previous year, a statement as to how it has been or is likely to be resolved.

**27.** Who has managed the investments of the scheme during the year and the extent of any delegation of this function by the trustees.

**28.** Whether the trustees have produced a statement of the principles governing decisions about investments for the purposes of the scheme in accordance with section 35 of the 1995 Act<sup>M36</sup> (investment principles) (unless the scheme is exempt from such requirement by virtue of regulations made under that section) and, where the trustees have produced such a statement, a statement that a copy is available on request.

#### Marginal Citations

**M36** Section 35 was substituted by the 2004 Act, section 244.

**29.** Except in relation to a wholly insured scheme, a statement as to the trustees' policy on the custody of the scheme assets.

**30.**—[<sup>F103</sup>(1)] Where the scheme is one to which section 35 of the 1995 Act applies, an investment report containing—

- (a) a statement by the trustees or the fund manager providing details of any investments made for the scheme during the year that were not made in accordance with the statement of investment principles governing decisions about investments required under section 35 of the 1995 Act,

**Changes to legislation:** There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013. (See end of Document for details)

- (b) where investments for the scheme have been made in the year that do not accord with the statement of investment principles governing decisions about investments required under section 35 of the 1995 Act (or were made in a previous year and continued to be held at the end of the year), a statement by the trustees or the fund manager giving the reasons why and explaining what action, if any, it is proposed to take or has already been taken to remedy the position,
- (c) a review of the investment performance of the scheme's fund—
  - (i) during the year, and
  - (ii) except where the scheme has existed for less than three scheme years, during a period of not less than 3 and not more than 5 scheme years ending with the year,
 including an assessment of the nature, disposition, marketability, security and valuation of the scheme's assets,

- [<sup>F104</sup>(ca) a statement which must—
  - (i) set out how, and the extent to which, in the opinion of the trustees, the policy required under regulation 2(3)(c) of the Occupational Pension Schemes (Investment) Regulations 2005 has been followed during the year, and
  - (ii) describe the voting behaviour by, or on behalf of, trustees (including the most significant votes cast by trustees or on their behalf) during the year and state any use of the services of a proxy voter during that year,]

- [<sup>F105</sup>(d) the policies specified in the following paragraph of regulation 2 of the Occupational Pension Schemes (Investment) Regulations 2005 (statement of investment principles) (“the Investment Regulations”)—
  - (i) paragraph (3)(b)(vi),
  - (ii) paragraph (3)(b)(vii), <sup>F106</sup> ...
  - (iii) paragraph (3)(c), <sup>F107</sup> ...
 [<sup>F108</sup>(iv) paragraph (3)(d), and]]

<sup>F109</sup>(e) .....

- [<sup>F110</sup>(f) where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, a statement which must—
  - (i) set out how, and the extent to which, in the opinion of the trustees, the statement of investment principles required under section 35 of the 1995 Act has been followed during the year,
  - (ii) describe any review of the statement of investment principles undertaken during the year in accordance with regulation 2(1) of the Investment Regulations and any other review of how the statement of investment principles has been met,
  - (iii) explain any change made to the statement of investment principles during the year and the reason for the change, and
  - (iv) where no such review was undertaken during the year in accordance with regulation 2(1) of the Investment Regulations, give the date of the last review.
  - (v) describe the voting behaviour by, or on behalf of, trustees (including the most significant votes cast by trustees or on their behalf) during the year and state any use of the services of a proxy voter during that year.]

[<sup>F111</sup>(2) Where, on the preparation or revision of an investment report under sub-paragraph (1), a scheme is a wholly-insured scheme and the trustees do not consider that it should cease to be such a scheme, sub-paragraphs (ca) and (d) of sub-paragraph (1) do not apply.]



- F103** Sch. 3 para. 30(1): Sch. 3 para. 30 renumbered (with application in accordance with reg. 1(3) of the amending S.I.) by The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment) Regulations 2021 (S.I. 2021/1070), regs. 1(2), **5(b)(i)**
- F104** Sch. 3 para. 30(ca) inserted (1.10.2020) by The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations 2019 (S.I. 2019/982), regs. 1(4)(b), **3(4)** (with reg. 5)
- F105** Sch. 3 para. 30(d) substituted (1.10.2019) by The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018 (S.I. 2018/988), regs. 1(1), **5(5)(a)**
- F106** Word in Sch. 3 para. 30(d)(ii) omitted by virtue of S.I. 2018/988, reg. 5(5)(a) (as amended) (1.10.2019) by virtue of The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations 2019 (S.I. 2019/982), regs. 1(2), 4(3)(aa)(c)(i) (with reg. 5)
- F107** Word in Sch. 3 para. 30(d)(iii) omitted by virtue of S.I. 2018/988, reg. 5(5)(a) (as amended) (1.10.2019) by virtue of The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations 2019 (S.I. 2019/982), regs. 1(2), 4(3)(bb)(c)(i) (with reg. 5)
- F108** Sch. 3 para. 30(d)(iv) inserted by S.I. 2018/988, reg. 5(5)(a) (as amended) (1.10.2019) by The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations 2019 (S.I. 2019/982), regs. 1(2), **4(3)(c)(i)(cc)** (with reg. 5)
- F109** Sch. 3 para. 30(e) omitted (1.10.2019) by virtue of The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018 (S.I. 2018/988), regs. 1(1), **5(5)(b)**
- F110** Sch. 3 para. 30(f) inserted (1.10.2020) by The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018 (S.I. 2018/988), regs. 1(3)(c), **5(5)(c)**
- F111** Sch. 3 para. 30(2) inserted (with application in accordance with reg. 1(3) of the amending S.I.) by The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment) Regulations 2021 (S.I. 2021/1070), regs. 1(2), **5(b)(ii)**

**31.** A copy of any statement made on the resignation or removal of the auditor or actuary and made in accordance with regulations made under section 47(6) of the 1995 Act (professional advisors).

**32.** Except where the scheme is a trust scheme that applies to earners in employments under different employers, where the scheme has employer-related investments (within the meaning of section 40(2) of the 1995 Act <sup>M37</sup> (restriction on employer-related investments)), a statement—

- (a) as to the percentage of the scheme's resources invested in such investments at the end of the year,
- (b) if that percentage exceeds 5%, as to the percentage of the scheme's resources that are investments to which regulation 13 of the Occupational Pension Schemes (Investment) Regulations 2005 <sup>M38</sup> (investments to which restrictions do not apply) applies, and
- (c) if any resources of the scheme are invested in contravention of subsection (1) of section 40 of the 1995 Act—
  - (i) as to the steps the trustees or managers of the scheme have taken or propose to take to secure that the scheme complies with that section, and
  - (ii) as to the time when any proposed steps will be taken.

#### Marginal Citations

**M37** Section 40 was amended by the 2004 Act, section 319(1) and Schedule 12, paragraphs 34 and 51 and S.I. 2004/355.

**M38** S.I. 2005/3378.

**33.**—(1) Where the scheme is a trust scheme that applies to earners in employments under different employers, a statement in accordance with paragraph 32 or a statement—

- (a) listing the 100 largest investments by value held by the scheme as at the end of the year and stating what percentage of the resources of the scheme each such investment represents,
- (b) identifying which of the investments referred to in paragraph (a) are employer-related investments, and
- (c) if, as at the end of the year, more than 5% of the resources of the scheme are invested in employer-related investments in contravention of section 40(1) of the 1995 Act in relation to a particular employer—
  - (i) listing the employer-related investments and the name of the employer concerned,
  - (ii) as to the steps the scheme has taken or proposes to take to ensure that the percentage is reduced to 5% or less, and
  - (iii) as to the time when any proposed steps will be taken.

(2) [<sup>F112</sup>Subject to sub-paragraph (3),] in sub-paragraph (1) “employer-related investments” has the same meaning as in subsection (2) of section 40 of the 1995 Act but as if the following words in subsection (2) were omitted—

- (a) in paragraph (a) “or by any person who is connected with, or an associate of, the employer”, and
- (b) “or any such person” in each place where they occur.

[<sup>F113</sup>(3) Where regulation 16A of the Occupational Pension Schemes (Investment) Regulations 2005 (authorised master trust schemes) applies to a scheme that is a trust scheme, then for the purposes of the statement required by sub-paragraph (1), any employer-related investments which do not meet the definition in paragraph (4) of regulation 16A of those Regulations may be disregarded.]

**F112** Words in Sch. 3 para. 33(2) inserted (1.10.2022) by [The Occupational Pension Schemes \(Investment\) \(Employer-related investments by Master Trusts\) \(Amendment\) Regulations 2022 \(S.I. 2022/827\)](#), regs. 1(4), **4(2)(a)**

**F113** Sch. 3 para. 33(3) inserted (1.10.2022) by [The Occupational Pension Schemes \(Investment\) \(Employer-related investments by Master Trusts\) \(Amendment\) Regulations 2022 \(S.I. 2022/827\)](#), regs. 1(4), **4(2)(b)**

[<sup>F114</sup>**34.** Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, the statement which the trustees or managers are required to prepare by regulation 23 of those Regulations (annual statement regarding governance).]

**F114** Sch. 3 para. 34 inserted (6.4.2015) by [The Occupational Pension Schemes \(Charges and Governance\) Regulations 2015 \(S.I. 2015/879\)](#), regs. 1(2), **17(2)**

[<sup>F115</sup>**34A.** Where the trustees are required to publish a report on a website in accordance with regulation 6(1)(b) of the Occupational Pension Schemes (Climate Change Governance and Reporting) Regulations 2021 (climate change reporting and publication requirements), the website address where the report for the year has been published.]

**F115** Sch. 3 para. 34A inserted (1.10.2021) by [The Occupational Pension Schemes \(Climate Change Governance and Reporting\) \(Miscellaneous Provisions and Amendments\) Regulations 2021 \(S.I. 2021/857\)](#), regs. 1(1), **4(2)**

## [<sup>F116</sup>PART 6

### INFORMATION TO BE GIVEN ABOUT POOLED FUNDS

**F116** Sch. 3 Pt. 6 inserted (6.4.2019) by The Occupational Pension Schemes (Administration and Disclosure) (Amendment) Regulations 2018 (S.I. 2018/233), regs. 1(2), 3(7)

**35.**—(1) A statement identifying in relation to the provision of money purchase benefits to the member—

- (a) the international securities identification number (“the ISIN”) allocated in accordance with ISO 6166 (1st edition) published by the International Organisation for Standardisation on 31st August 2013 in relation to each collective investment scheme in which assets are directly invested on behalf of that member on the relevant date;
- (b) in the case of each unit-linked contract entered into by or on behalf of the trustees or managers which is in force on the relevant date in relation to that member, the ISIN (where present) relating to each collective investment scheme directly attributable to that contract; and
- (c) the name given by the manager of the collective investment scheme to the scheme to which an ISIN provided in accordance with sub-paragraph (a) or (b) relates.

(2) In this paragraph—

- (a) “collective investment scheme” has the meaning given in regulation 1(2) (interpretation) of the Occupational Pension Schemes (Investment) Regulations 2005; and
- (b) “the relevant date” means—
  - (i) the date the request is made under regulation 12A; or
  - (ii) such earlier date as the trustees or managers of the scheme may specify which meets the following conditions—
    - (aa) the date must be no more than 6 months before the date of the request; and
    - (bb) the trustees or managers of the scheme must be satisfied that the investment options in which the assets of the member were invested on the date specified are the same as those in which the member is invested on the date of the request.]

#### SCHEDULE 4

Regulation 15(1)

#### Summary funding statements

**1.** A summary that—

- (a) explains the extent to which the assets of the scheme are adequate to cover its technical provisions, and
- (b) is based on—
  - (i) the last actuarial valuation under section 224 of the 2004 Act received by the trustees or managers of the scheme, and
  - (ii) any actuarial report under that provision they have received since that actuarial valuation.

2. In the case of the first summary funding statement issued in respect of the scheme, an explanation of the changes in the funding position of the scheme since—
  - (a) the last actuarial valuation of the scheme under section 224(1)(a) of the 2004 Act, or
  - (b) if no such valuation was obtained, the last actuarial valuation under the scheme rules.
3. In the case of any subsequent summary funding statement, an explanation of any change in the funding position of the scheme since the date of the previous summary funding statement.
4. The actuary's estimate of solvency contained in the last actuarial valuation under section 224 of the 2004 Act received by the trustees or managers of the scheme.
5. A summary of any recovery plan prepared under section 226 of the 2004 Act that is currently in force.
6. A statement explaining—
  - (a) whether the scheme has been modified under section 231(2)(a) of the 2004 Act,
  - (b) whether the scheme is subject to directions by the Regulator under section 231(2)(b) of the 2004 Act, and
  - (c) whether the scheme is bound by a schedule of contributions imposed by the Regulator under section 231(2)(c) of the 2004 Act.
7. Where there has been a modification, directions or a schedule of contributions referred to in paragraph 6, a summary of the circumstances in which they were made.
8. A statement explaining whether any payment to the employer under section 37 of the 1995 Act <sup>M39</sup> (payment of surplus to employer) has been made—
  - (a) in the case of the first summary funding statement issued in respect of the scheme, in the 12 months before the date on which that statement is prepared, and
  - (b) in the case of any subsequent summary funding statement issued in respect of the scheme, since the date of the last such statement.

**Marginal Citations**

**M39** Section 37 was substituted by the 2004 Act, section 250 and amended by the Pensions Act 2008, section 130.

9. Where a payment referred to in paragraph 8 has been made, the amount of that payment.

<sup>F117</sup>10. Where the trustees are required to publish a report on a website in accordance with regulation 6(1)(b) of the Occupational Pension Schemes (Climate Change Governance and Reporting) Regulations 2021 (climate change reporting and publication requirements), in relation to the most recent report published—

- (a) the information specified in sub-paragraphs (a) to (d) of regulation 27(2) of these Regulations (provision of information on a website); and
- (b) a statement explaining any circumstances in which the report will be provided on request in hard copy form.]

**F117** Sch. 4 para. 10 inserted (1.10.2021) by [The Occupational Pension Schemes \(Climate Change Governance and Reporting\) \(Miscellaneous Provisions and Amendments\) Regulations 2021 \(S.I. 2021/857\)](#), regs. 1(1), 4(3)

## SCHEDULE 5

Regulation 16(2)

### Statements of benefits: non money purchase benefits

#### **PART 1**

##### Information for active members

1. The amount of any benefits (and how they are calculated) that would be payable on a date specified by the trustees or managers of the scheme if the member of the scheme were to die in service.
2. One of the following amounts, chosen by the trustees or managers of the scheme, of the member's benefits and survivors' benefits calculated without regard to possible increases in the member's salary—
  - (a) the amounts that would be payable from the date benefits are payable if pensionable service were to end on a date specified by the trustees or managers of the scheme,
  - (b) the amounts that would be payable from the date benefits are payable if pensionable service were to end on the member attaining normal pension age, or
  - (c) the amounts that would be payable from the date benefits are payable if pensionable service were to end on a date agreed between the member and the trustees or managers of the scheme.
3. The amount of the member's pensionable remuneration on a date specified by the trustees or managers of the scheme.

#### **PART 2**

##### Information for active and deferred members

4. The date on which the member's pensionable service started.
  5. A summary of the method for calculating the member's benefits and any survivors' benefits.
  6. Details of how any deduction from benefits is calculated.
- [<sup>F118</sup>**6A.** Where the trustees are required to publish a report on a website in accordance with regulation 6(1)(b) of the Occupational Pension Schemes (Climate Change Governance and Reporting) Regulations 2021 (climate change reporting and publication requirements), in relation to the most recent report published—
- (a) the information specified in sub-paragraphs (a) to (d) of regulation 27(2) of these Regulations (provision of information on a website); and
  - (b) a statement explaining any circumstances in which the report will be provided on request in hard copy form.]

**F118** Sch. 5 para. 6A inserted (1.10.2021) by [The Occupational Pension Schemes \(Climate Change Governance and Reporting\) \(Miscellaneous Provisions and Amendments\) Regulations 2021 \(S.I. 2021/857\)](#), regs. 1(1), **4(4)**

### PART 3

#### Information for deferred members

7. The date the member's pensionable service ended.
8. The amount of the member's benefits and survivors' benefits payable from the date benefits are payable.
9. The amount of the member's pensionable remuneration on the date pensionable service ended.

### PART 4

#### Information for pension credit members

10. The amount of the member's benefits and survivors' benefits payable from the date benefits are payable.
11. A summary of the method for calculating the member's benefits and any survivors' benefits.
12. Details of how any deduction from benefits is calculated.

#### SCHEDULE 6

Regulation 17

Statements of benefits: money purchase benefits [<sup>F119</sup>and cash balance benefits]

**F119** Words in Sch. 6 heading inserted (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **79(7)** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

### PART 1

#### Information for all money purchase members

1. The amount of contributions (before any deductions are made) credited to the member under the scheme during—
  - (a) in the case of an occupational pension scheme—
    - (i) the immediately preceding scheme year, and
    - (ii) the scheme year mentioned in regulation 17(9)(a) if—
      - (aa) contributions have been credited during that year, and
      - (bb) the information relating to that year has not been given, and
  - (b) in the case of a personal pension scheme, the 12 months immediately preceding a date specified by the managers of the scheme.

<sup>F120</sup>2. Where an occupational pension scheme was a contracted-out scheme at any time before the abolition date—

- (a) the date of birth used in determining the appropriate age-related percentage for the purposes of section 42A of the 1993 Act (reduced rate of Class 1 contributions, and rebates),
- (b) the name and postal or electronic address of a person who can be contacted if the date of birth is incorrect, and
- (c) the amount of the contributions referred to in paragraph 1 paid to the scheme in respect of the member during the scheme years referred to in that paragraph which is attributable to—
  - (i) the minimum payments made by the member’s employer,
  - (ii) any payments made by the Secretary of State in accordance with section 7(1) of the Social Security Act 1986 (schemes becoming contracted-out between 1986 and 1993),
  - (iii) any age-related payments made by the Secretary of State in accordance with section 42A(3) of the 1993 Act.

**F120** Sch. 6 paras. 2, 3 ceased to have effect (6.4.2014) by virtue of [The Occupational and Personal Pension Schemes \(Disclosure of Information\) Regulations 2013 \(S.I. 2013/2734\)](#), reg. 1(1)(2)(a)

**F120** 3.—(1) Where a personal pension scheme was an appropriate scheme at any time before the abolition date—

- (a) the date of birth used in determining the appropriate age-related percentage for the purposes of section 45(1) of the 1993 Act (amount of minimum contributions),
- (b) the name and postal or electronic address of any person who can be contacted if the date of birth is incorrect, and
- (c) the amount of the minimum contributions paid by the Secretary of State in respect of the member during the 12 months preceding a specified date that are attributable to section 45(1) of the 1993 Act identifying separately that part of the contributions that is attributable to tax relief on the employee’s share of minimum contributions, being the difference between that share and the grossed-up equivalent of that share.

(2) In sub-paragraph (1)(c), the expressions “employee’s share” and “grossed-up equivalent” have the meanings given to them by section 202(3) and (4) of the Finance Act 2004 (minimum contributions under pensions legislation).

**F120** Sch. 6 paras. 2, 3 ceased to have effect (6.4.2014) by virtue of [The Occupational and Personal Pension Schemes \(Disclosure of Information\) Regulations 2013 \(S.I. 2013/2734\)](#), reg. 1(1)(2)(a)

4. The value of the member's accrued rights under the scheme at a date specified by the trustees or managers of the scheme.

5. Any cash equivalent in respect of the transfer of the member's rights mentioned in paragraph 4 that would be different from the values to be specified, at the date specified, under that paragraph, calculated in accordance with—

- (a) sections 97 and 101I of the 1993 Act (calculation of cash equivalents), in the case of an occupational pension scheme, or
- (b) regulations 3 and 4 of the Personal Pension Schemes (Transfer Values) Regulations 1987<sup>M40</sup> (calculation, verification and increases of cash equivalents), in the case of a personal pension scheme.

**Changes to legislation:** There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013. (See end of Document for details)

### Marginal Citations

**M40** S.I. 1987/1112. Regulations 3 and 4 were substituted by S.I. 2008/1050.

**[<sup>F121</sup>5A.** Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, details of how the member may obtain on request the information specified in paragraph 35 of Schedule 3 (information to be given about pooled funds).

**F121** Sch. 6 para. 5A inserted (6.4.2019) by [The Occupational Pension Schemes \(Administration and Disclosure\) \(Amendment\) Regulations 2018 \(S.I. 2018/233\)](#), regs. 1(2), **3(8)**

**5B.** In relation to the information that must be published on a website in accordance with regulation 29A(2) [<sup>F122</sup>and (2A) (publishing charges and transaction costs and other relevant information)]—

- (a) the information specified in sub-paragraphs (a) to (d) of regulation 27(2) (provision of information on a website); and
- (b) a statement explaining the circumstances in which the information will be provided on request in hard copy form.]

**F121** Sch. 6 para. 5A inserted (6.4.2019) by [The Occupational Pension Schemes \(Administration and Disclosure\) \(Amendment\) Regulations 2018 \(S.I. 2018/233\)](#), regs. 1(2), **3(8)**

**F122** Words in Sch. 6 para. 5B substituted (1.10.2019) by [The Pension Protection Fund \(Pensionable Service\) and Occupational Pension Schemes \(Investment and Disclosure\) \(Amendment and Modification\) Regulations 2018 \(S.I. 2018/988\)](#), regs. 1(1), **5(6)**

**[<sup>F123</sup>5C.** Where the trustees are required to publish a report on a website in accordance with regulation 6(1)(b) of the Occupational Pension Schemes (Climate Change Governance and Reporting) Regulations 2021 (climate change reporting and publication requirements), in relation to the most recent report published—

- (a) the information specified in sub-paragraphs (a) to (d) of regulation 27(2) of these Regulations (provision of information on a website); and
- (b) a statement explaining any circumstances in which the report will be provided on request in hard copy form.]

**F123** Sch. 6 para. 5C inserted (1.10.2021) by [The Occupational Pension Schemes \(Climate Change Governance and Reporting\) \(Miscellaneous Provisions and Amendments\) Regulations 2021 \(S.I. 2021/857\)](#), regs. 1(1), **4(5)**

## PART 2

### Pension illustration

**6.—(1)** [<sup>F124</sup>For money purchase benefits,] an illustration of the amount of the pension—

- (a) that is calculated in accordance with paragraphs 7 and 8,
- (b) an entitlement to which would be likely to accrue to the member, or be capable of being secured by the member, at the member's retirement date, and



(c) in respect of rights to money purchase benefits that may arise under the scheme.

**F124** Words in Sch. 6 para. 6(1) inserted (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **79(8)(a)** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

**[<sup>F125</sup>6A.** For cash balance benefits, an illustration of the amount of the pension calculated—

- (a) in accordance with paragraph 7(1)(a)(ii) and (2);
- (b) in accordance with the rules of the scheme; and
- (c) where appropriate, in a manner consistent with the relevant guidance,

that is likely to be secured by the member at the member's normal pension age in respect of the member's rights to cash balance benefits that have arisen or may arise under the scheme.]

**F125** Sch. 6 para. 6A inserted (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **79(8)(b)** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

**7.—(1)** The amount referred to in paragraph 6 must be calculated—

- (a) by reference to—
  - (i) the relevant guidance, and
  - (ii) the assumptions listed in paragraph 8,
- (b) having regard to the value of the member's accrued rights to money purchase benefits under the scheme on the illustration date.

(2) For the purposes of paragraph 6, the calculation of the amount of the pension may take account of a lump sum.

**8.—(1)** The assumptions are—

- (a) where the calculation relates to the rights of a non-contributing member, that no contributions will be made to the scheme by the member, or on the member's behalf, after the illustration date, or
- (b) in any other case, that until the member's retirement date—
  - (i) contributions to the scheme will be made by the member or on the member's behalf, and
  - (ii) the scheme will maintain its tax registration under section 153 of the Finance Act 2004.

(2) In this paragraph “non-contributing member” means a member in respect of whom no further contributions to the scheme are due or expected after the illustration date.

**9.** A statement that the information given under this Part is given only for the purposes of illustration and that it does not represent any promise or guarantee as to the amount of benefit that may be receivable by the member or a beneficiary of the scheme under the scheme.

**10.** A statement of how the person to whom the information given under this Part relates may obtain from the trustees or managers of the scheme further details about that information.

**11.** A statement that general assumptions have been made.

**Changes to legislation:** There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013. (See end of Document for details)

12. A statement that any amounts in the information given under this Part are expressed in today's prices.
13. The member's retirement date used for the purposes of the information given under this Part.
14. The illustration date used for the purposes of the information given under this Part.

### PART 3

#### Further information to be given on pension illustration

15. A statement that—
- assumptions have been made about the nature of the investments made for the purposes of the member's money purchase benefits and their likely performance, and
  - those assumptions may not correspond with the investments actually made for those purposes or their actual performance.
16. A statement that the amount of any pension payable under the scheme to or in respect of the member will depend on considerations (including the performance of investments and the cost of buying an annuity at the time the pension becomes payable) which may be different from any assumptions made.
- [<sup>F126</sup>16A. A statement that the amount of any pension payable under the scheme to or in respect of the member will depend on considerations (including the cost of buying an annuity at the time the pension becomes payable) which may be different from any assumptions made.]

**F126** Sch. 6 para. 16A inserted (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **79(8)(c)** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

17. A statement of any—
- assumptions made relating to future contributions to the scheme,
  - assumptions made relating to the lump sum, the level of increases in the pension and the pension payable to the spouse or civil partner, and
  - changes to the assumptions mentioned in sub-paragraph (b) that were used for the previous information given under paragraph 6 of this Schedule.

[<sup>F127</sup>SCHEDULE 6A

Regulation 17A(2)

#### Statements of Benefits: Collective Money Purchase Benefits

**F127** Sch. 6A inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(16)**

## PART 1

### Information for active, deferred and pension credit members

1. The date on which the member's pensionable service started.
2. The member's retirement date and age used for the purposes of the information given under this Schedule.
3. The illustration date.
4. An explanation of how the member may obtain further details about the information given under this Schedule.
5. The amount that represents the member's share of the available assets of the scheme at the illustration date.
6. The amount that represented the member's share of the available assets of the scheme at the previous year's illustration date, where applicable.
7. Details of any deduction from the member's benefits.
8. Where applicable, a statement that, if the member exercises rights or options to access benefits under the scheme before the member's retirement date, the amount of the member's benefits is likely to be lower.
9. A statement that there may be increases and decreases in the amount that represents the value of the member's share of the available assets of the scheme from time to time until the member's retirement date.
10. A statement that illustrations of the amount of pension that may be payable to the member on the member's retirement date—
  - (a) do not represent any promise or guarantee as to the amount of benefits that may be receivable by the member under the scheme, and
  - (b) are calculated using projections based on actuarial assumptions as to uncertain future events, and that the actual amount could be higher or lower.
11. A statement that—
  - (a) any future increases or decreases in the rate or amount of benefits provided under the scheme will depend on the available assets of the scheme,
  - (b) assumptions have been made about the nature of the scheme's investments and their likely performance, and
  - (c) those assumptions may not correspond with the investments actually made or their actual performance.
12. A statement that the amounts in any illustrations of amount of pension given are expressed in today's prices.
13. Either—
  - (a) an explanation of the meaning and basis of "today's prices", or
  - (b) a statement that such an explanation is—
    - (i) provided in a specified annex, or
    - (ii) available on a website, in which case the statement must include the information listed in regulation 27(2).
14. Where any illustrations of amount of pension are expressed as a range, an explanation of the extent of variability which the range represents.

**15.** In relation to the information that must be published on a website in accordance with regulation 29A(2) and (2A) (publishing charges and transaction costs and other relevant information)—

- (a) the information specified in sub-paragraphs (a) to (d) of regulation 27(2) (provision of information on a website), and
- (b) a statement explaining the circumstances in which the information will be provided on request in hard copy form.

**16.** Where the trustees are required to publish a report on a website in accordance with regulation 5 of the Occupational Pension Schemes (Climate Change Governance and Reporting) Regulations 2021 (climate change reporting and publication requirements), in relation to the most recent report published—

- (a) the information specified in sub-paragraphs (a) to (d) of regulation 27(2) of these Regulations; and
- (b) a statement explaining the circumstances in which the report will be provided on request in hard copy form.

**17.** Either—

- (a) a summary of the methods and assumptions used to calculate—
  - (i) the member’s share of the available assets of the scheme, and
  - (ii) the member’s future benefit illustrations, or
- (b) a statement that such a summary is—
  - (i) provided in a specified annex, or
  - (ii) available on a website, in which case the statement must include the information listed in regulation 27(2).

## PART 2

### Information for active and deferred members

**18.** Where the member has reached normal minimum pension age on the illustration date, a statement explaining that the member may request the following information—

- (a) the flexible benefits that may be provided to the member,
- (b) the member’s opportunity to transfer flexible benefits, and
- (c) the options available to the member under the scheme rules.

## PART 3

### Information for deferred and pension credit members

**19.** An illustration, having regard to the latest actuarial modelling under the scheme, of the amount of any survivor’s benefits, as if these were payable on the illustration date.

**20.** An illustration of the amount of pension, having regard to the latest actuarial modelling under the scheme, that may be payable to the member on their retirement date.

**21.** Either—

- (a) a summary of the method used for calculating any survivor’s benefits, or
- (b) a statement that such a summary is—

- (i) provided in a specified annex, or
- (ii) available on a website, including the information listed in regulation 27(2).

## PART 4

### Information for active members

**22.** The difference between the amount that represents the member's share of the available assets of the scheme at the illustration date and the amount that represented the member's share of the available assets of the scheme at the previous year's illustration date.

**23.** The amount, at the illustration date, of any benefits payable on the death of the member.

**24.** An illustration of the amount of pension, which may be payable to the member at their retirement date if pensionable service were to end on the illustration date, having regard to the latest actuarial modelling under the scheme.

**25.** An illustration of the amount of pension, which may be payable to the member at their retirement date if contributions continue, having regard to the latest actuarial modelling under the scheme.

**26.** A statement that it is assumed the active member will continue to contribute, or a contribution will be made on the member's behalf, to the scheme until their retirement date.

**27.** A statement as to any assumed salary increases taken into account in calculating the illustration provided in accordance with paragraph 25.

**28.** Either—

- (a) a summary of the method used for calculating the member's death in service benefits, or
- (b) a statement that such a summary is—
  - (i) provided in a specified annex, or
  - (ii) available on a website, including the information listed in regulation 27(2).

## PART 5

### Information for deferred members

**29.** The date on which the member became a deferred member.

**30.** A statement that no further contributions are expected to be made to the scheme by, or in respect of, the member after the illustration date.]

## SCHEDULE 7

Regulations [F129]18A] to 22 and 25(2)

Information to be given by schemes that relates to  
accessing benefits [F128] and to benefit adjustments]

**F128** Words in Sch. 7 heading inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(17)(a)**

**F129** Word in Sch. 7 substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **13(2)**

## PART 1

Information to be given to persons having an opportunity to select an annuity

1. A statement that the person has an opportunity to select an annuity.
2. A statement that the person has an opportunity to select the provider of the annuity.
3. A statement that different annuities have different features and different rates of payment including annuities that provide—
  - (a) the same payments every year,
  - (b) increasing payments every year,
  - (c) payments only for the person,
  - (d) payments for the person's spouse or civil partner,
  - (e) a guarantee on the early death of the person.
4. Either—
  - (a) an explanation of the characteristic features of the annuities referred to in paragraph 3, or
  - (b) a copy of guidance giving that explanation that has been prepared or approved by the Regulator.
5. A statement that the person should consider taking advice about which annuity is most suitable for them.

## PART 2

Information on accessing benefits for members and survivors

6. The amount of benefit that is payable.
 

[<sup>F130</sup>**6A.** In relation to a collective money purchase scheme, a statement that—

  - (a) there is no promise or guarantee as to the rate or amount of benefit provided under the scheme, and
  - (b) the rate or amount of benefits may fluctuate, which may result in—
    - (i) reduced benefits before benefit becomes payable;
    - (ii) reduced benefits after benefit becomes payable.]

**F130** Sch. 7 para. 6A inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(17)(b)**

7. If benefit is payable periodically—
  - (a) any conditions for continuing to make the payments, and
  - (b) any provisions which would allow the payments to be altered.

8. Any rights and options that persons have on the death of the member or beneficiary of the scheme.

9. Any procedures for exercising the rights and options referred to in paragraph 8.

10. The provisions (or, as the case may be, a statement that there are no provisions) under which the pension payable to the survivor of a member or beneficiary of the scheme may or will be increased [<sup>F131</sup>or decreased] and the extent to which such increases [<sup>F132</sup>or decreases] are dependent on the exercise of a discretion.

**F131** Words in Sch. 7 para. 10 inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022 (S.I. 2022/337), regs. 1(3), **13(17)(e)(i)**

**F132** Words in Sch. 7 para. 10 inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022 (S.I. 2022/337), regs. 1(3), **13(17)(e)(ii)**

### [<sup>F133</sup>Part 3

#### Information to be Given to Members Having an Opportunity to Transfer Flexible Benefits

**F133** Sch. 7 Pt. 3 inserted (6.4.2015) by The Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations 2015 (S.I. 2015/482), regs. 1, **13(3)**

11. A statement that the member has an opportunity to transfer flexible benefits to one or more different pension providers.

12. A statement that different pension providers offer different options in relation to what the member can do with the flexible benefits, including the option to select an annuity.

13. A statement that different options have different features, different rates of payment, different charges and different tax implications.

14. Either—

- (a) a copy of guidance that explains the characteristic features of the options referred to in paragraph 13 that has been prepared or approved by the Regulator; or
- (b) a statement that gives materially the same information as that guidance.]

### [<sup>F134</sup>PART 4

#### Information to be given by collective money purchase schemes about benefit adjustments

**F134** Sch. 7 Pt. 4 inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022 (S.I. 2022/337), regs. 1(3), **13(17)(d)**

15. Where benefit is not yet payable to the person—

- (a) the amount representing the member's share of the available assets of the scheme,

**Changes to legislation:** *There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013. (See end of Document for details)*

- (b) the period for which that amount applies,
  - (c) except where information under this paragraph is provided to the person for the first time—
    - (i) any adjustment to that amount since the previous year, both in monetary terms and as a percentage increase or decrease,
    - (ii) where applicable, an explanation of why that amount has been adjusted or, as the case may be, remained the same, and
  - (d) an explanation of when an adjustment in that amount may next occur.
- 16.** Where benefit is payable to the person—
- (a) the amount of benefit that is payable,
  - (b) the period for which that amount applies,
  - (c) except where information under this paragraph is provided to the person for the first time—
    - (i) any adjustment to the amount of benefit payable from the previous year, both in monetary terms and as a percentage increase or decrease,
    - (ii) an explanation of why the amount of benefit payable has been adjusted or, as the case may be, remained the same, and
  - (d) an explanation of when an adjustment in the amount of benefit payable may next occur.
- 17.** Any rights or options a person may be entitled to exercise in the event of a member or beneficiary dying, and any procedures for exercising those rights or options.
- 18.** A statement that there is no promise or guarantee as to the amount of benefit that may be provided under the scheme, that the rate or amount of benefits may fluctuate, and that this may result in reduced benefits.
- 19.** A summary of the method and assumptions used to calculate the benefit adjustments.
- 20.** The postal and electronic address to which enquiries relating to the information provided in accordance with regulation 22A should be sent.
- 21.** The level of the benefit adjustment that should have been applied in accordance with the latest actuarial valuation and the schemes rules.
- 22.** The level of the benefit adjustment that was actually applied.
- 23.** Where the benefit adjustment that was actually applied was not the adjustment that should have been applied in accordance with the latest actuarial valuation and the schemes rules, any proposed remedial actions.
- 24.** A timetable for implementing any remedial actions.
- 25.** A statement indicating whether the failure to apply the benefit adjustment in accordance with the scheme rules or (as the case may be) the latest actuarial valuation has resulted in any negative impact on the scheme’s ongoing ability to deliver the pension benefits envisaged under the design of the scheme.
- 26.** Where there is a likely negative impact on the scheme’s ongoing ability to deliver the pension benefits envisaged, details of any proposed actions to address the negative impact.
- 27.** An explanation of what the trustees will do to ensure benefit adjustments are applied correctly in future.]



## SCHEDULE 8

Regulations 23(3), 24(2) and 25(2)

### Information to be given by schemes about winding up

#### PART 1

##### Information to be given by occupational pension schemes during winding up

1. A statement that the scheme is being wound up.
2. The reasons why the scheme is being wound up.
3. Where section 22 of the 1995 Act<sup>M41</sup> (circumstances in which following provisions apply) applies, a statement that at least one of the trustees of the scheme are required to be an independent person by section 23 of that Act<sup>M42</sup>.

#### Marginal Citations

- M41** Section 22 was amended by the 2004 Act, sections 36(1) and (2), 319(1) and 320, Schedule 12, paragraphs 34 and 40 and Schedule 13, Part 1 and [S.I. 2009/1941](#).
- M42** Section 23 was substituted by the 2004 Act, section 36(4).

4. In the case of active members, whether death in service benefits will continue to be payable.
5. A summary of the action that is being taken, and that has been taken, to—
  - (a) establish the scheme's liabilities, and
  - (b) recover any assets.
6. An estimate of when—
  - (a) the scheme's liabilities are likely to be established, and
  - (b) any assets are likely to be recovered.
7. [<sup>F135</sup>Except in the case of a collective money purchase scheme, either]—
  - (a) an indication of the extent to which (if at all) the actuarial value of accrued rights or benefits are likely to be reduced, or
  - (b) a statement that there is insufficient information to provide such an indication.

- F135** Words in [Sch. 8 para. 7](#) substituted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(18)**

#### PART 2

##### Information to be given by occupational pension schemes after winding up

8. Whether the member or beneficiary's benefits are reduced because the scheme's resources are not sufficient to meet its liabilities.
9. The amount of any reduction of the member's, or beneficiary's, benefits.
10. Who has or will become liable for the payment of the member's, or beneficiary's, benefits.

## PART 3

### Information to be given by personal pension schemes after winding up

**11.**—(1) The amount of—

- (a) contributions (before the making of any deductions), including a nil amount, credited to the member under the scheme during the period of 12 months preceding a date specified by the managers of the scheme, and
- <sup>F136</sup>(b) where the scheme was, at any time before the abolition date, an appropriate scheme the minimum contributions paid by the Secretary of State in respect of the member in that 12 month period that is attributable to section 45(1) of the 1993 Act identifying separately that part of the contributions that is attributable to tax relief on the employee's share of minimum contributions, being the difference between that share and the grossed-up equivalent of that share.

<sup>F137</sup>(2) In sub-paragraph (1)(b) the expressions “employee’s share” and “grossed-up equivalent” have the meanings given to them by section 202(3) and (4) of the Finance Act 2004 (minimum contributions under pensions legislation).

**F136** Sch. 8 para. 11(1)(b) ceased to have effect (6.4.2014) by virtue of [The Occupational and Personal Pension Schemes \(Disclosure of Information\) Regulations 2013 \(S.I. 2013/2734\)](#), reg. 1(1)(2)(b)

**F137** Sch. 8 para. 11(2) ceased to have effect (6.4.2014) by virtue of [The Occupational and Personal Pension Schemes \(Disclosure of Information\) Regulations 2013 \(S.I. 2013/2734\)](#), reg. 1(1)(2)(b)

**12.** At a date specified by the managers of the scheme —

- (a) the value of the member's accrued rights under the scheme, and
- (b) if different, the value of the cash equivalent calculated in accordance with regulations 3 and 4 of the Personal Pension Schemes (Transfer Values) Regulations 1987.

**13.** The options available to a member for preserving, transferring or otherwise disposing of the member's accrued rights under the scheme.

**14.** An account of the amount by which the member's accrued rights have been reduced and of the action taken by the managers of the scheme, or which is open to the member to take, in order, so far as may be possible, to restore the value of the member's accrued rights under the scheme.

## PART 4

### Report under section 72A of the 1995 Act

**15.** Where a report has been made to the Regulator under section 72A of the 1995 Act <sup>M43</sup> (reports about winding up), a copy of that report.

#### Marginal Citations

**M43** Section 72A was inserted by the Child Support, Pensions and Social Security Act 2000, section 49(1).

## PART 5

### Information on expected benefits

**16.** An estimate of the amount of the member's and beneficiary's benefits that are expected to be payable from normal pension age or death.

#### SCHEDULE 9

Regulation 1(4)

#### Amendments to Regulations

#### The Occupational Pension Schemes (Preservation of Benefit) Regulations 1991

**1.**—(1) The Occupational Pension Schemes (Preservation of Benefit) Regulations 1991 <sup>M44</sup> are amended as follows.

(2) After regulation 1(3) <sup>M45</sup> (interpretation) add—

“(4) Any information or documents required to be furnished under these Regulations to a person, may be given in accordance with regulations 26 to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents).”.

(3) In regulation 9(6)(c) <sup>M46</sup> (bought out benefits), for “at his last known address” substitute “ in accordance with regulations 26 to 28 (giving information and documents) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 ”.

#### Marginal Citations

**M44** [S.I. 1991/167](#).

**M45** Paragraph (3) was substituted by [S.I. 1996/2131](#) and amended by [S.I. 2013/459](#).

**M46** Regulation 9(6) was amended by [S.I. 1994/1062](#) and 2011/1246.

#### The Occupational Pension Schemes (Contracting-out) Regulations 1996

**2.** In regulation 3(3) of the Occupational Pension Schemes (Contracting-out) Regulations 1996 <sup>M47</sup> (notices by employers of intended election)—

(a) for sub-paragraph (a)(i), substitute—

“(i) sending it to the earner in accordance with regulations 26 to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents),

(ia) delivering it to the earner, or”,

(b) for sub-paragraph (b), substitute—

“(b) to any other person, by—

(i) sending it to that person in accordance with regulations 26 to 28 (giving information and documents) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013, or

(ii) delivering it to that person.”.

**Marginal Citations**

**M47** [S.I. 1996/1172](#).

**The Occupational Pension Schemes (Transfer Values) Regulations 1996**

3. After regulation 11(6) of the Occupational Pension Schemes (Transfer Values) Regulations 1996 <sup>M48</sup> (disclosure), add—

“(7) The trustees may provide any information or notification under this regulation in accordance with regulations 26 to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents).”.

**Marginal Citations**

**M48** [S.I. 1996/1847](#). Regulation 11 was amended by [S.I. 2005/72](#), 2008/1050 and 2009/615.

**The Occupational Pension Schemes (Requirement to obtain Audited Accounts and a Statement from the Auditor) Regulations 1996**

4.—(1) The Occupational Pension Schemes (Requirement to obtain Audited Accounts and a Statement from the Auditor) Regulations 1996 <sup>M49</sup> are amended as follows.

(2) In regulation 2 (requirement of trustees or managers to obtain documents), after paragraph (2) insert—

“(2AA) Information may be made available under paragraph (2) in accordance with regulations 26 to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents).”.

(3) The Schedule (contents of accounts audited by the auditor of the scheme) is amended as follows—

- (a) at the beginning of paragraph 5 <sup>M50</sup> insert “ Except in relation to a trust scheme that applies to earners in employments under different employers, ”, and
- (b) after paragraph 5 insert—

“5A.—(1) Where the scheme is a trust scheme that applies to earners in employments under different employers, a statement in accordance with paragraph 5 or a statement—

- (a) listing the 100 largest investments by value held by the scheme at the end of the scheme year and stating what percentage of the resources of the scheme each such investment represents;
- (b) identifying which of the investments mentioned in paragraph (a) are employer-related investments;
- (c) if, as at the end of the scheme year, more than 5 per cent of the resources of the scheme are invested in employer-related investments in contravention of section 40(1) of the Pensions Act 1995, listing the employer-related investments and the employer concerned.

(2) In sub-paragraph (1) “employer-related investments” has the meaning as in section 40(2) of the Pensions Act 1995 but as if the following words were omitted from subsection (2)—

(a) in paragraph (a) “or by any person who is connected with, or an associate of, the employer”; and

(b) “or any such person” in each place where they occur.”.

**Marginal Citations**

**M49** [S.I. 1996/1975](#).

**M50** Paragraph 5 was substituted by [S.I. 1997/3038](#), amended by [S.I. 2006/778](#) and modified in relation to the National Employment Savings Trust by [S.I. 2011/673](#).

**The Occupational Pension Schemes (Winding Up) Regulations 1996**

5.—(1) The Occupational Pension Schemes (Winding Up) Regulations 1996 <sup>M51</sup> are amended as follows.

(2) After regulation 7(10) (requirements applicable to notices of discharge under regulation 6), insert—

“(11) A discharge notice and any notice under paragraph (3) may be given in accordance with regulations 26 to 28 (giving information and documents) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.”.

(3) In regulation 11(2) (records and information), after “in writing” insert “ in accordance with regulations 26 to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents) ”.

**Marginal Citations**

**M51** [S.I. 1996/3126](#).

**The Occupational Pension Schemes (Discharge of Liability) Regulations 1997**

6. In regulation 6(5)(b)(ii) of the Occupational Pension Schemes (Discharge of Liability) Regulations 1997 <sup>M52</sup> (further conditions on which liability may be discharged), for “at her or his last known address” substitute “ in accordance with regulations 26 to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents) ”.

**Marginal Citations**

**M52** [S.I. 1997/784](#). Regulation 6(5) was amended by [S.I. 2005/2050](#).

**The Pensions on Divorce etc. (Provision of Information) Regulations 2000**

7. After regulation 10 of the Pensions on Divorce etc. (Provision of Information) Regulations 2000 <sup>M53</sup> (provision of information after receipt of an earmarking order) add—

**“Provision of information**

11.—(1) Subject to paragraph (2) a person required to provide information under regulation 2, 4, 6, 7, 8 or 10 must provide that information in accordance with regulations 26

**Changes to legislation:** There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013. (See end of Document for details)

to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents).

(2) Information may be provided to the court by means of an electronic communication only where the court has given its permission.

(3) In this regulation “electronic communication” has the meaning given by the Electronic Communications Act 2000.”.

#### Marginal Citations

**M53** S.I. 2000/1048. There are no relevant amendments.

### The Pension Sharing (Pension Credit Benefit) Regulations 2000

8.—(1) The Pension Sharing (Pension Credit Benefit) Regulations 2000 <sup>M54</sup> are amended as follows.

(2) In regulation 8(6)(a) (bought out benefits) for “sent to that person at his last known address” substitute “ given in accordance with regulations 26 to 28 (giving information and documents) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 ”.

(3) In regulation 10(5)(a) (transfer of a person's pension credit rights without consent) for “sent to that person at his last known address” substitute “ given in accordance with regulations 26 to 28 (giving information and documents) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 ”.

(4) In regulation 15(5)(b) (further conditions on which liability may be discharged) for “sent to that person at his last known address” substitute “ given in accordance with regulations 26 to 28 (giving information and documents) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 ”.

#### Marginal Citations

**M54** S.I. 2000/1054. There are no relevant amendments.

### The Stakeholder Pension Schemes Regulations 2000

9.—(1) The Stakeholder Pension Schemes Regulations 2000 <sup>M55</sup> are amended as follows.

(2) In regulation 1(3) (interpretation)—

(a) in the definition of “illustration date” for “18(2A)” substitute “ 18A(2) ”,

(b) in the definition of “non-contributing member”—

(i) omit paragraph (a), and

(ii) in paragraph (b) omit “in relation to a personal pension scheme,”,

(c) for the definition of “the relevant guidance” substitute—

““relevant guidance” means the document entitled “AS TM1: Statutory Money Purchase Illustrations” that is adopted or prepared, and from time to time revised, by the Financial Reporting Council Limited;”, and

(d) in the definition of “retirement date” for “18(2A)” in each place where it appears substitute “ 18A(2) ”.

(3) In regulation 18(7) (disclosure of information to members)—

- (a) after sub-paragraph (a) insert “ and ”,
  - (b) after sub-paragraph (b)(ii) omit “and”, and
  - (c) omit sub-paragraph (c).
- (4) In regulation 18A—
- (a) in paragraph (1) at the beginning insert “ Subject to paragraph (1A) ”,
  - (b) after paragraph (1) insert—
    - “(1A) The information mentioned in paragraph (1) need not but may, nevertheless, be given in respect of a statement year where—
    - (a) the statement year is the first to end on or after the date the person became a member of the scheme; and
    - (b) the end of that statement year falls at a time when—
      - (i) no contributions have been credited to the scheme in respect of the person; or
      - (ii) the person has the right to opt out of the scheme under section 8 of the Pensions Act 2008 (jobholder's right to opt out).
  - (1B) Where—
    - (a) the information is not provided to the person by virtue of paragraph (1A); and
    - (b) contributions have been credited in respect of the member in respect of the statement year mentioned in paragraph (1A)(a),it must be provided no later than the information that relates to the next following statement year.”,
  - (c) after paragraph (2) insert—
    - “(2A) For the purposes of paragraph (2), the calculation of the amount of the pension mentioned in paragraph (2) may take account of a lump sum.”, and
  - (d) in paragraph (4)—
    - (i) after sub-paragraph (c) insert “ or ”,
    - (ii) after sub-paragraph (d) omit “or”, and
    - (iii) omit sub-paragraph (e).
- (5) In regulation 18B—
- (a) in paragraph (1)(b) omit the words from “of this regulation” to “relevant guidance”, and
  - (b) omit paragraphs (3) and (4).
- (6) In regulation 18C (service of information by a scheme) for paragraph (4) substitute—
- “(4) Where—
    - (a) a member or beneficiary was a member or beneficiary of the scheme on 1st December 2010; and
    - (b) relevant information was not given by the trustees or managers of the scheme before that date by the methods described in paragraph (1)(b),relevant information may not be furnished or given to the member or beneficiary in accordance with paragraph (1)(b) unless the trustees or managers of the scheme have given them the written notice referred to in paragraph (5).
  - (4A) The written notice mentioned in paragraph (4) must not be given by the methods mentioned in paragraph (1)(b).”.
- (7) In regulation 18E (provision of information on a website)—

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- (a) in paragraph (1) for “this regulation sets” substitute “ this regulation and regulation 18F set ”,
  - (b) for paragraph (2) substitute—
    - “(2) When a website is used for the first time to make available relevant information, a notification must be given to the recipient.”,
  - (c) for paragraph (4) substitute—
    - “(4) Subject to regulation 18F, each time a website is used at a subsequent time to make available information or documents, a notification must be given to the recipient.
    - (4A) The notification referred to in paragraph (4) must state that the information or document is available on the website.
    - (4B) The notifications mentioned in paragraphs (2) and (4) must not be given by making them available on a website.”,
  - (d) omit paragraph (6), and
  - (e) in paragraph (7) after “this regulation” insert “ and regulation 18F ”.
- (8) After regulation 18E insert—

**“Provision of information on a website: supplemental**

**18F.—**(1) The notification mentioned in regulation 18E(4) need not be given where paragraphs to (4) are satisfied.

- (2) This paragraph is satisfied where—
  - (a) the trustees or managers of the scheme have given the recipient at least two documents by either of the following methods—
    - (i) given by hand, or
    - (ii) sent to the recipient's last known postal address, and
  - (b) each of those documents—
    - (i) asks the recipient to give their electronic address to the trustees or managers of the scheme except where the trustees or managers of the scheme do not have the facility for sending information or documents to that address, and
    - (ii) states that the recipient may request in writing that information or documents are not given by means of an electronic communication.
- (3) This paragraph is satisfied where—
  - (a) paragraph (2) is satisfied, and
  - (b) the trustees or managers of the scheme have given the recipient, by either of the methods mentioned in paragraph (2)(a), a further document that—
    - (i) meets the requirements of paragraph (2)(b), and
    - (ii) states that further information and documents will be available to read on the website and that no further notifications will be sent to the recipient.
- (4) This paragraph is satisfied where—
  - (a) paragraphs (2) and (3) are satisfied, and
  - (b) the trustees or managers of the scheme—
    - (i) do not know the recipient's electronic address or do not have the facility for sending information or documents to that address, and



(ii) have not received a written request that information or documents are not given to the recipient by means of an electronic communication.

(5) Where the information to be made available is that required by regulation 18A(1), the notification referred to in regulation 18E(4) need only be given as required by regulation 18A(1).”

(9) In paragraph 6 of Schedule 3 (information for members)—

(a) after sub-paragraph (c) omit “and”, and

(b) for sub-paragraph (d) substitute—

“(d) a statement of any assumptions made relating to the lump sum, the level of increases in the pension and the pension payable to the spouse or civil partner, and

(e) a statement of any changes to the assumptions mentioned in sub-paragraph (d) that were used for the previous information given under regulation 18A(2).”

#### **Marginal Citations**

**M55** [S.I. 2000/1403](#). Regulations 18A to 18E were inserted by [S.I. 2010/2659](#). Paragraph 6(d) of Schedule 3 was amended by [S.I. 2011/1245](#). The definition of “illustration date” was inserted by [S.I. 2002/1381](#) and amended by [S.I. 2010/2659](#). The definition of “non-contributing member” was inserted by [S.I. 2002/1383](#). The definition of “retirement date” was inserted by [S.I. 2002/1383](#) and amended by [S.I. 2010/2659](#).

### **The Personal Pension Schemes (Payments by Employers) Regulations 2000**

**10.** After regulation 5A(5) of the Personal Pension Schemes (Payments by Employers) Regulations 2000 <sup>M56</sup> (the issue of payment statements to an employee) add—

“(6) A statement referred to in paragraph (1) may be issued in accordance with regulations 26 to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents).”

#### **Marginal Citations**

**M56** [S.I. 2000/2692](#). Regulation 5A was inserted by [S.I. 2006/778](#).

### **The Occupational Pension Schemes (Winding Up Notices and Reports etc.) Regulations 2002**

**11.** In regulation 8 of the Occupational Pension Schemes (Winding Up Notices and Reports etc.) Regulations 2002 <sup>M57</sup> (applications to the Authority to modify schemes to secure winding up)—

(a) in paragraph (3)(a), for the words after “to all members of the scheme” substitute “(except a member mentioned in paragraph (3A)) in accordance with regulations 26 to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents), and ”, and

(b) after paragraph (3), insert—

“(3A) A member referred to in paragraph (3)(a) is a member—

(a) whose present postal address and electronic address is not known to the trustees or managers of the scheme, and

(b) in respect of whom the trustees or managers of the scheme have sent correspondence to their last known—

**Changes to legislation:** There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013. (See end of Document for details)

- (i) postal address and that correspondence has been returned, or
- (ii) electronic address and the trustees or managers of the scheme are satisfied that that correspondence has not been delivered.”.

**Marginal Citations**

**M57** [S.I. 2002/459](#).

**The Occupational Pension Schemes (Independent Trustee) Regulations 2005**

**12.** After regulation 13(8) of the Occupational Pension Schemes (Independent Trustee) Regulations 2005 <sup>M58</sup> (disclosure requirements and penalty) insert—

“(9) The appointed trustee may give any information under this regulation in accordance with regulations 26 to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents).”.

**Marginal Citations**

**M58** [S.I. 2005/703](#).

**The Occupational Pension Schemes (Winding up etc.) Regulations 2005**

**13.—(1)** The Occupational Pension Schemes (Winding up etc.) Regulations 2005 <sup>M59</sup> are amended as follows.

(2) In regulation 6(6) (adjustments to discretionary awards) for “by post”, the first time it appears, substitute “ in accordance with regulations 26 to 28 (giving information and documents) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 ”.

(3) In regulation 7(6) (adjustments to survivors' benefits) for “by post”, the first time it appears, substitute “ in accordance with regulations 26 to 28 (giving information and documents) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 ”.

**Marginal Citations**

**M59** [S.I. 2005/706](#).

**The Occupational Pension Schemes (Scheme Funding) Regulations 2005**

**14.** In Schedule 3 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005 <sup>M60</sup> (supplementary and consequential provisions) omit paragraphs 2 and 3.

**Marginal Citations**

**M60** [S.I. 2005/3377](#).

### **The Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006**

15. After regulation 11(2) of the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 <sup>M61</sup> (requirement to provide information), add—

“(3) Information provided under this regulation may be provided in accordance with regulations 26 to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents).”.

**Marginal Citations**

M61 [S.I. 2006/349](#).

### **The Occupational Pension Schemes (Payments to Employer) Regulations 2006**

16.—(1) The Occupational Pension Schemes (Payments to Employer) Regulations 2006 <sup>M62</sup> are amended as follows.

(2) After regulation 10(3) (notification to members), add—

“(4) The trustees of the scheme may give the notice mentioned in paragraph (1) and provide a copy of the relevant valuation certificate mentioned in paragraph (2) in accordance with regulations 26 to 28 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (giving information and documents).”.

(3) After regulation 15(5) (notice of proposal to distribute excess assets to the employer), add—

“(6) A notice under this regulation may be sent in accordance with regulations 26 to 28 (giving information and documents) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.”.

**Marginal Citations**

M62 [S.I. 2006/802](#).

### **The Application of Pension Legislation to the National Employment Savings Trust Corporation Regulations 2011**

17. Omit regulations 2 and 3 of the Application of Pension Legislation to the National Employment Savings Trust Corporation Regulations 2011 <sup>M63</sup>.

**Marginal Citations**

M63 [S.I. 2011/673](#).

### **The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011**

18.—(1) The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011 <sup>M64</sup> are amended as follows.

(2) Omit regulations 17 and 19.

(3) For regulation 20(4) (amendment of the Stakeholder Pension Schemes Regulations 2000) substitute—

- “(4) In Schedule 3 (information for members)—
- (a) in paragraph 1 omit sub-paragraph (d), and
  - (b) in paragraph 2 omit sub-paragraphs (e), (f) and (g).”.

**Marginal Citations**

**M64** [S.I. 2011/1245](#).

**<sup>F138</sup>SCHEDULE 10**

Regulations 18A to 21

**INFORMATION TO BE GIVEN ON THE PENSIONS  
GUIDANCE AND MEMBERS' BENEFITS**

**F138** Sch. 10 inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **14**

**Part 1**

**Information on the Pensions Guidance**

1. A statement that pensions guidance is available to help the person to understand their options in relation to what they can do with their flexible benefits.
2. A statement that the pensions guidance may be accessed on the internet, by phone, or face to face.
3. The phone number and website address at which the pensions guidance may be accessed and details of how the person may access the pensions guidance face to face.
4. A statement that the pensions guidance is free and impartial.
5. A statement that the person should access the pensions guidance and consider taking independent advice to help them decide which option is most suitable for them.

**Part 2**

**Information on Members' Benefits**

6. An estimate of the cash equivalent of any of the member's accrued rights to flexible benefits that—
  - (a) are transferrable rights; or
  - (b) would be transferrable rights if the member stopped accruing rights to some or all of the flexible benefits,

calculated and verified in accordance with regulations 7 to 7E of the Occupational Pension Schemes (Transfer Values) Regulations 1996 (manner of calculation and verification of cash equivalents) on the basis that the member stopped accruing, or will stop accruing, those rights on a particular date.

7. An estimate of the value of any accrued rights to flexible benefits that the member may transfer out of the scheme under the scheme rules, in respect of which an estimate of the cash equivalent is not required to be given under paragraph 6, calculated in accordance with the scheme rules and actuarial assumptions on the date of the calculation.

8. The date by reference to which the estimate of the cash equivalent or value (as appropriate) is calculated.

9. An explanation that the cash equivalent or value (as appropriate) is an estimate and may not represent the exact amount available to the member to transfer to another pension provider.

10. In relation to the member's accrued rights to flexible benefits in respect of which there is an opportunity to transfer—

- (a) details of any guarantee to which the benefits are subject; and
- (b) details of any other features, restrictions and conditions that apply to the benefits that affect, or may affect, their value.

11. Where the member has a right or entitlement to benefits under the scheme that are not flexible benefits, that the member has that right or entitlement and how the member may access information about those benefits.

### Part 3

#### Further information

12. A statement that—

- (a) there may be tax implications associated with accessing flexible benefits;
- (b) income from a pension is taxable; and
- (c) the rate at which income from a pension is taxable depends on the amount of income that the person receives from a pension and from other sources.

13. Where the member has accrued rights to flexible benefits that are not money-purchase benefits, has not reached normal pension age and does not satisfy the ill-health condition—

- (a) a statement that the value of the member's accrued rights to flexible benefits is likely to be lower if the member accesses the benefits before normal pension age; and
- (b) the age at which the member will reach normal pension age.]

[<sup>F139</sup>SCHEDULE 11

Regulation 29B(2) and (3)

#### Statements to Be Published by Collective Money Purchase Schemes

**F139** Sch. 11 inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(19)**

## PART 1

### Scheme design statement

1. A summary of—
  - (a) the rate or amount specified in the rules of the scheme by reference to which collective money purchase benefits accrue each year under the scheme;
  - (b) the rate or amount of contributions paid by the employer;
  - (c) the rate or amount of contributions paid by the member;
  - (d) the normal pension age as specified in the rules of the scheme.
2. A statement that—
  - (a) there is no promise or guarantee as to the rate or amount of benefits provided under the scheme, and
  - (b) the rate or amount of benefits may fluctuate, which may result in—
    - (i) reduced benefits before benefit becomes payable;
    - (ii) reduced benefits after benefit becomes payable.
3. A summary of the rules governing how the rate or amount of benefits provided under the scheme is to be adjusted from time to time, including—
  - (a) that annual benefit calculations and any adjustments of the rate or amount of benefits are applied to all the members of the scheme without variation, and
  - (b) where relevant, an explanation of how any multi-annual reduction permitted under the scheme rules operates and the effect it may have on the rate or amount of benefits provided under the scheme.
4. An explanation of how the trustees of the scheme will monitor risks to the scheme including potential negative impacts on the rate or amount of benefits provided under the scheme.
5. A summary of the procedure that would be followed in the event of the winding up of the scheme.

## PART 2

### Valuation and benefit adjustment statement

6. The name of the scheme to which the statement relates.
7. A summary of the results of the latest actuarial valuation of the scheme, based on the latest actuarial valuation report, including any resulting benefit adjustment.
8. An explanation of the methods and assumptions used in the latest actuarial valuation.
9. The effective date of the latest actuarial valuation to which the explanation in paragraph 8 relates.
10. A description of the model used to calculate benefit illustrations for the purpose of annual benefit statements.
11. In the case of the first valuation statement for the scheme, an explanation of any changes to the methods and assumptions used in the application for authorisation.
12. In the case of all subsequent statements, an explanation of any changes to the actuarial valuation or to the methods and assumptions used in the last statement.

13. The name and postal or email address of a person to whom enquiries relating to the information under this Part should be sent.]

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose requirements on occupational pension schemes and personal pension schemes relating to the provision of information. The Regulations replace the Personal Pension Schemes (Disclosure of Information) Regulations 1987 (S.I. 1987/1110) and the Occupational Pension Schemes (Disclosure of Information) Regulations 1996 (S.I. 1996/1655) which are now revoked. The provisions of those Instruments that are carried forward are consolidated and amended.

Part 1 of the Regulations contains general provisions. Regulation 1 provides for the date the Regulations come into force, the date certain provisions cease to have effect, revocations and introduces the Schedule of amendments to regulations. Regulation 2 provides for interpretation. Regulation 3 makes provision relating to recognised trades unions. Regulation 4 sets out the application of the Regulations and indicates which of the duties apply in particular cases. Regulation 5 provides for the imposition of civil penalties for breach of duty by an occupational pension scheme.

Part 2 contains provisions concerning the information that must be given at the initial stage of membership of a pension scheme.

Part 3 contains provision concerning the information that must be given when there are changes to pension schemes.

Part 4 contains provision concerning information that must be given on request.

Part 5 contains provision concerning information that must be given relating to the funding of schemes and the benefits that the schemes may provide.

Part 6 contains provision concerning the information that must be given when the benefits from the scheme are to be accessed.

Part 7 contains provision concerning the information that must be given when the pension in payment changes.

Part 8 contains provisions concerning the information that must be given when schemes are winding up.

Part 9 contains provisions concerning the giving of information or documents required to be given under the Regulations.

An analysis of the impact of this legislation has been made. A copy is available in the libraries of both Houses of Parliament. A copy is annexed to the Explanatory Memorandum which is available alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk). Copies may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, 2D, Caxton House, Tothill Street, London SW1H 9NA.

**Changes to legislation:**

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.