

## SCHEDULES

### 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>M1</sup> are amended as follows.

(2) After regulation 1(3) <sup>M2</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>M3</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**

**M1** [S.I. 1991/167](#).

**M2** Paragraph (3) was substituted by [S.I. 1996/2131](#) and amended by [S.I. 2013/459](#).

**M3** 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>M4</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**

**M4** [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>M5</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**

**M5** [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>M6</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>M7</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)—

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- (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**

**M6** [S.I. 1996/1975](#).

**M7** 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>M8</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**

**M8** [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>M9</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**

**M9** [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>M10</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

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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**

**M10** 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>M11</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**

**M11** S.I. 2000/1054. There are no relevant amendments.

**The Stakeholder Pension Schemes Regulations 2000**

9.—(1) The Stakeholder Pension Schemes Regulations 2000 <sup>M12</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

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(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

**M12** [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>M13</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

**M13** [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>M14</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—

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- (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.”.

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**Marginal Citations**

**M14** [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>M15</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).”.

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**Marginal Citations**

**M15** [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>M16</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 ”.

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**Marginal Citations**

**M16** [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>M17</sup> (supplementary and consequential provisions) omit paragraphs 2 and 3.

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**Marginal Citations**

**M17** [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>M18</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**

M18 [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>M19</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**

M19 [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>M20</sup>.

**Marginal Citations**

M20 [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>M21</sup> are amended as follows.

(2) Omit regulations 17 and 19.

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(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).”.

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**Marginal Citations**

**M21** [S.I. 2011/1245](#).

**Changes to legislation:**

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