



Pensions Act 1995

1995 CHAPTER 26

PART I

OCCUPATIONAL PENSIONS

Functions of trustees or managers

41 Provision of documents for members.

- (1) Regulations may require the trustees or managers of an occupational pension scheme—
 - (a) to obtain at prescribed times the documents mentioned in subsection (2), and
 - (b) to make copies of them, and of the documents mentioned in subsection (3), available to the persons mentioned in subsection (4).
- (2) The documents referred to in subsection (1)(a) are—
 - (a) the accounts audited by the auditor of the scheme,
 - (b) the auditor's statement about contributions under the scheme,
 - ^{F1}(c)
- ^{F2}(3) The documents referred to in subsection (1)(b) are—
 - (a) any statement of funding principles prepared or revised under section 223 of the Pensions Act 2004,
 - (b) any valuation or report prepared by the actuary under section 224 of that Act,
 - (c) any certificate given by the actuary under section 225 or 227 of that Act.]
- (4) The persons referred to in subsection (1)(b) are—
 - (a) members and prospective members of the scheme,
 - (b) spouses [^{F3}or civil partners] of members and of prospective members,
 - (c) persons within the application of the scheme and qualifying or prospectively qualifying for its benefits,

Changes to legislation: Pensions Act 1995, Section 41 is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (d) independent trade unions recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme.

[^{F4}(5) Regulations may in the case of occupational pension schemes provide for—

- (a) prescribed persons,
(b) persons with prescribed qualifications or experience, or
(c) persons approved by the Secretary of State,

to act for the purposes of subsection (2) instead of scheme auditors or actuaries.

(5A) Regulations may impose duties on the trustees or managers of an occupational pension scheme to disclose information to, and make documents available to, a person acting under subsection (5).

(5B) If any duty imposed under subsection (5A) is not complied with, [^{F5}section 10 applies to any trustee, and] to any manager, who has failed to take all such steps as are reasonable to secure compliance.]

- (6) Regulations shall make provision for referring to an [^{F6}employment tribunal] any question whether an organisation is such a trade union as is mentioned in subsection (4) (d) and may make provision as to the form and content of any such document as is referred to in subsection (2).

Textual Amendments

- F1** S. 41(2)(c) repealed (4.12.2005 for specified purposes, 30.12.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), [Sch. 13](#); S.I. 2005/3331, art. 2(1)(a)(b), [Sch. Pt. 1](#)
- F2** S. 41(3) substituted (4.12.2005 for specified purposes, 30.12.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), [Sch. 12 para. 52\(a\)](#); S.I. 2005/3331, art. 2(1)(a)(b), [Sch. Pt. 1](#)
- F3** Words in s. 41(4)(b) inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 20](#)
- F4** S. 41(5)-(5B) substituted for s. 41(5) (1.1.2001) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(b)(2), [Sch. 5 para. 12\(1\)](#) (with s. 83(6)); S.I. 2000/3166, art. 2(3)(b)(vii)
- F5** Words in s. 41(5B) substituted (4.12.2005 for specified purposes, 30.12.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), [Sch. 12 para. 52\(b\)](#); S.I. 2005/3331, art. 2(1)(a)(b), [Sch. Pt. 1](#)
- F6** Words in s. 41(6) substituted (1.8.1998) by [Employment Rights \(Dispute Resolution\) Act 1998 \(c. 8\)](#), [ss. 1\(2\)\(a\)](#), 17(1) (with s. 16(2)); S.I. 1998/1658, art. 2, [Sch. I](#)

Modifications etc. (not altering text)

- C1** S. 41 modified (11.11.1999 for specified purposes, 1.10.2000 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(5)(a), [Sch. 1 para. 1\(1\)\(2\)\(b\)\(iv\)](#); S.I. 2000/1047, art. 2(2)(c), [Sch. Pt. III](#)

Commencement Information

- I1** S. 41 in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), [Sch. Pt. V](#)
- I2** S. 41 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), [Sch. Pt. 3](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 36](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 37(1A)(b) inserted by [2015 c. 8 Sch. 2 para. 7\(b\)](#)
- s. 51(5A)-(5C) inserted by [2015 c. 8 s. 43\(1\)](#)
- s. 51(7A) inserted by [2015 c. 8 s. 41\(1\)\(b\)](#)
- s. 51(9)(10) inserted by [2015 c. 8 s. 42\(3\)](#)
- s. 67A(3)(aa)-(ac) inserted by [2015 c. 8 s. 45\(3\)](#)
- s. 67A(9)(a)(viii)-(x) inserted by [2015 c. 8 s. 45\(6\)\(a\)](#)
- s. 67A(9)(b)(vi)-(viii) inserted by [2015 c. 8 s. 45\(6\)\(b\)](#)
- s. 73(2)(2A) substituted for s. 73(2) by [2015 c. 8 Sch. 2 para. 11](#)
- s. 75(1)-(1B) substituted for s. 75(1) by [2015 c. 8 Sch. 2 para. 12](#)
- s. 175(2)(ca) inserted by [2004 c. 35 s. 240\(2\)](#)
- s. 175(2)(za) inserted by [2015 c. 8 s. 43\(2\)](#)