
STATUTORY INSTRUMENTS

2013 No. 2734

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

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⁽¹⁾, and
- (b) the Occupational Pension Schemes (Disclosure of Information) Regulations 1996⁽²⁾.

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

Interpretation

2. 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;

“the 2004 Act” means the Pensions Act 2004⁽³⁾;

“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;

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

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000⁽⁴⁾ (general interpretation);

(1) [S.I. 1987/1110](#).

(2) [S.I. 1996/1655](#).

(3) [2004 c.35](#).

(4) [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.

“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;

“funded” means setting aside 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 the benefit;

“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;

“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) in relation to an occupational pension scheme, has the meaning given in section 124(1) of the 1995 Act⁽⁵⁾, and
- (b) in relation to a personal pension scheme, means a member of the scheme;

“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;

“recognised trade union” means an independent trade union (within the meaning given in section 235(1) of the Employment Rights Act 1996⁽⁶⁾ (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;

“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⁽⁷⁾;

“relevant person” means a—

(5) 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).

(6) 1996 c.18.

(7) A company registered in England and Wales with number 02486368.

- (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;

“tax registered scheme” means a scheme that—

- (a) is registered under section 153 of the Finance Act 2004⁽⁸⁾ (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;

“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.

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.—(1) Subject to paragraphs (2), (3) and (6) 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 to 22, 24 and 25.

(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⁽⁹⁾ (superannuation of persons employed in local government service, etc.), or
- (c) it is made under section 2 of the Parliamentary and other Pensions Act 1987⁽¹⁰⁾ (power to provide for pensions).

⁽⁸⁾ 2004 c.12. Section 153 was amended by the Finance Act 2005 (c.7), section 101 and Schedule 10, paragraphs 1 to 3.

⁽⁹⁾ 1972 c.11.

⁽¹⁰⁾ 1987 c.45. Section 2 was amended by the Constitutional Reform and Governance Act 2010 (c.25), section 40 and Schedule 6, paragraph 43(b).

(3) Regulation 17 does not apply to a stakeholder pension scheme within the meaning of section 1 of the 1999 Act⁽¹¹⁾ (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⁽¹²⁾,

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 to 19, 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) 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.

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.

⁽¹¹⁾ 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](#).

⁽¹²⁾ [1963 c.xxxii](#).