

## SCHEDULES

### SCHEDULE 9

#### Amendments to Regulations

#### **The Stakeholder Pension Schemes Regulations 2000**

- 9.—(1) The Stakeholder Pension Schemes Regulations 2000<sup>M1</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)—

(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

- M1** [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](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013, Paragraph 9.