



# Pensions Act 2004

## 2004 CHAPTER 35

### PART 1

#### THE PENSIONS REGULATOR

##### *Register of schemes*

#### **59 Register of occupational and personal pension schemes**

- (1) The Regulator must compile and maintain a register of occupational pension schemes and personal pension schemes which are, or have been, registrable schemes (referred to in this Act as “the register”).
- (2) In this section and sections 62 to 65 “registrable scheme” means an occupational pension scheme, or a personal pension scheme, of a prescribed description.
- (3) In respect of each registrable scheme, the Regulator must record in the register—
  - (a) the registrable information most recently provided to it in respect of the scheme, and
  - (b) if the Regulator has received—
    - (i) a notice under section 62(5) (scheme which is wound up or ceases to be registrable),
    - (ii) a copy of a notice under section 160 (transfer notice), or
    - (iii) any notice, or copy of a notice, under any provision in force in Northern Ireland corresponding to a provision mentioned in subparagraph (i) or (ii),that fact.
- (4) In respect of each scheme which has been a registrable scheme, but
  - (a) has been, or is treated as having been, wound up, or
  - (b) has ceased to be a registrable scheme,the Regulator must maintain in the register the registrable information last provided to it in respect of the scheme.

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- (5) Information recorded in the register must be so recorded in such manner as the Regulator considers appropriate.
- (6) In particular, the register may consist of more than one part.
- (7) In this section references to “registrable information”, in relation to a scheme to which any provision in force in Northern Ireland corresponding to section 60(2) (“the corresponding Northern Ireland provision”) applies, are to information of any description within the corresponding Northern Ireland provision.

#### Commencement Information

- I1** S. 59(1)(3)-(7) in force at 6.4.2005 by [S.I. 2005/275, art. 2\(7\)](#), [Sch. Pt. 7](#)
- I2** S. 59(2) in force at 10.2.2005 for specified purposes and at 1.4.2005 in so far as not already in force by [S.I. 2005/275, art. 2\(2\)](#), [Sch. Pt. 2](#)

## 60 Registrable information

- (1) For the purposes of sections 59 to 65 “registrable information”, in relation to an occupational or personal pension scheme, means information within subsection (2).
- (2) That information is—
  - (a) the name of the scheme;
  - (b) the address of the scheme;
  - (c) the full names and addresses of each of the trustees or managers of the scheme;
  - [<sup>F1</sup>(ca) in the case of an occupational pension scheme established under a trust, the full name and address of any chair of the trustees;]
  - (d) the status of the scheme with respect to the following matters—
    - (i) whether new members may be admitted to the scheme;
    - (ii) whether further benefits may accrue to, or in respect of, members under the scheme;
    - (iii) whether further contributions may be paid towards the scheme;
    - (iv) whether any members of the scheme are active members;
  - (e) the categories of benefits under the scheme;
  - (f) in the case of an occupational pension scheme—
    - (i) the name and address of each relevant employer, and
    - (ii) any other name by which any relevant employer has been known at any time on or after the relevant date;
  - (g) in the case of an occupational pension scheme, the number of members of the scheme on the later of—
    - (i) the last day of the scheme year which ended most recently, and
    - (ii) the day on which the scheme became a registrable scheme; and
  - (h) such other information as may be prescribed.
- (3) Regulations may make provision about the interpretation of any of the descriptions in subsection (2).
- (4) For the purposes of subsection (2)(f)—
  - “relevant employer” means any person—
    - (a) who is, or

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- (b) who, at any time on or after 6th April 1975, has been,
  - the employer in relation to the scheme;
  - “relevant date”, in relation to a relevant employer, means—
    - (a) 6th April 1975, or
    - (b) if later, the date on which the relevant employer first became the employer in relation to the scheme.

#### Textual Amendments

- F1** S. 60(2)(ca) inserted (11.2.2021 for specified purposes) by [Pension Schemes Act 2021 \(c. 1\)](#), s. 131(1)(3)(b), [Sch. 10 para. 9](#)

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

- C1** S. 60(4) modified (6.4.2005) by [The Register of Occupational and Personal Pension Schemes Regulations 2005 \(S.I. 2005/597\)](#), regs. 1(1), [3\(3\)](#)

#### Commencement Information

- I3** S. 60(1)(2)(a)-(g)(4) in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)
- I4** S. 60(2)(h)(3) in force for the purpose only of conferring power to make regulations, orders or rules, as the case may be, 10.2.2005; and for all other purposes at 6.4.2005 in so far as not already in force by [S.I. 2005/275](#), art. 2(3), [Sch. Pt. 3](#)

## 61 The register: inspection, provision of information and reports etc

- (1) Regulations may provide—
  - (a) for—
    - (i) information recorded in the register,
    - (ii) extracts from the register, or
    - (iii) copies of the register or of extracts from it,to be provided to prescribed persons in prescribed circumstances, and
  - (b) for the inspection of—
    - (i) the register,
    - (ii) extracts from the register, or
    - (iii) copies of the register or of extracts from it,by prescribed persons in prescribed circumstances.
- (2) Regulations under subsection (1) may, in particular—
  - (a) confer functions on—
    - (i) the Secretary of State, or
    - (ii) a person authorised by him for the purposes of the regulations;
  - (b) make provision with respect to the disclosure of information obtained by virtue of the regulations.
- (3) Regulations which contain any provision made by virtue of subsection (2)(b) may, in particular, modify section 82 (restricted information).
- (4) The Secretary of State may direct the Regulator to submit to him statistical and other reports concerning—
  - (a) information recorded in the register, and

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- (b) the operation of the Regulator’s functions in relation to the register.
- (5) A direction under subsection (4) may specify—
  - (a) the form in which, and
  - (b) the times at which,
 reports required by the direction are to be submitted.
- (6) The Secretary of State may publish any report submitted to him by virtue of a direction under subsection (4) in such manner as he considers appropriate.

#### Commencement Information

- I5** S. 61(1)-(3) in force for the purpose only of conferring power to make regulations, orders or rules, as the case may be, 10.2.2005; and for all other purposes at 6.4.2005 in so far as not already in force by [S.I. 2005/275, art. 2\(3\)](#), [Sch. Pt. 3](#)
- I6** S. 61(4)-(6) in force at 6.4.2005 by [S.I. 2005/275, art. 2\(7\)](#), [Sch. Pt. 7](#)

## 62 The register: duties of trustees or managers

- (1) Subsection (2) applies where—
  - (a) a registrable scheme is established, or
  - (b) an occupational or personal pension scheme otherwise becomes a registrable scheme.
- (2) The trustees or managers of the scheme must, before the end of the initial notification period—
  - (a) notify the Regulator that the scheme is a registrable scheme, and
  - (b) provide to the Regulator all the registrable information with respect to the scheme.
- (3) In subsection (2), the “initial notification period” means the period of three months beginning with—
  - (a) the date on which the scheme is established, or
  - (b) if later, the date on which it becomes a registrable scheme.
- (4) Where there is a change in any registrable information in respect of a registrable scheme, the trustees or managers of the scheme must as soon as reasonably practicable, notify the Regulator—
  - (a) of that fact, and
  - (b) of the new registrable information.
- (5) Where a registrable scheme—
  - (a) ceases to be a registrable scheme, or
  - (b) is wound up (otherwise than under section 161(2) (effect of Board assuming responsibility for scheme)),
 the trustees or managers of the scheme must as soon as reasonably practicable, notify the Regulator of that fact.
- (6) If subsection (2), (4) or (5) is not complied with, section 10 of the Pensions Act 1995 (c. 26) (civil penalties) applies to any trustee or manager who has failed to take all reasonable steps to secure compliance.

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### Commencement Information

**I7** S. 62 in force at 6.4.2005 by S.I. 2005/275, art. 2(7), Sch. Pt. 7

## 63 Duty of the Regulator to issue scheme return notices

- (1) The Regulator must issue scheme return notices in accordance with this section requiring scheme returns to be provided in respect of registrable schemes.
  - (2) In respect of each registrable scheme, the Regulator—
    - (a) must issue the first scheme return notice in accordance with subsection (3), and
    - (b) must issue subsequent scheme return notices in accordance with subsection (4).
  - (3) The return date specified in a scheme return notice issued in respect of a scheme under subsection (2)(a)—
    - (a) must fall within the period of three years beginning with—
      - (i) the date on which the Regulator receives a notice under section 62(2)(a) in respect of the scheme, or
      - (ii) if earlier, the date on which the Regulator first becomes aware that the scheme is a registrable scheme, and
    - (b) if the trustees or managers have complied with paragraph (b) of section 62(2), must fall after the end of the period of one year beginning with the date on which they provided the information required by that paragraph to the Regulator.
- [<sup>F2</sup>(3A) But subsection (3)(a) has effect as if the reference to three years were a reference to five years if—
- (a) the trustees or managers have complied with paragraph (b) of section 62(2),
  - (b) the information they provided under that paragraph included the number of members of the scheme, and
  - (c) that number was no more than 4.]
- (4) The return date specified in a scheme return notice issued in respect of a scheme under subsection (2)(b) must fall—
    - (a) within the period of three years, but
    - (b) after the end of the period of one year,beginning with the return date specified in the previous scheme return notice issued in respect of the scheme.
- [<sup>F3</sup>(4A) But subsection (4)(a) has effect as if the reference to three years were a reference to five years if—
- (a) on the date on which the previous scheme return notice was issued, the number of members of the scheme was recorded in the register, and
  - (b) that number was no more than 4.]

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#### Textual Amendments

- F2** S. 63(3A) inserted (11.9.2014) by [Pensions Act 2014 \(c. 19\)](#), **ss. 49(2)**, 56(1); S.I. 2014/2377, art. 2(1)(a)(i)(2)(i)
- F3** S. 63(4A) inserted (11.9.2014) by [Pensions Act 2014 \(c. 19\)](#), **ss. 49(3)**, 56(1); S.I. 2014/2377, art. 2(1)(a)(i)(2)(i)

#### Commencement Information

- I8** S. 63 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), **Sch. Pt. 7**

### 64 Duty of trustees or managers to provide scheme return

- (1) The trustees or managers of a registrable scheme in respect of which a scheme return notice is issued must, on or before the return date, provide a scheme return to the Regulator.
- (2) If a scheme return in respect of a scheme is not provided in compliance with subsection (1), section 10 of the Pensions Act 1995 (c. 26) (civil penalties) applies to any trustee or manager of the scheme who has failed to take all reasonable steps to secure compliance.

#### Commencement Information

- I9** S. 64 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), **Sch. Pt. 7**

### 65 Scheme returns: supplementary

- (1) This section has effect for the purposes of sections 63 and 64.
- (2) In those sections and this section, in relation to a scheme return notice—
  - “return date” means the date specified under subsection (3)(b) in the scheme return notice;
  - “scheme return” means a document in the form (if any) specified in the scheme return notice, containing the information required by the notice.
- (3) A scheme return notice must specify—
  - (a) the descriptions of information required by it, and
  - (b) the return date,
 and may specify the form in which that information is to be provided.
- (4) A scheme return notice in respect of a registrable scheme—
  - (a) must require all registrable information in relation to the scheme, and
  - (b) may require other information which the Regulator reasonably requires for the purposes of the exercise of its functions in relation to the scheme.
- (5) The return date specified in a scheme return notice must fall after the end of the period of 28 days beginning with the date on which the notice is issued.
- (6) A scheme return notice must be in writing and is treated as issued in respect of a registrable scheme when it is sent to the trustees or managers of the scheme.

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**Commencement Information**

**I10** S. 65 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

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

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

- s. 18(5A) inserted by [2014 c. 19 s. 52\(2\)](#)
- s. 18(6) words inserted by [2014 c. 19 s. 52\(3\)](#)
- s. 18(8) words inserted by [2014 c. 19 s. 52\(3\)](#)
- s. 23(1A) inserted by [2015 c. 8 Sch. 2 para. 26\(3\)](#)
- s. 23(10A) inserted by [2015 c. 8 Sch. 2 para. 26\(5\)](#)
- s. 38(1)-(1B) substituted for s. 38(1) by [2015 c. 8 Sch. 2 para. 27](#)
- s. 38(7)(da) inserted by [2021 c. 1 s. 104\(2\)](#)
- s. 43(1)-(1B) substituted for s. 43(1) by [2015 c. 8 Sch. 2 para. 28\(2\)](#)
- s. 52(1)-(1B) substituted for s. 52(1) by [2015 c. 8 Sch. 2 para. 29](#)
- s. 80(1)(a)(iib) inserted by [2021 c. 1 s. 109\(3\)](#)
- s. 102(2)(a) words in s. 102(2) renumbered as s. 102(2)(a) by [2008 c. 30 s. 44\(5\)\(a\)](#)
- s. 102(2)(b) inserted by [2008 c. 30 s. 44\(5\)\(b\)](#)
- s. 103(1A) inserted by [2008 c. 30 s. 44\(6\)](#)
- s. 117A inserted by [2008 c. 30 Sch. 10 para. 3](#)
- s. 126(1)-(1B) substituted for s. 126(1) by [2015 c. 8 Sch. 2 para. 31](#)
- s. 188(1)(ba) inserted by [2008 c. 30 Sch. 10 para. 6](#)
- s. 189A inserted by [2008 c. 30 Sch. 10 para. 7](#)
- s. 209(9) added by [2008 c. 30 Sch. 10 para. 8](#)
- s. 291(4)(f) and word inserted by [2021 c. 1 Sch. 3 para. 19\(b\)](#)
- s. 318(3)(a)(viii)-(x) inserted by [2015 c. 8 Sch. 2 para. 38\(3\)\(a\)](#)
- s. 318(3)(b)(vi)-(viii) inserted by [2015 c. 8 Sch. 2 para. 38\(3\)\(b\)](#)
- Sch. 4 para. 7(5)(b) inserted by [2008 c. 30 s. 44\(8\)\(b\)](#)
- Sch. 4 para. 13(3) inserted by [2008 c. 30 s. 44\(9\)\(b\)](#)
- Sch. 4 para. 7(5)(a) words in Sch. 4 para. 7(5) renumbered as Sch. 4 para. 7(5)(a) by [2008 c. 30 s. 44\(8\)\(a\)](#)
- Sch. 7 para. 21(2)(c)-(cc) substituted for Sch. 7 para. 21(2)(b)(c) by [2008 c. 30 Sch. 8 para. 11](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 para. 10 (3.1.2012) omitted without ever being in force by virtue of 2011 c. 19, Sch. 4 para. 20; S.I. 2011/3034 art. 3(i)(iv))