

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^{M1}, and
- (b) the Occupational Pension Schemes (Disclosure of Information) Regulations 1996^{M2}.

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

Marginal Citations

M1 [S.I. 1987/1110](#).

M2 [S.I. 1996/1655](#).

Interpretation

2.—^[F1(1)] 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;

^{M3}“the 2004 Act” means the Pensions Act 2004;

^{[F2}“the 2013 Act” means the Public Service Pensions Act 2013;]

^{[F3}“the 2021 Act” means the Pension Schemes Act 2021;]

^{[F3}“the available assets of the scheme”, in relation to a collective money purchase scheme, has the meaning given by section 2(2) of the 2021 Act;]

“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;
- [^{F3}“actuarial valuation”, in relation to a collective money purchase scheme, has the meaning given by section 20(2) of the 2021 Act;]
- “beneficiary” means a person, other than a member, who is entitled to the payment of benefits under the scheme;
- [^{F4}“cash balance benefit” has the meaning given in section 75 of the Pension Schemes Act 2015 (meaning of “cash balance benefit”);]
- [^{F3}“collective money purchase scheme” means a scheme or a section of a scheme which is a collective money purchase scheme for the purposes of Part 1 of the 2021 Act;]
- [^{F5}“drawdown pension” has the meaning given in paragraph 4 of Schedule 28 to the Finance Act 2004 (drawdown pension);]
- ^{M4}“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation);
- “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;
- [^{F5}“flexible benefit” has the meaning given in section 74 of the Pension Schemes Act 2015 (meaning of “flexible benefit”);]
- ^{F6} ...
- [^{F7}“ill-health condition” has the meaning given in paragraph 1 of Schedule 28 to the Finance Act 2004 (ill-health condition);]
- “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 [^{F8}and in Schedule 6A];
- “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) ^{M5}in relation to an occupational pension scheme, has the meaning given in section 124(1) of the 1995 Act , and
- (b) in relation to a personal pension scheme, means a member of the scheme;
- [^{F3}“multi-annual reduction” has the meaning given by regulation 2 of the Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022;]
- [^{F5}“normal minimum pension age” has the meaning given in section 279(1) of the Finance Act 2004 (other definitions);]

[^{F9}“pensions guidance” means information or guidance provided by any person in pursuance of the requirements mentioned in section 4 of the Financial Guidance and Claims Act 2018 (information etc. about flexible benefits under pension schemes);]

“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;

^{M6}“recognised trade union” means an independent trade union (within the meaning given in section 235(1) of the Employment Rights Act 1996 (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;

^{M7}“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 ;

“relevant person” means a—

- (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;

[^{F5}“survivor” has the meaning given in section 76(1) of the Pension Schemes Act 2015 (interpretation of Part 4);]

“tax registered scheme” means a scheme that—

- (a) ^{M8}is registered under section 153 of the Finance Act 2004 (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;

[^{F5}“transferrable rights” has the meaning given in section 93(11)(b) of the 1993 Act (scope of Chapter 1);]

[^{F10}“unfunded public service defined benefits scheme” has the meaning given in section 95(2C) of the 1993 Act (ways of taking right to cash equivalent);]

“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.

[^{F11}(2) In these Regulations—

[^{F12}(a) a member has an opportunity to transfer flexible benefits where—

(i) the member—

(aa) has transferrable rights in relation to flexible benefits; or

(bb) would have transferrable rights in relation to flexible benefits if the member stopped accruing rights to some or all of the flexible benefits (see subparagraph (b)),

and the making of a transfer or transfer payment in respect of the flexible benefits is not prohibited by section 135(4)(a) of the 2004 Act (restrictions on winding up, discharge of liabilities etc.); or

(ii) the member has an opportunity to transfer accrued rights to flexible benefits out of the scheme under the scheme rules;]

(b) a member stops accruing rights to flexible benefits when there are no longer arrangements in place for the accrual of rights to those flexible benefits for or in respect of the member.]

Textual Amendments

- F1** Reg. 2(1): reg. 2 renumbered as reg. 2(1) (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(1)**
- F2** Words in reg. 2(1) inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(2)(a)**
- F3** Words in reg. 2(1) inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(2)(a)**
- F4** Words in reg. 2(1) substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(2)(c)**
- F5** Words in reg. 2(1) inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(2)(b)**
- F6** Words in reg. 2(1) omitted (6.4.2015) by virtue of [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(2)(e)**
- F7** Words in reg. 2(1) inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(2)(d)**
- F8** Words in reg. 2 inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(2)(b)**
- F9** Words in reg. 2(1) substituted (1.6.2022) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Requirements to Refer Members to Guidance etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/30\)](#), regs. 1(2), **2(2)**

- F10** Words in Reg. 2(1) inserted (6.4.2016) by [The Pension Protection Fund and Occupational and Personal Pension Schemes \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/294\)](#), regs. 1, **8(1)**
- F11** Reg. 2(2) inserted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **3(3)**
- F12** Reg. 2(2)(a) substituted (6.4.2016) by [The Pension Protection Fund and Occupational and Personal Pension Schemes \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/294\)](#), regs. 1, **8(2)**

Marginal Citations

- M3** 2004 c.35.
- M4** 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.
- M5** 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).
- M6** 1996 c.18.
- M7** A company registered in England and Wales with number 02486368.
- M8** 2004 c.12. Section 153 was amended by the [Finance Act 2005 \(c.7\)](#), [section 101](#) and Schedule 10, paragraphs 1 to 3.

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.—^{F13}(1) Subject to paragraphs (2), (3), (6) and (9), 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, 9 to 17, 18 to 22, 24, 25 and, where the scheme falls within section 35 (investment principles) of the 1995 Act or the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, regulation 29A.]

(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 ^{M9} (superannuation of persons employed in local government service, etc.) ^{F14} or it is a defined benefits scheme under section 1 (schemes for persons in public service) of the 2013 Act in relation to persons specified in subsection (2)(c) of that section], or

^{F15}(c) it is provided for by section 40 of, and Schedule 6 to, the Constitutional Reform and Governance Act 2010 (Parliamentary and other pensions).]

(3) Regulation 17 does not apply to a stakeholder pension scheme within the meaning of section 1 of the 1999 Act ^{M10} (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 ^{M11},

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^[F16], 18], 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) ^[F17]Except when information is given verbally in accordance with regulation 18B(3) ^[F18]or 18C(4) or (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.

^[F19](8) In this regulation “defined benefits scheme” has the meaning given in section 37 of the 2013 Act.]

^[F20](9) Regulations 12A, 17, 18B, 19 and 25 do not apply to a collective money purchase scheme.

(10) For the purposes of these Regulations, where a pension scheme is divided into sections, each section that is a collective money purchase scheme is to be treated as a separate scheme.]

Textual Amendments

- F13** Reg. 4(1) substituted (1.8.2022) by *The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022* (S.I. 2022/337), regs. 1(3), **13(3)(a)**
- F14** Words in reg. 4(2)(b) inserted (6.4.2015) by *The Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations 2015* (S.I. 2015/482), regs. 1, **4(2)(a)**
- F15** Reg. 4(2)(c) substituted (6.4.2015) by *The Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations 2015* (S.I. 2015/482), regs. 1, **4(2)(b)**
- F16** Word in reg. 4(5) substituted (6.4.2015) by *The Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations 2015* (S.I. 2015/482), regs. 1, **4(3)**
- F17** Words in reg. 4(7) substituted (6.4.2015) by *The Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations 2015* (S.I. 2015/482), regs. 1, **4(4)**
- F18** Words in reg. 4(7) inserted (1.6.2022) by *The Occupational and Personal Pension Schemes (Disclosure of Information) (Requirements to Refer Members to Guidance etc.) (Amendment) Regulations 2022* (S.I. 2022/30), regs. 1(2), **2(3)**
- F19** Reg. 4(8) inserted (6.4.2015) by *The Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations 2015* (S.I. 2015/482), regs. 1, **4(5)**
- F20** Reg. 4(9)(10) inserted (1.8.2022) by *The Occupational Pension Schemes (Collective Money Purchase Schemes) (Modifications and Consequential and Miscellaneous Amendments) Regulations 2022* (S.I. 2022/337), regs. 1(3), **13(3)(b)**

Marginal Citations

- M9** 1972 c.11.

- M10** 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.
- M11** 1963 c.xxxii.

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.

Modifications etc. (not altering text)

- C1** Reg. 5 excluded (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **78** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

Changes to legislation:

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013, PART 1.