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STATUTORY INSTRUMENTS

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**2018 No. 233**

**The Occupational Pension Schemes (Administration and Disclosure) (Amendment) Regulations 2018**

**Amendment of the Disclosure Regulations 2013**

3.—(1) The Disclosure Regulations 2013 are amended as follows.

(2) In regulation 4(1) (application of these Regulations)(1), for “and 25” substitute “, 25 and, where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, regulation 29A.(2)”.

(3) After regulation 12 (annual report), insert—

**“Additional information available on request: pooled funds**

**12A.**—(1) Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, a statement containing the information listed in paragraph 35 of Schedule 3(3) must be given on request to a member, or to a recognised trade union on behalf of the member, in accordance with this regulation.

(2) The statement must be given within two months of the date the request is made and it must be given in accordance with regulation 26 (giving information and documents).

(3) A statement is not required to be given where the request is made—

- (a) less than 6 months after the last occasion on which information was given to or in respect of the member under this regulation; or
- (b) by a recognised trade union unless it is relevant to the rights of a member who is in that recognised trade union.”.

(4) In regulation 26 (giving information and documents), after paragraph (4), insert—

“(4A) The provisions of paragraph (4) do not apply where regulation 29A applies to the information.”.

(5) In regulation 27(1) (provision of information on a website), at the beginning insert “Except where regulation 29A provides otherwise,”.

(6) After regulation 29 (giving information and documents in certain cases), insert—

**“Publishing charges and transaction costs**

**29A.**—(1) Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, the information specified in paragraph (2) must be made publicly available free of charge on a website in accordance with this regulation.

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(1) Regulation 4 was amended by [S.I. 2015/482](#).

(2) Regulation 29A is inserted by regulation 3(6) of these Regulations.

(3) Paragraph 35 of Schedule 3 is inserted by regulation 3(7) of these Regulations.

- (2) The specified information is the information which must be included in the most recent statement prepared under regulation 23 (annual statement regarding governance) of those Regulations in accordance with the following paragraphs of that regulation—
- (a) paragraph (1)(a);
  - (b) paragraph (1)(c); and
  - (c) paragraph (1)(ca)(4).
- (3) Where this regulation applies—
- (a) a notification need not be given under regulation 27 in relation to the information on the website where information is given to the person in accordance with paragraph 5B(a) of Schedule 6 (statements of benefits: money purchase and cash balance benefits)(5); and
  - (b) the trustees or managers of the scheme must have regard to guidance prepared from time to time by the Secretary of State concerning the publication of the information.
- (4) Where a person requests the trustees or managers of the scheme to provide the information referred to in paragraph (2) in hard copy form, the trustees or managers of the scheme must give that information to the person in hard copy form only where the trustees or managers are satisfied that it would be unreasonable for that person to obtain it from the website on which it is published.
- (5) Where information is required to be given in hard copy form in accordance with paragraph (4), it must be given within two months of the date the request is made.”
- (7) After Part 5 (information that applies to the scheme)(6) of Schedule 3 (information to be given on request), insert—

## “PART 6

### INFORMATION TO BE GIVEN ABOUT POOLED FUNDS

- 35.—**(1) A statement identifying in relation to the provision of money purchase benefits to the member—
- (a) the international securities identification number (“the ISIN”) allocated in accordance with ISO 6166 (1st edition) published by the International Organisation for Standardisation on 31st August 2013(7) in relation to each collective investment scheme in which assets are directly invested on behalf of that member on the relevant date;
  - (b) in the case of each unit-linked contract entered into by or on behalf of the trustees or managers which is in force on the relevant date in relation to that member, the ISIN (where present) relating to each collective investment scheme directly attributable to that contract; and
  - (c) the name given by the manager of the collective investment scheme to the scheme to which an ISIN provided in accordance with sub-paragraph (a) or (b) relates.
- (2) In this paragraph—

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(4) Sub-paragraph (ca) is inserted by regulation 2(4) of these Regulations.

(5) Paragraph 5B of Schedule 6 is inserted by regulation 3(8) of these Regulations.

(6) Part 5 was amended by S.I.s 2015/482 and 2015/879.

(7) ISBN 978 0 580 62836 8. Copies may be obtained from BSI Customer Services, 389 Chiswick High Road, London, W4 4AL or from <https://shop.bsigroup.com>.

- (a) “collective investment scheme” has the meaning given in regulation 1(2) (interpretation) of the Occupational Pension Schemes (Investment) Regulations 2005<sup>(8)</sup>; and
- (b) “the relevant date” means—
  - (i) the date the request is made under regulation 12A; or
  - (ii) such earlier date as the trustees or managers of the scheme may specify which meets the following conditions—
    - (aa) the date must be no more than 6 months before the date of the request; and
    - (bb) the trustees or managers of the scheme must be satisfied that the investment options in which the assets of the member were invested on the date specified are the same as those in which the member is invested on the date of the request.”.

(8) After paragraph 5 of Schedule 6 (statements of benefits: money purchase benefits and cash balance benefits)<sup>(9)</sup>, insert—

“**5A.** Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, details of how the member may obtain on request the information specified in paragraph 35 of Schedule 3 (information to be given about pooled funds).

**5B.** In relation to the information that must be published on a website in accordance with regulation 29A(2) (publishing charges and transaction costs)—

- (a) the information specified in sub-paragraphs (a) to (d) of regulation 27(2) (provision of information on a website); and
- (b) a statement explaining the circumstances in which the information will be provided on request in hard copy form.”.

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<sup>(8)</sup> [S.I. 2005/3378](#), to which there are amendments not relevant to these Regulations.

<sup>(9)</sup> The heading to Schedule 6 was amended by [S.I. 2014/1711](#).