

**2013 No. []**

**PENSIONS**

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

*Made* - - - -

*Laid before Parliament*

*Coming into force* - -

*1st October 2013*

**CONTENTS**

**PART 1**

**General**

1. Citation, commencement and sunsetting
2. Interpretation
3. Recognised trade union
4. Application of these Regulations
5. Civil penalties relating to occupational pension schemes

**PART 2**

**Information for new and prospective members**

6. Basic scheme information
7. Basic information to be given by certain schemes

**PART 3**

**Changes to information**

8. Material alterations to basic scheme information
9. Modification by the Regulator
10. Former stakeholder pension schemes

**PART 4**

**Information to be given on request**

11. Constitution of the scheme
12. Annual report
13. Other information to be given on request
14. Transfer credits

## PART 5

### Funding statements, benefit statements and illustrations

15. Summary funding statements
16. Statements of benefits: non money-purchase benefits
17. Statements of benefits: money-purchase benefits

## PART 6

### Lifestyling and accessing benefits

18. Lifestyling
19. Accessing benefits in advance of retirement
20. Accessing benefits at retirement
21. Accessing benefits on the death of the member or beneficiary

## PART 7

### Information about benefits in payment

22. Changes to benefits

## PART 8

### Information about winding up

23. Personal pension schemes that have begun winding up
24. Occupational pension schemes that have begun winding up
25. Occupational pension schemes that have completed winding up for individual members

## PART 9

### Methods of giving information

26. Methods of giving information
27. Provision of information on a website
28. Methods of giving information in certain cases

## PART 10

### Revocation and amendments

29. Revocations
30. Amendment of the Occupational Pension Schemes (Preservation of Benefit) Regulations 1991
31. Amendment of the Occupational Pension Schemes (Contracting-out) Regulations 1996
32. Amendment of the Occupational Pension Schemes (Transfer Values) Regulations 1996
33. Amendment of the Occupational Pension Schemes (Requirement to obtain Audited Accounts and a Statement from the Auditor) Regulations 1996
34. Amendment of the Occupational Pension Schemes (Winding Up) Regulations 1996

35. Amendment of the Occupational Pension Schemes (Discharge of Liability) Regulations 1997
36. Amendment of the Pensions on Divorce etc. (Provision of Information) Regulations 2000
37. Amendment of the Pension Sharing (Pension Credit Benefit) Regulations 2000
38. Amendment of the Stakeholder Pension Schemes Regulations 2000
39. Amendment of the Occupational Pension Schemes (Winding Up Notices and Reports etc.) Regulations 2002
40. Amendment of the Occupational Pension Schemes (Independent Trustee) Regulations 2005
41. Amendment of the Occupational Pension Schemes (Winding up etc) Regulations 2005
42. Amendment of the Occupational Pension Schemes (Scheme Funding) Regulations 2005
43. Amendment of the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006
44. Amendment of the Occupational Pension Schemes (Payments to Employers) Regulations 2006
45. Amendment of the Application of Pension Legislation to the National Employment Savings Trust Corporation Regulations 2011
46. Amendment of the Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011

---

## SCHEDULES

- SCHEDULE 1 — Description of schemes
  - PART 1 — Occupational pension schemes
  - PART 2 — Personal pension schemes
- SCHEDULE 2 — Basic information
  - PART 1 — Information to be given by occupational pension schemes that fall within Part 1 of Schedule 1
  - PART 2 — Information to be given by occupational pension schemes not falling within Part 1 of Schedule 1 and schemes that are established under the Salvation Army Act 1963
  - PART 3 — Lifestyling
- SCHEDULE 3 — Information to be given on request
  - PART 1 — Information on the constitution of the scheme
  - PART 2 — Information on the annual report
  - PART 3 — Information on funding principles and actuarial valuations
  - PART 4 — Information on transfer credits
  - PART 5 — Information that applies to the scheme
- SCHEDULE 4 — Funding statements
- SCHEDULE 5 — Statements of benefits: non money-purchase benefits
  - PART 1 — Information for active members
  - PART 2 — Information for active and deferred members
  - PART 3 — Information for deferred members

- PART 4 — Information for pension credit members
- SCHEDULE 6 — Statements of benefits: money-purchase benefits
  - PART 1 — Information for all money purchase members
  - PART 2 — Pension Illustration
  - PART 3 — Further information to be given on pension illustration
- SCHEDULE 7 — Information to be given by schemes that relates to accessing benefits
  - PART 1 — Information to be given for occupational scheme members entitled to an annuity
  - PART 2 — Information on accessing benefits for members and survivors
- SCHEDULE 8 — Information to be given by schemes about winding up
  - PART 1 — Information to be given by occupational pension schemes during winding up
  - PART 2 — Information to be given by occupational pension schemes after winding up
  - PART 3 — Information to be given by personal pension schemes winding up
  - PART 4 — Report under section 72A of the 1995 Act
  - PART 5 — Information on winding up when the member is not entitled to benefits

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 113(1) and (4), 181 and 182 of the Pension Schemes Act 1993(a) and sections 41 and 124(1) of the Pensions Act 1995(b).

In accordance with section 185(1) of the Pension Schemes Act 1993(c) and 120(2) of the Pensions Act 1995, the Secretary of State has consulted with such persons as the Secretary of State considers appropriate.

## PART 1

### General

#### **Citation, commencement and sunseting**

1.—(1) These Regulations may be cited as the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 and come into force 1st October 2013.

(2) Paragraphs 2 and 3 of Schedule 6 cease to have effect on 6th April 2015.

#### **Interpretation**

2. In these Regulations—

“the 1993 Act” means the Pension Schemes Act 1993;

“the 1995 Act” means the Pensions Act 1995;

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

---

(a) 1993 c.48.

(b) 1995 c.26.

(c) Section 185(1) was amended by paragraph 46 of Schedule 3 and paragraph 80(a) of Schedule 5 to the Pensions Act 1995.

(d) 2004. c.35.

“accrued rights” has the meaning given in section 124(2) of the 1995 Act;

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

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000;

“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 a 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;

“member”—

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

“pension credit member” means a person who has rights under the scheme that are attributable (directly or indirectly) to a credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999(a) or under corresponding Northern Ireland legislation;

“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;

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

“relevant employment” means any employment to which the scheme relates;

“relevant guidance” means the document entitled “Technical Memorandum 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) 1999 c.30.  
(b) 1996 c.18.

- (a) member or prospective member of the scheme,
- (b) spouse or civil partner of a member or prospective member,
- (c) beneficiary under the scheme,
- (d) recognised trade union;

“retirement date” means the date specified for the purposes of regulation 19 and paragraph 6 of Schedule 6 by—

- (a) the member to the trustees or managers of the scheme that is acceptable under the rules of the scheme, or
- (b) the trustees or managers of the scheme where no acceptable date has been specified under paragraph (a).

“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<sup>(a)</sup>,
- (b) was formerly registered under that section, or
- (c) has applied for registration under that section and Her Majesty’s Revenue and Customs have not decided whether to register the scheme.

### **Recognised trade union**

3. Where there is any 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 Part 1 of Schedule 1 must give information in accordance with regulations 6, 8 to 22, 24 and 25.

(2) Regulations 11 and 12 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<sup>(b)</sup>, or
- (c) it is made under section 2 of the Parliamentary and Other Pensions Act 1987<sup>(c)</sup>.

(3) Regulation 17 does not apply to a stakeholder pension scheme within the meaning of section 1 of the Welfare Reform and Pensions Act 1999.

(4) The trustees or managers of a pension scheme that is—

- (a) an occupational pension scheme that does not fall within Part 1 of Schedule 1, or
- (b) established under the Salvation Army Act 1963<sup>(a)</sup>,

---

(a) 2004 c.12.  
 (b) 1972.c.11.  
 (c) 1982 c.45.

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 Part 2 of Schedule 1 must give information in accordance with regulations 10 and 17 to 21 and 23.

(6) Paragraphs (1) 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 scheme where all the members are trustees or managers of the scheme.

(7) The National Employment Savings Trust Corporation established under section 75(1) of the Pensions Act 2008 must give a statement of the maximum amount of contributions that may be paid in any tax year in relation to a member of the scheme.

(8) When any information is given in accordance with paragraphs (1), (4) or (5), it must be accompanied by the postal or electronic address to which a person should send any requests for further information or any other enquiries.

(9) The information required to be provided under paragraphs (1), (4) and (5) must be provided by the methods described in regulations 26 to 28.

### **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.

## **PART 2**

### **Information for new and prospective members**

#### **Basic scheme information**

6.—(1) The basic scheme information listed in Parts 1 and 3 of Schedule 2 must be given in accordance with this regulation.

(2) Except where paragraph (6) applies, the information must be given to—

- (a) prospective members, if it is practicable to do so, and
- (b) any members who have not already been given the information.

(3) The information must also be given to a relevant person who—

- (a) makes a request for the information, and
- (b) has not been given that information in the previous 12 months.

---

(a) 1963 c.27.

(4) The information must be given to every prospective member as of course, where practicable and, if not given must be given to every person within the time specified in paragraph (5).

(5) The information to be given under paragraph (4) must be given where, in relation to the person, the trustees or managers of the scheme—

- (a) have, on a date, received jobholder information, within one month of that date, or
- (b) have not received that information, within two months of the date the person became an active member of the scheme.

(6) No information is to be given to—

- (a) members, prospective members and beneficiaries unless it is relevant to the person's rights or prospective rights under the scheme, and
- (b) a recognised trade union unless it is relevant to the rights or prospective rights of persons who are in that recognised trade union.

(7) In this regulation "jobholder information" means the information specified in regulation 3 of the Occupational and Personal Pensions Schemes (Automatic Enrolment) Regulations 2010(a) (jobholder information).

### **Basic information to be given by certain schemes**

**7.—**(1) The information listed in Parts 2 and 3 of Schedule 2 must be given in accordance with this regulation.

(2) The information must be given to—

- (a) a prospective member, if it is practicable to do so,
- (b) a members who have not already been given the information, and
- (c) a recognised trade union on request.

(3) The information must be given—

- (a) to a member within one month of membership beginning and
- (b) to a recognised trade union within one month of request.

## **PART 3**

### **Changes to information**

#### **Material alterations to basic scheme information**

**8.—**(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where—

- (a) there is a change in relation to the scheme, and
- (b) that change will result in a material alteration in the information mentioned in Part 1 of Schedule 2.

(2) The information is the information referred to in paragraph (1)(b) that has materially changed.

(3) The information must be given to all members and beneficiaries of the scheme except for excluded persons and to a recognised trade union.

(4) The information must be given as soon as possible after, and in any event within three months of, the decision to make the change referred to in paragraph (1)(a).

(5) No information is to be given to—

---

(a) S.I. 2010/772.

- (a) members, prospective members and beneficiaries unless it is relevant to the person's rights or prospective rights under the scheme, and
- (b) a recognised trade union unless it is relevant to the rights or prospective rights of persons who are in that recognised trade union.

### **Modification by the Regulator**

9. Information must be given to all active members explaining any modification to the scheme by the Regulator under section 231(2)(a) of the 2004 Act (modifications as regards the future accrual of benefits) within one month of the modification taking effect.

### **Former stakeholder pension schemes**

10.—(1) Where a scheme is removed from the register of stakeholder pension schemes kept under section 2 of the Welfare Reform and Pensions Act 1999, the trustees or managers of the scheme must give information in accordance with this regulation.

(2) The information is a statement that the scheme—

- (a) has been removed from the register,
- (b) is no longer a stakeholder pension scheme, and
- (c) is required to start winding up.

(3) The information must be given to members of the scheme except excluded persons.

(4) The time by which the information must be given is no more than two weeks after the trustees or managers of the scheme are notified that the scheme has been removed from the register.

## **PART 4**

### **Information to be given on request**

#### **Constitution of the scheme**

11.—(1) The information listed in Part 1 of Schedule 3 must be given to a relevant person in accordance with this regulation where the relevant person—

- (a) makes a request for the information, and
- (b) has not been given that information in the previous 12 months.

(2) The information must be given within two months of the date the request is made.

(3) The information must be given in accordance with regulation 28.

(4) Any document that must be disclosed under paragraph (1) which is not in the English language must be accompanied by a translation in that language.

(5) Nothing in this regulation requires the disclosure of any matter in relation to a member, beneficiary or prospective member that is not relevant to that person's rights or prospective rights under the scheme or, where disclosure is made to a trade union, of any matter that is not relevant to the rights or prospective rights of members or prospective members who are of a class of employee in relation to which the trade union is a recognised trade union.

#### **Annual report**

12.—(1) A document containing the information listed in Part 2 of Schedule 3 must be prepared within seven months of the end of each scheme year.

(2) The document must be given to a relevant person in accordance with this regulation where the relevant person—

- (a) makes a request for the document within 5 years of the end of the scheme year to which the information relates, and
- (b) has not been given the document before.

(3) The document must be given within two months of the date the request is made.

(4) The document must be given in accordance with—

- (a) regulations 26 and 27, where the document relates to the most recent scheme year, or
- (b) regulation 28, where the document does not relate to the most recent scheme year.

#### **Other information to be given on request**

**13.—**(1) The information listed in Part 3 of Schedule 3 must be given to a relevant person in accordance with this regulation where the relevant person makes a request for the information.

- (2) The information must be given within two months of the date of request.
- (3) The information must be given in accordance with regulation 28.

#### **Transfer credits**

**14.—**(1) The information listed in Part 4 of Schedule 3 must be given in accordance with this regulation.

(2) Subject to paragraph (3), the information must be given to any member or prospective member who makes a request for it.

(3) Paragraph (2) does not apply where the request mentioned in that paragraph is made less than 12 months after the last occasion on which such information was given.

(4) The information must be given within two months of the request.

## **PART 5**

### **Funding statements, benefit statements and illustrations**

#### **Summary funding statements**

**15.—**(1) Where the trustees or managers of the scheme have obtained an actuarial valuation or report under section 224 of the 2004 Act the information listed in Schedule 4, in the form of a summary funding statement, must be given in accordance with this regulation.

(2) The information must be given to all members and beneficiaries of the scheme except—

- (a) excluded persons, and
- (b) members or beneficiaries whose only entitlement to benefits under the scheme is, or will be, to money-purchase benefits.

(3) The information must be given on, before or within a reasonable period after the date by which the trustees or managers of the scheme are required under section 224 of the 2004 Act to ensure that the valuation or report is received by them.

### **Statements of benefits: non money-purchase benefits**

**16.**—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where—

- (a) the member has rights to benefits that are not money-purchase benefits,
- (b) the member requests that information, and
- (c) that information has not been given to that member in the 12 months before that request.

(2) The information that must be given is—

- (a) for active members, the information listed in Parts 1 and 2 of Schedule 5,
- (b) for deferred members, the information listed in Parts 2 and 3 of Schedule 5,
- (c) for pension credit members, the information listed in Part 4 of Schedule 5.

(3) The information must be given as soon as practicable but no more than two months after the request.

### **Statements of benefits: money-purchase benefits**

**17.**—(1) Information relating to a member's money-purchase benefits must be given in accordance with this regulation to a person who is a member of the scheme who—

- (a) is eligible for money purchase benefits, and
- (b) is not an excluded person.

(2) The information listed in Part 1 of Schedule 6 must be given.

(3) The information listed in Part 2 of Schedule 6—

- (a) must be given except where paragraph (6) applies, and
- (b) may be given where paragraph (6) applies.

(4) Where the information in Part 2 of Schedule 6 is given, the information in Part 3 of that Schedule must also be given.

(5) The information must be given no more than 12 months after—

- (a) in the case of an occupational pension scheme, the end of each scheme year, and
- (b) in the case of a personal pension scheme—
  - (i) the date the person became a member of the scheme, and
  - (ii) each subsequent anniversary of that date.

(6) This paragraph applies where—

- (a) a person is in receipt of benefits under the scheme,
- (b) the date referred to in paragraph 4 of Schedule 2 is no more than 2 years before the member's retirement date for the purpose of Part 2 of Schedule 6,
- (c) in relation to the member—
  - (i) the value, determined in accordance with the relevant guidance, of the member's accrued rights to money purchase benefits under the scheme was less than £5,000 on the last illustration date in respect of which the information listed in Part 2 of Schedule 6 was last given,
  - (ii) since that previous illustration date, no contributions (including transfers of pension rights or pension credits) have been made to the scheme by, or on behalf of, the member in respect of the member's money purchase benefits, and
  - (iii) the trustees or managers of the scheme have previously told the member that the information listed in Part 2 of Schedule 6 will not be given to the

member again unless further contributions referred to in paragraph (ii) have been made,

- (d) in relation to the member—
- (i) on the first illustration date after 5th April 2003, the value, determined in accordance with the relevant guidance, of the member's accrued rights to money purchase benefits under the scheme was less than £5,000,
  - (ii) no contributions, including transfers of pension rights and pension credits, have been made to the scheme by, or on behalf of, the member after 5th April 2003, and
  - (iii) the trustees or managers of the scheme think that no further such contributions are likely to be made after that illustration date, or
- (e) the member's benefit is calculated by reference to the greater of a money purchase formula and a defined benefit formula and the trustees or managers of the scheme think the benefit calculated using the money purchase formula is unlikely to affect the pension payable.

(7) For the purposes of paragraph (6), an occupational pension scheme that provides additional money purchase benefits where the member pays voluntary contributions is to be treated as a separate scheme from any other part of that scheme.

## PART 6

### Lifestyling and accessing benefits

#### Lifestyling

**18.—**(1) The information mentioned in Part 3 of Schedule 2 must be given to a member in accordance with this regulation where the trustees or manager of the scheme intend to adopt lifestyling in relation to a member.

(2) The information must be given between four months and two years before lifestyling is adopted.

(3) In the period 1st October 2013 to 31st March 2014, paragraph (2) has effect as if the words “between 4 months” to the end were substituted with “as long a time before lifestyling is adopted as possible”.

(4) In this regulation “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.

#### Accessing benefits in advance of retirement

**19.—**(1) A member who is entitled to money purchase benefits must be given the information mentioned in paragraph (2) in accordance with this regulation.

(2) The information is—

- (a) a statement of the options available to the member under the scheme rules, and
- (b) that listed in Part 1 of Schedule 7 where the member is entitled to select an annuity for their money purchase benefit under the scheme rules.

(3) The information must be given at least four months before—

- (a) the date the member attains normal pension age, or
- (b) where there is no normal pension age, the retirement date.

(4) For the purposes of paragraph (3) where the interval between the date on which the retirement date is specified and the date that the benefits will become payable is less

than four months, the information must be given within 7 days of the date on which the retirement date is specified.

#### **Accessing benefits at retirement**

**20.**—(1) The information mentioned in paragraphs (2) and (3) must be given in accordance with this regulation where benefit under the scheme has, or is about to, become payable in respect of a member.

(2) The information listed in Part 2 of Schedule 7 must be given to the member—

- (a) before benefit becomes payable, if practicable, or
- (b) in any event, before the end of one month after benefit becomes payable.

(3) The information listed in Part 1 of Schedule 7 must be given where the member or beneficiary has died—

- (a) to a person entitled to select an annuity under the scheme rules, and
- (b) before benefit becomes payable.

#### **Accessing benefits on the death of the member or beneficiary**

**21.**—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where the trustees or managers of the scheme are aware that—

- (a) a member or beneficiary has died, and
- (b) a person may be entitled to exercise rights or options under the scheme as a result of that death.

(2) The information is that—

- (a) listed in Part 2 of Schedule 7, and
- (b) listed in Part 1 of Schedule 7 where the person referred to in paragraph (1)(b) is entitled to select an annuity for their benefit under the scheme rules.

(3) The information must be given to—

- (a) the person referred to in paragraph (1)(b), if that person is at least 18 years old and the trustees or managers of the scheme know their postal address and electronic address, and
- (b) subject to paragraph (4), a personal representative—
  - (i) of the member or beneficiary, or
  - (ii) who is authorised to act on behalf of the person referred to in paragraph (1)(b).

(4) For the purposes of paragraph (3), information—

- (a) must be given only where the personal representative requests it, and
- (b) need not be given where a request is made within 3 years of the same information being given under this regulation to the same person in the same capacity.

(5) The information must be given—

- (a) as soon as possible, and
- (b) in any event, before the end of two months after—
  - (i) the date on which the trustees or managers of the scheme receive notification of the death, or
  - (ii) the request referred to in paragraph (4).

## PART 7

### Information about benefits in payment

#### **Changes to benefits**

**22.**—(1) The information listed in Part 2 of Schedule 7 must be given to members in accordance with paragraph (2) where—

- (a) the amount of benefit payable in respect of the member alters, and
  - (b) the member was not given information about the provisions and conditions for the alteration under paragraph 7 of Schedule 7.
- (2) The information must be given—
- (a) before the date on which the decision to alter the benefit has effect, where possible, or
  - (b) within one month after that date in any event.

## PART 8

### Information about winding up

#### **Personal pension schemes that have begun winding up**

**23.**—(1) The information mentioned in paragraph (2) must be given to members except for excluded persons in accordance with this regulation where it has been decided to wind up the scheme or otherwise to cease accepting contributions or to cause it to cease to manage the contributions already paid to it.

- (2) The information to be given is—
- (a) notification of the decision,
  - (b) the information listed in paragraphs 12 to 14 in Part 3 of Schedule 8,
  - (c) the information listed in paragraph 15 in Part 3 of Schedule 8 where the scheme is unable to meet in full its liabilities to its members.
- (3) The information must be given as soon as practicable after the decision and, in any event—
- (a) the notification referred to in paragraph (2)(a) must be given within one month,
  - (b) the information mentioned paragraph (2)(b) and (c) must be given within four months.

#### **Occupational pension schemes that have begun winding up**

**24.**—(1) The information mentioned in paragraph (2) must be given to members and beneficiaries of the scheme except for excluded persons in accordance with this regulation where the scheme has begun to wind up.

- (2) The information that must be given is—
- (a) where the scheme began to wind up—
    - (i) on or after 6th April 1997, the information listed in Part 1 of Schedule 8, or
    - (ii) before 6th April 1997, the information listed in paragraphs 5, 6 and 7 of Schedule 8,
  - (b) the information listed in Part 4 of Schedule 8 on request.
- (3) The information must be given as soon as practicable but no more than one month after the time the scheme begins to wind up.

(4) The information listed in paragraphs 5, 6 and 7 of Schedule 8 must also be given within every 12 months of the date it was last given until the scheme completes winding up.

(5) For the purposes of paragraphs (2) and (3), the date the scheme begins to wind up is to be determined in accordance with regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations 1996 (commencement of winding up)(a).

(6) Where the scheme is a sectionalised scheme, this regulation applies as if—

- (a) each section of the scheme were a separate scheme, and
- (b) the members of each section were the members of a separate scheme.

(7) For the purposes of paragraph (6), a sectionalised scheme is a scheme where—

- (a) Part 3 of the 2004 Act applies to the scheme as if a section of a scheme were a separate scheme by virtue of paragraph 1 of Schedule 2 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005 (sectionalised multi-employer schemes), or
- (b) Part 3 of the 2004 Act does not apply to the scheme, but would apply in that way if it did.

(8) For the purposes of paragraph (2)(b), the information in Part 4 of Schedule 8 must be given to a member or beneficiary on request within one month of the request being made.

#### **Occupational pension schemes that have completed winding up for individual members**

**25.—**(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where—

- (a) the scheme is being wound up, and
- (b) the trustees or managers of the scheme have done what they can to discharge the scheme's liabilities for a particular member or beneficiary.

(2) The information that must be given is—

- (a) the information listed in Part 2 of Schedule 8, and
- (b) either—
  - (i) where the member or beneficiary is entitled to payment of benefits before normal pension age or death, the information listed in paragraphs 6 and 7 of Schedule 8, or
  - (ii) where the member or beneficiary is not entitled to payment of benefits, the information in paragraph 17 in Part 5 of Schedule 8.

(3) The information referred to in—

- (a) paragraph (2)(a) and (b)(ii) must be given to the member or beneficiary referred to in paragraph (1)(b), and
- (b) paragraph (2)(b)(i) must be given to the member or beneficiary referred to in paragraph (1)(b) unless they are an excluded person.

(4) The information must be given as soon as practicable but no more than three months after paragraph (1)(b) is satisfied.

---

(a) S.I. 1996/3126. Regulation 2 was amended by S.I. 2005/706.

## PART 9

### Methods of giving information

#### Methods of giving information

**26.**—(1) Except where these Regulations otherwise provide, any information or document that these Regulations require to be given to a relevant person must be given in accordance with the following paragraphs.

(2) The information may be given by—

- (a) sending it to the relevant person's last known postal address, or
- (b) subject to paragraphs (3) to (5), using either or both of the following methods—
  - (i) sending it to the relevant person's last known electronic address or
  - (ii) making it available on a website (see regulation 27).

(3) Where the member or beneficiary has requested in writing that—

- (a) any of the information, or
- (b) all of the information,

is not given in accordance with paragraph (2)(b), that information may not be given in accordance with paragraph (2)(b).

(4) Information may only be given in accordance with paragraph (2)(b) where the trustees or managers of the scheme are satisfied that the electronic communications have been designed—

- (a) so that members or beneficiaries will be able to—
  - (i) get access to, and
  - (ii) store or print, the information, and
- (b) taking into account the requirements of disabled persons.

(5) Where—

- (a) a member or beneficiary was a member or beneficiary of the scheme on 1st December 2010; and
- (b) that member or beneficiary has not received information by means of an electronic communication before 1st December 2010,

information may not be given to that member or beneficiary in accordance with paragraph (2)(b) unless the trustees or managers of the scheme have given them by post the written notice referred to in paragraph (6).

(6) The written notice mentioned in paragraph (5) must state that—

- (a) the trustees or managers of the scheme propose to give information to the member or beneficiary by means of an electronic communication, and
- (b) the member or beneficiary may request in writing that information is not given by means of an electronic communication.

#### Provision of information on a website

**27.**—(1) This regulation sets out the conditions that must be met when making information or documents available on a website.

(2) When a website is used for the first time to make available the information or document, a notification must be sent to the recipient's last known—

- (a) postal address, or
- (b) electronic address.

- (3) The notification referred to in paragraph (2) must include—
- (a) a statement that the information or document is available on the website;
  - (b) the website address,
  - (c) details of the place on the website where the information or document may be read, and
  - (d) an explanation of how the recipient may read the information or document on the website.

(4) Except where paragraph (6) applies and subject to paragraph (7), when a website is used for the second or subsequent time to make available the information or document under paragraph (1), a notification must be sent to the recipient's last known—

- (a) postal address; or
- (b) electronic address.

(5) The notification referred to in paragraph (4) must include a statement that the information or document is available on the website.

(6) This paragraph applies where—

- (a) at least 3 letters have been—
  - (i) given to the recipient by hand, or
  - (ii) sent to the recipient's last known postal address,
- (b) the first two of those letters—
  - (i) asks the recipient to give their electronic address to the trustees or managers of the scheme, and
  - (ii) states that the recipient may request in writing that information or documents are not given by means of an electronic communication;
- (c) the third of those letters—
  - (i) asks the recipient to give their electronic address to the trustees or managers of the scheme,
  - (ii) states that the recipient may request in writing that information or documents are not given by means of an electronic communication, and
  - (iii) includes a statement that further information will be available to read on the website and that no further notifications will be sent to the recipient, and
- (d) the trustees or managers of the scheme—
  - (i) do not know the recipient's electronic 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.

(7) Where the information to be made available is that required by paragraph (1) of regulation 17, the notification referred to in paragraph (4) above need only be given as required by paragraph (6) of that regulation.

(8) In this regulation, "recipient" means the person, organisation or body to whom these Regulations require information or documents to be made available.

### **Methods of giving information in certain cases**

**28.** Where information is to be given in accordance with this regulation—

- (a) information may be made available free of charge for inspection at a place that is reasonable having regard to who made the request,
- (b) information may be made available free of charge on a website (see regulation 27),

- (c) information may be given for a charge that must not exceed the expense incurred in preparing, posting and packing the information, or
- (d) the trustees may give details of where any documents are publicly available.

## PART 10

### Revocation and amendments

#### Revocations

**29.** The following regulations are revoked—

- (a) the Personal Pension Schemes (Disclosure of Information) Regulations 1987(a), and
- (b) the Occupational Pension Schemes (Disclosure of Information) Regulations 1996(b).

#### **Amendment of the Occupational Pension Schemes (Preservation of Benefit) Regulations 1991**

**30.**—(1) The Occupational Pension Schemes (Preservation of Benefit) Regulations 1991(c) are amended as follows.

(2) In regulation 9(6)(c) (bought out benefits)(d), for “at his last known address” substitute “in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013”.

(3) After regulation 27A(4) (information to be furnished to early leavers)(e), add—

“(5) The trustees or managers of any scheme may furnish information under this regulation in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.”.

#### **Amendment of the Occupational Pension Schemes (Contracting-out) Regulations 1996**

**31.** In regulation 3(3) of the Occupational Pension Schemes (Contracting-out) Regulations 1996 (notices by employers of intended election)(f)—

(a) for sub-paragraph (a)(i), substitute—

“(i) sending it to the earner in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013,

(ia) delivering it to the earner, or”,

(b) for sub-paragraph (b), substitute—

“(b) to any other person, by—

(i) sending it to that person in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013, or

---

(a) S.I. 1987/1110.

(b) S.I. 1996/1655.

(c) S.I. 1991/167.

(d) Regulation 9(6) was amended by S.I. 1994/1062.

(e) Regulation 27A was added by S.I. 1996/2131.

(f) S.I. 1996/1172.

(ii) delivering it to that person.”.

### **Amendment of the Occupational Pension Schemes (Transfer Values) Regulations 1996**

**32.** After regulation 11(6) of the Occupational Pension Schemes (Transfer Values) Regulations 1996 (disclosure)(a), add—

“(7) The trustees may provide any information or notification under this regulation in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.”.

### **Amendment of the Occupational Pension Schemes (Requirement to obtain Audited Accounts and a Statement from the Auditor) Regulations 1996**

**33.** After paragraph 5 of the Schedule to the Occupational Pension Schemes (Requirement to obtain Audited Accounts and a Statement from the Auditor) Regulations 1996(b) insert—

“**5A.**—(1) A statement—

- (a) listing the 100 largest investments by value held by the scheme at the end of the scheme year and stating what percentage of the resources of the scheme each such investment represents;
- (b) identifying which of the investments mentioned in paragraph (a) are employer-related investments;
- (c) if, as at the end of the scheme year, more than 5% of the resources of the scheme are invested in employer-related investments in contravention of section 40(1) of the Pensions Act 1995, listing the employer-related investments and the employer concerned.

(2) In sub-paragraph (1) “employer-related investments” has the meaning as in section 40(2) of the Pensions Act 1995 but as if the following words were omitted from the definition of “employer-related investments”—

- (a) in sub-paragraph (a) “or by any person who is connected with, or an associate of, the employer”; and
- (b) “or any such person” in each place where they occur.

**5B.** Where the scheme is a scheme in relation to which there is more than one employer, the scheme may choose to provide the information in paragraph 5 or 5A.”.

### **Amendment of the Occupational Pension Schemes (Winding Up) Regulations 1996**

**34.**—(1) The Occupational Pension Schemes (Winding Up) Regulations 1996(c) are amended as follows.

(2) After regulation 7(10) (requirements applicable to notices of discharge), insert—

“(11) A discharge notice and any notice under paragraph (3) may be given in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.”.

---

(a) S.I. 1996/1847. Regulation 11 was amended by S.I. 2005/72, 2008/1050 and 2009/615.

(b) S.I. 1996/1975.

(c) S.I. 1996/3126.

(3) In regulation 11(2) (records and information), after “in writing” insert “in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013”.

#### **Amendment of the Occupational Pension Schemes (Discharge of Liability) Regulations 1997**

**35.** In regulation 6(5)(b)(ii) of the Occupational Pension Schemes (Discharge of Liability) Regulations 1997 (further conditions on which liability may be discharged)(**a**), for “at her or his last known address” substitute “in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013”.

#### **Amendment of the Pensions on Divorce etc. (Provision of Information) Regulations 2000**

**36.** After regulation 10 of the Pensions on Divorce etc. (Provision of Information) Regulations 2000(**b**) (provision of information after receipt of an earmarking order) insert—

“Provision of information

**11.**—(1) Subject to paragraph (2) a person required to provide information under regulations 2, 4, 6, 7, 8 or 10 must provide that information in accordance with regulations 26 and 27 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.

(2) Information may be provided to the court by means of an electronic communication only where the court has given its permission.

(3) In this regulation “electronic communication” has the meaning given by the Electronic Communications Act 2000.”.

#### **Amendment of the Pension Sharing (Pension Credit Benefit) Regulations 2000**

**37.**—(1) The Pension Sharing (Pension Credit Benefit) Regulations 2000(**c**) are amended as follows.

(2) In regulation 8(6)(a) (bought benefits) for “sent to that person at his last known address” substitute “given in accordance with regulations 26 and 27 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013”.

(3) In regulation 10(5)(a) (transfer of a person’s pension credit rights without consent) for “sent to that person at his last known address” substitute “given in accordance with regulations 26 and 27 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013”.

(4) In regulation 15(5)(b) (further conditions on which liability may be discharged) for “sent to that person at his last known address” substitute “given in accordance with regulations 26 and 27 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013”.

#### **Amendment of the Stakeholder Pension Schemes Regulations 2000**

**38.**—(1) The Stakeholder Pension Schemes Regulations 2000(**a**) are amended as follows.

---

(a) S.I. 1997/784. Regulation 6(5) was amended by S.I. 2005/2050.

(b) S.I. 2000/1048. There are no relevant amendments to regulation 10.

(c) S.I. 2000/1054. There are no relevant amendments.

- (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,”, and
  - (c) 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”, and
  - (b) after paragraph (b)(ii) omit “and to the end.”
- (4) In regulation 18A(4)—
- (a) after sub-paragraph (c) insert “or”,
  - (b) after sub-paragraph (d) omit “or”, and
  - (c) omit sub-paragraph (e).
- (5) In regulation 18B—
- (a) in paragraph (1)(b) omit the words after “paragraph (2)” to the end,
  - (b) omit paragraphs (3) and (4).
- (6) In regulation 18E (provision of information on a website)—
- (a) for paragraph (2) substitute—
 

“(2) When a website is used for the first time to make available relevant information, a notification must be sent to the recipient’s last known—

    - (a) postal address; or
    - (b) electronic address.”.
  - (b) for paragraph (4) substitute—
 

“(4) Except where paragraph (6) applies and subject to paragraph (7), when a website is used for the second or subsequent time to make available relevant information a notification must be sent to the recipient’s last known—

    - (a) postal address; or
    - (b) electronic address.”.
  - (c) for paragraph (6) substitute—
 

“(6) This paragraph applies where—

    - (a) at least 3 letters have been—
      - (i) given to the recipient by hand, or
      - (ii) sent to the recipient’s last known postal address;
    - (b) the first two of those letters—
      - (i) asks the recipient to give their electronic address to the trustees or managers of the scheme, and
      - (ii) states that the recipient may request in writing that relevant information is not given by means of an electronic communication;
    - (c) the third of those letters—
      - (i) asks the recipient to give their electronic address to the trustees or managers of the scheme,

---

(a) S.I. 2000/1403. Regulations 18A and 18B were inserted by S.I. 2010/1659, regulation 4(1) and 96). Paragraph 6(d) of Schedule 3 was amended by S.I. 2011/1245, regulation 14(1) and (4).

- (ii) states that the recipient may request in writing that relevant information is not given by means of an electronic communication, and
- (iii) includes a statement that further information will be available to read on the website and that no further notifications will be sent to the recipient, and
- (d) the trustees or managers of the scheme—
  - (i) do not know the recipient’s electronic address, and
  - (ii) have not received a written request that relevant information is not given to the recipient by means of an electronic communication.

(6A) Where the information to be made available is that required by paragraph (1) of regulation 18A, the notification referred to in paragraph (4) above need only be given as required by paragraph (6) of that regulation.”.

(7) In paragraph 6 of Schedule 3 (information for members) for sub-paragraph (d) substitute—

- “(d) any additional assumptions made in relation to annuities made for the purposes of regulation 18A(2), and
- (e) any changes to the assumptions that were used for the previous information given under regulation 18A(2).”.

### **Amendment of the Occupational Pension Schemes (Winding Up Notices and Reports etc.) Regulations 2002**

**39.** In regulation 8 of the Occupational Pension Schemes (Winding Up Notices and Reports etc.) Regulations 2002 (applications to the Authority to modify schemes to secure winding up)(a)—

- (a) in paragraph (3)(a), for the words after “to all members of the scheme” substitute “(except a member mentioned in paragraph (3A)) in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013, and”, and
- (b) after paragraph (3), insert—
  - “(3A) A member referred to in paragraph (3)(a) is a member—
    - (a) whose present postal address and electronic address is not know 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 that correspondence has not been delivered.”.

### **Amendment of the Occupational Pension Schemes (Independent Trustee) Regulations 2005**

**40.** In regulation 13 of the Occupational Pension Schemes (Independent Trustee) Regulations 2005 (disclosure requirements and penalty)(b)—

- (a) in paragraph (8), insert at the end “or if it was sent to his last electronic address known to the trustees”, and
- (b) after paragraph (8), insert—

---

(a) S.I. 2002/459.  
 (b) S.I. 2005/703.

“(9) The appointed trustee may give any information under this regulation in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.”.

#### **Amendment of the Occupational Pension Schemes (Winding up etc) Regulations 2005**

**41.**—(1) The Occupational Pension Schemes (Winding up etc) Regulations 2005(a) are amended as follows.

(2) In regulation 6(6) (adjustments to discretionary awards) for “by post”, the first time it appears, substitute “in accordance with 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013”.

(3) In regulation 7(6) (adjustments to survivors’ benefits) for “by post”, the first time it appears, substitute “in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013”.

#### **Amendment of the Occupational Pension Schemes (Scheme Funding) Regulations 2005**

**42.** In Schedule 3 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005(b) (supplementary and consequential provisions) omit paragraphs 2 and 3.

#### **Amendment of the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006**

**43.** After regulation 11(2) of the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 (requirement to provide information)(c), add—

“(3) Information provided under this regulation may be provided in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.”.

#### **Amendment of the Occupational Pension Schemes (Payments to Employers) Regulations 2006**

**44.**—(1) The Occupational Pension Schemes (Payments to Employers) Regulations 2006(d) are amended as follows.

(2) After regulation 10(3) (notification to members), add—

“(4) The trustees of the scheme may provide a copy of the relevant valuation certificate in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.”.

(3) After regulation 15(5) (notice of proposal to distribute excess assets to the employer), add—

---

(a) S.I. 2005/706.  
(b) S.I. 2005/3378.  
(c) S.I. 2006/349.  
(d) S.I. 2006/802.

“(6) A notice under this regulation may be sent in accordance with regulations 26 and 27 (methods of giving information) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.”.

**Amendment of the Application of Pension Legislation to the National Employment Savings Trust Corporation Regulations 2011**

45. Omit regulations 2 and 3 of the Application of Pension Legislation to the National Employment Savings Trust Corporation Regulations 2011(a) (application of the Occupational Pension Schemes (Disclosure of Information) Regulations 1996).

**Amendment of the Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011**

46.—(1) The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011(b) are amended as follows.

(2) Omit—

- (a) regulation 17 (amendment of the Personal Pension Schemes (Disclosure of Information) Regulations 1987), and
- (b) regulation 19 (amendment of the Occupational Pension Schemes (Disclosure of Information) Regulations 1996).

(3) In regulation 20(4) (amendment of the Stakeholder Pension Schemes Regulations 2000) after “(information for members)” insert—

- “(a) in paragraph 1 omit sub-paragraph (d), and
- (b) in”.

Signed by authority of the Secretary of State for Work and Pensions.

Date	<i>Name</i> Minister of State, Department for Work and Pensions
------	---

## SCHEDULES

### SCHEDULE 1

#### Description of schemes

#### PART 1

#### Occupational pension schemes

1.—(1) An occupational pension scheme (“scheme”) falls within this Part if it meets the following conditions.

(2) The first condition is that the scheme—

- (a) is a tax registered scheme,

---

(a) S.I. 2011/673.  
(b) S.I. 2011/1245.

- (b) was formerly—
    - (i) approved by the Commissioners of Her Majesty’s Revenue and Customs for the purposes of sections 590 or 591 of the Income and Corporation Taxes Act 1988(a),
    - (ii) a statutory scheme as defined in section 611A of that Act(b), or
    - (iii) approved by the Commissioners of Her Majesty’s Revenue and Customs under Chapter IV of Part XIV of that Act(c),
  - (c) has a superannuation fund as referred to in section 615(6) of the Income and Corporation Taxes Act 1988 (exemption from tax in respect of certain pensions) and has trustees or managers of the scheme who are—
    - (i) authorised under section 288 of the 2004 Act (general authorisation to accept contributions from European employers), and
    - (ii) approved under section 289 of the 2004 Act (approval in relation to a particular European employer) in relation to a European employer(d), or
  - (d) is a public service pension scheme(e).
- (3) The second condition is that the scheme—
- (a) has 2 or more members,
  - (b) does not provide only death benefits,
  - (c) is established in the United Kingdom or has at least 1 trustee or manager resident in the United Kingdom, and
  - (d) is not established by the Salvation Army Act 1963(f).
- (4) In this paragraph “tax registered scheme” means a scheme that—
- (a) is registered under section 153 of the Finance Act 2004(g),
  - (b) was formerly registered under that section, or
  - (c) has applied for registration under that section and Her Majesty’s Revenue and Customs have not decided whether to register the scheme.

## PART 2

### Personal pension schemes

2. A personal pension scheme falls within this Part if it is not—
- (a) set up or established in an annuity contract, or
  - (b) a trust scheme that is to be treated as becoming a registered pension scheme under section 153(9) of the Finance Act 2004 in accordance with paragraph 1(1)(f) of Schedule 36 to that Act.

---

(a) 1988 c.1. Sections 590 and 591 were repealed by Part 3 of Schedule 42 to the Finance Act 2004 (c.12).  
 (b) Section 611A was repealed by Part 3 of Schedule 42 to the Finance Act 2004.  
 (c) Chapter IV of Part XIV was repealed by Part 3 of Schedule 42 to the Finance Act 2004.  
 (d) See section 287(6) of the 2004 Act.  
 (e) See section 1 of the 1993 Act.  
 (f) 1963 c.xxxii.  
 (g) 2004 c.12.

## SCHEDULE 2

### Basic information

#### PART 1

#### Information to be given by occupational pension schemes that fall within Part 1 of Schedule 1

1. The conditions a person has to meet to become a member of the scheme and a summary of the categories of persons who are eligible to become a member of the scheme.
2. How persons who are eligible to be members of the scheme are admitted to it.
3. A summary of what can be done with a member's accrued rights where the member leaves pensionable service before normal pension age(a), including whether the accrued rights can be transferred out of the scheme, converted into an annuity and commuted to a lump sum.
4. A statement that, in relation to the matters mentioned in paragraph 3—
  - (a) a charge may be made, and
  - (b) further information is available on request.
5. Whether the scheme is a tax registered scheme.
6. The short title of any enactment (or any Act of the Scottish Parliament containing provision made by virtue of section 81(3) of the Scotland Act 1998(b)) that provides for—
  - (a) the setting up of the scheme, and
  - (b) the determination of the rate or amount of the benefits under the scheme.
7. A statement that explains whether transfers can be made into the scheme, including whether such transfers can be made in accordance with Chapters 4 and 5 of Part 4 of the 1993 Act.
8. A summary of the contributions, if any, payable by the employer and the member.
9. A statement that—
  - (a) the Pensions Advisory Service(c) is available at any time to assist members and beneficiaries with—
    - (i) pensions questions, and
    - (ii) issues they have been unable to resolve with the trustees or managers of the scheme, and
  - (b) the Pensions Ombudsman(d) may investigate and determine certain complaints or disputes about pensions that are referred to the Ombudsman in accordance with the 1993 Act.
10. The postal address and electronic address at which each of the bodies referred to in paragraph 10 may be contacted.

---

(a) See section 180 of the 1993 Act.

(b) 1998 c.46.

(c) The Pensions Advisory Service is a company limited by guarantee under the Companies Act 2006 (c.46) and its registered number is 2459671.

(d) The Pensions Ombudsman is appointed under section 145(2) of the 1993 Act.

**11.** Where appropriate, which employment that is relevant employment is, and which is not, contracted-out employment within the meaning of section 8 of the 1993 Act.

**12.** If a member of the scheme has to give a period of notice to terminate their pensionable service, the length of that period of notice.

**13.** Whether, and if so upon what conditions (if any), a member of the scheme, whose pensionable service has terminated before normal pension age, may re-enter pensionable service.

**14.** The following information about benefits payable under the scheme (referred to in this paragraph as “benefits”)—

- (a) what the benefits are,
- (b) how benefits are calculated,
- (c) how the scheme defines the phrase pensionable earnings, if appropriate,
- (d) how and when benefits in payment are increased, if appropriate,
- (e) the rate at which rights to benefits accrue, if appropriate,
- (f) the conditions on which benefits are payable,
- (g) when benefits (including survivor’s benefits) are payable.

**15.** Except where the scheme is a public service pension scheme, a statement that the scheme annual report will be given on request.

**16.—**(1) The scheme’s internal dispute resolution arrangements.

(2) The postal or electronic address and job title of the person who should be contacted to use those arrangements.

(3) This paragraph does not apply to a scheme within section 50(8) of the 1995 Act.

**17.** A statement that the Regulator may intervene in the running of schemes where trustees, managers, employers or professional advisers have failed in their duties.

**18.** The postal address and electronic address at which the Regulator may be contacted.

## PART 2

### Information to be given by occupational pension schemes not falling within Part 1 of Schedule 1 and schemes that are established under the Salvation Army Act 1963

**19.** The following information, if appropriate, about benefits payable under the scheme (referred to in this paragraph as “benefits”)—

- (a) what benefits are payable,
- (b) how benefits are calculated,
- (c) except in relation to money-purchase benefits—
  - (i) how the scheme defines the phrase pensionable earnings, and
  - (ii) the rate at which rights to benefits accrue.

**20.** A statement that explains whether transfers can be made into the scheme, including whether such transfers can be made in accordance with Chapters 4 and 5 of Part 4 of the 1993 Act.

**21.** A summary of what can be done with a member’s accrued rights including whether the accrued rights can be transferred out of the scheme, converted into an annuity and commuted to a lump sum.

- 22.** A statement that, in relation to the matters mentioned in paragraph 24—
- (a) a charge may be made, and
  - (b) further information is available.
- 23.—**(1) The scheme’s internal dispute resolution arrangements.
- (2) The postal or electronic address and job title of the person who should be contacted to use those arrangements.
- (3) This paragraph does not apply to a scheme within section 50(8) of the 1995 Act.
- 24.** A statement that—
- (a) the Pensions Advisory Service is available at any time to assist members and beneficiaries with—
    - (i) pensions questions, and
    - (ii) issues they have been unable to resolve with the trustees or managers of the scheme, and
  - (b) the Pensions Ombudsman<sup>(a)</sup> may investigate and determine certain complaints or disputes about pensions that are referred to the Ombudsman in accordance with the 1993 Act.
  - (c) the Regulator may intervene in the running of schemes where trustees, managers, employers or professional advisers have failed in their duties.
- 25.** The postal address and electronic address at which each of the bodies referred to in paragraph 25 may be contacted.
- 26.** A statement setting out—
- (a) which benefits are funded and which benefits are not, and
  - (b) the manner in which any funded benefits are secured.
- 27.** A statement that most of the provisions of the 1995 Act do not apply to the scheme.
- 28.** A statement that further information about the scheme is available and the postal or electronic address to which enquiries should be sent.
- 29.** Where the member has money purchase benefits, a statement that the value of their pension can go down as well as up.

## PART 3

### Lifestyling

- 30.** The information to be given is—
- (a) a statement that lifestyling will be adopted,
  - (b) the date from which lifestyling will be adopted, and
  - (c) a summary of the advantages and disadvantages of lifestyling.

---

(a) The Pensions Ombudsman is appointed under section 145(2) of the 1993 Act.

## SCHEDULE 3

### Information to be given on request

#### PART 1

##### Information on the constitution of the scheme

1. The contents of any trust deed or document under which the scheme is made.
2. The scheme rules.
3. The contents of any document that supplements or alters in any way the information referred to in paragraphs 1 or 2.
4. The name and postal or electronic address of every person who employs any member of the scheme in relevant employment.

#### PART 2

##### Information on the annual report

5. A copy of the appropriate audited accounts, auditor's statements or actuarial statements required by regulations made under section 41 of the 1995 Act.
6. A copy of the appropriate certificate by the actuary under section 227 of the 2004 Act about the adequacy of the contributions payable towards the scheme.
7. Any of the information listed in Part 5 of this Schedule that applies to the scheme.

#### PART 3

##### Information on funding principles and actuarial valuations

8. The latest statement of funding principles required under section 223 of the 2004 Act.
9. A copy of the last actuarial valuation referred to in section 224 of the 2004 Act that the trustees or managers of the scheme have received.
10. The latest actuarial report referred to in section 224 of the 2004 Act that the trustees or managers of the scheme received after the last actuarial valuation.
11. Any recovery plan prepared under section 226 of the 2004 Act that is currently in force.
12. The information in the latest payment schedule under section 87 of the 1995 Act or the latest schedule of contributions under section 227 of the 2004 Act that relates to the employer of the member.
13. The latest statement of principles governing decisions about investments.
14. A summary of the winding up procedure under section 231A of the 2004 Act.

## PART 4

### Information on transfer credits

**15.** Whether the member or prospective member is entitled to acquire transfer credits in exchange for—

- (a) a specified cash equivalent (within the meaning of Chapter 4 of Part 4, or Chapter 2 of Part 4A, of the 1993 Act) provided by another scheme, or
- (b) any transfer payment (within the meaning of Chapter 4 of Part 4, or Chapter 2 of Part 4A, of the 1993 Act) provided by another scheme.

**16.** A statement of any transfer credits referred to in paragraph 15.

## PART 5

### Information that applies to the scheme

**17.** The names of the persons who are trustees of the scheme, and in the case of a scheme none of the trustees of which is an individual, the names of the directors of any company that is a trustee, during the scheme year to which the information relates (in this Part of this Schedule called “the year”).

**18.** The provisions of the scheme in relation to the appointment of trustees and their removal from office, and in the case of a scheme none of the trustees of which is an individual, the provisions in the articles of association of each trustee that relate to the appointment and removal from office of any directors.

**19.** The names of the professional advisers and of such banks, custodians, and other persons and organisations who have acted for or who have been retained by the trustees during the year, with an indication (except in a case where regulation 12 is complied with by the trustees of a scheme for the first time) of any changes since the previous year.

**20.** The postal or electronic address to which enquiries about the scheme generally or about an individual's entitlement to benefit should be sent.

**21.** The number of beneficiaries and active, deferred and pensioner members as at any one date during the year.

**22.** Except in the case of a money purchase scheme, the percentage increases made (otherwise than in accordance with a legislative requirement) during the year (or, if there have been different increases for different individuals or groups of individuals, the maximum, minimum and average percentage increases) to—

- (a) pensions that were payable, and
- (b) deferred pensions,

with a statement whether the increases were to any extent discretionary.

**23.** Except in the case of a money purchase scheme that is a wholly insured scheme, the following information—

- (a) where any cash equivalents or guaranteed cash equivalents (within the meaning of Chapter 4 of Part 4 or Chapter 2 of Part 4A of the 1993 Act) paid during the year were not calculated and verified in the manner prescribed by regulations made under sections 97 or 1011 of the 1993 Act, as the case may be, a statement explaining why,
- (b) where any other cash equivalents or guaranteed cash equivalents paid during the year were less than the amount for which section 94(1) of the 1993 Act provides, a statement to that effect together with information as to why they were less, and

- (c) a statement of when full values became, or are likely to become, available, and
- (d) a statement whether discretionary benefits are included in the calculation of the transfer values and, if so, the method by which the value of discretionary benefits is assessed.

**24.** A statement as to whether the accounts have been prepared and audited in accordance with regulations made under section 41(1) and (6) of the 1995 Act (unless the scheme is exempt from such requirements by virtue of those regulations).

**25.** If the auditor's statement made in accordance with regulations made under section 41(1)(a) and (2)(b) of the 1995 Act is negative or qualified, an account of the reasons why and a statement as to how the situation has been or is likely to be resolved.

**26.** If such situation as is mentioned in paragraph 25 was not resolved in a previous year, a statement as to how it has been or is likely to be resolved.

**27.** Who has managed the investments of the scheme during the year and the extent of any delegation of this function by the trustees.

**28.** Whether the trustees have produced a statement of the principles governing decisions about investments for the purposes of the scheme in accordance with section 35 of the 1995 Act (unless the scheme is exempt from such requirement by virtue of regulations made under that section) and, where the trustees have produced such a statement, a statement that a copy is available on request.

**29.** Except in relation to a wholly insured scheme, a statement as to the trustees' policy on the custody of the scheme assets.

**30.** Where the scheme is one to which section 35 of the 1995 Act applies, an investment report containing—

- (a) a statement by the trustees or the fund manager providing details of any investments made for the scheme during the year that were not made in accordance with the statement of principles governing decisions about investments required under section 35 of the 1995 Act,
- (b) where investments for the scheme have been made in the year that do not accord with the statement of the principles governing decisions about investments required under section 35 of the 1995 Act (or were made in a previous scheme year and continued to be held at the end of the scheme year), a statement by the trustees of the fund manager giving the reasons why and explaining what action, if any, it is proposed to take or has already been taken to remedy the position,
- (c) a review of the investment performance of the scheme's fund—
  - (i) during the year, and
  - (ii) except where the scheme has existed for less than 3 scheme years, a period of not less than 3 and not more than 5 scheme years ending with the year, including an assessment of the nature, disposition, marketability, security and valuation of the scheme's assets.

**31.** A copy of any statement made on the resignation or removal of the auditor or actuary and made in accordance with regulations made under section 47(6) of the 1995 Act.

**32.** Except in relation to a trust scheme that applies to earners in employments under different employers, where the scheme has employer-related investments (within the meaning of section 40(2) of the 1995 Act), a statement—

- (a) as to the percentage of the scheme's resources invested in such investments at the end of the scheme year,

- (b) if that percentage exceeds 5%, as to the percentage of the scheme's resources that are investments to which regulation 6 of the Occupational Pension Schemes (Investment) Regulations 1996 (investments not subject to restrictions) applies, and
- (c) if any resources of the scheme are invested in contravention of subsection (1) of section 40 of the 1995 Act—
  - (i) as to the steps the trustees or managers of the scheme have taken or propose to take to secure that the scheme complies with that section, and
  - (ii) as to the time when any proposed steps will be taken.

**33.—(1)** Where the scheme is a trust scheme that applies to earners in employments under different employers, a statement—

- (a) listing the 100 largest investments by value held by the scheme as at the end of the scheme year and stating what percentage of the resources of the scheme each such investment represents,
- (b) identifying which of the investments referred to in paragraph (a) are employer-related investments, and
- (c) if, as at the end of the scheme year, more than 5% of the resources of the scheme are invested in employer-related investments in contravention of subsection (1) of section 40 of the 1995 Act in relation to a particular employer—
  - (i) listing the employer-related investments and the name of the employer concerned,
  - (ii) as to the steps the scheme has taken or proposes to take to ensure that the percentage is reduced to 5% or less, and
  - (iii) as to the time when any proposed steps will be taken.

(2) In sub-paragraph (1) “employer-related investments” has the same meaning as in subsection (2) of section 40 of the 1995 Act but as if the following words in subsection (2) were omitted—

- (a) in paragraph (a) “or by any person who is connected with, or an associate of, the employer”, and
- (b) “or any such person” in each place where they occur.

## SCHEDULE 4

### Funding statements

**1.** A summary that—

- (a) explains the extent to which the assets of the scheme are adequate to cover its technical provisions, and
- (b) is based on—
  - (i) the last actuarial valuation under section 224 of the 2004 Act received by the trustees or managers of the scheme, and
  - (ii) any actuarial report they have received since that actuarial valuation.

**2.** Where the first summary funding statement has been issued in respect of the scheme, an explanation of any change in the funding position of the scheme since the date of the last actuarial valuation under the rules of the scheme.

**3.** Where any subsequent summary funding statement has been issued in respect of the scheme, an explanation of any change in the funding position of the scheme since the date of the previous summary funding statement.

4. The actuary's estimate of solvency contained in the last actuarial valuation under section 224 of the 2004 Act received by the trustees or managers of the scheme.
5. A summary of any recovery plan prepared under section 226 of the 2004 Act that is currently in force.
6. A statement explaining—
  - (a) whether the scheme has been modified under section 231(2)(a) of the 2004 Act,
  - (b) whether the scheme is subject to directions by the Regulator under section 231(2)(b) of the 2004 Act, and
  - (c) whether the scheme is bound by a schedule of contributions imposed by the Regulator under section 231(2)(c) of the 2004 Act.
7. Where there has been a modification, directions or a schedule of contributions referred to in paragraph 6, a summary of the circumstances in which they were made.
8. A statement explaining whether any payment to the employer under section 37 of the 1995 Act (payment of surplus to employer) has been made—
  - (a) in the case of the first summary funding statement issued in respect of the scheme, in the 12 months before the date on which that statement is prepared, and
  - (b) in the case of any subsequent summary funding statement issued in respect of the scheme, since the date of the last such statement.
9. Where a payment referred to in paragraph 8 has been made, the amount of that payment.

## SCHEDULE 5

### Statements of benefits: non money-purchase benefits

#### PART 1

##### Information for active members

1. The amount of any benefits (and how they are calculated) that would be payable on a date specified by the trustees or managers of the scheme if a member of the scheme were to die in service.
2. One of the following amounts of the member's benefits and survivors' benefits calculated without regard to possible increases in the member's salary—
  - (a) the amounts that would be payable from the date benefits are payable if pensionable service were to end on a date specified by the trustees or managers of the scheme,
  - (b) the amounts that would be payable from the date benefits are payable if pensionable service were to end on the member attaining normal pension age, or
  - (c) the amounts that would be payable from the date benefits are payable if pensionable service were to end on a date agreed between the member and the trustees or managers of the scheme.
3. The amount of the member's pensionable remuneration on a date specified by the trustees or managers of the scheme.

## PART 2

### Information for active and deferred members

4. The date on which the member's pensionable service started.
5. The method or formula for calculating the member's benefits and any survivors' benefits.
6. Details of how any deduction from benefits is calculated.

## PART 3

### Information for deferred members

7. The date pensionable service ended.
8. The amount of the member's benefits and survivors' benefits payable from the date benefits are payable.
9. The amount of the member's pensionable remuneration on the date pensionable service ended.

## PART 4

### Information for pension credit members

10. The amount of the member's benefits and survivors' benefits payable from the date benefits are payable.
11. The method or formula for calculating the member's benefits and any survivors' benefits.
12. Details of how any deduction from benefit is calculated.

## SCHEDULE 6

### Statements of benefits: money-purchase benefits

## PART 1

### Information for all money purchase members

1. The amount of contributions (before any deductions are made) credited to the member under the scheme during—
  - (a) in the case of an occupational pension scheme, the immediately preceding scheme year, and
  - (b) in the case of a personal pension scheme, the 12 months immediately preceding a specified date.
2. Where an occupational pension scheme was a contracted-out scheme at any time before the abolition date,—
  - (a) the date of birth used in determining the appropriate age-related percentage for the purposes of section 42A of the 1993 Act,

- (b) the name and postal electronic address of a person who can be contacted if the date of birth is incorrect, and
- (c) the amount of the contributions referred to in paragraph 1 paid to the scheme in respect of the member during the immediately preceding scheme year which is attributable to—
  - (i) the minimum payments made by the member’s employer,
  - (ii) any payments made by the Secretary of State in accordance with section 7(1) of the Social Security Act 1986 (schemes becoming contracted-out between 1986 and 1993),
  - (iii) any age-related payments made by the Secretary of State in accordance with section 42A(3) of the 1993 Act.

**3.** Where a personal pension scheme was an appropriate scheme at any time before the abolition date—

- (a) the date of birth used in determining the appropriate age-related percentage for the purposes of section 45(1) of the 1995 Act,
- (b) the name and postal electronic address of any person who can be contacted if the date of birth is incorrect, and
- (c) the amount of the minimum contributions paid by the Secretary of State in respect of the member during the 12 months preceding a specified date that are attributable to section 45(1) of the 1995 Act identifying separately that part of the contributions that is attributable to tax relief on the employee’s share of minimum contributions, being the difference between that share and the grossed-up equivalent of that share, the expressions “employee’s share” and “grossed-up equivalent” having the meanings given to them by section 202(3) and (4) of the Finance Act 2004 (minimum contributions under pensions legislation).

**4.** The value of the member’s accrued rights under the scheme at a date specified by the trustees or managers of the scheme.

**5.** Any cash equivalent in respect of the transfer of the member’s rights mentioned in paragraph 4 that would be different from the values to be specified, at the date specified, under that paragraph, calculated in accordance with—

- (a) sections 97 and 1011 of the 1993 Act **(a)** (calculation of cash equivalents and cash transfer sum), in the case of an occupational pension scheme, or
- (b) regulations 3 and 4 of the Personal Pension Schemes (Transfer Values) Regulations 1987 **(b)** (calculation, verification and increases in cash equivalents), in the case of a personal pension scheme.

## PART 2

### Pension Illustration

**6.** An illustration of the amount of the pension—

- (a) that is calculated in accordance with paragraphs 7 and 8,
- (b) an entitlement to which would be likely to accrue to the member, or be capable of being secured by the member, at the member’s retirement date, and
- (c) in respect of rights to money purchase benefits that may arise under the scheme.

**7.** The amount referred to in paragraph 6 must be calculated—

---

**(a)** Section 97 was amended by the Pensions Act 1995 (c.26) and the Child Support, Pensions and Social Security Act 2000 (c.19).  
**(b)** S.I. 1987/1112. Regulations 3 and 4 were substituted by S.I. 2008/1050.

- (a) by reference to—
  - (i) the relevant guidance, and
  - (ii) the assumptions listed in paragraph 8,
- (b) having regard to the value of the member's accrued rights to money purchase benefits under the scheme on the illustration date.

**8.—(1)** The assumptions about contributions are—

- (a) where the calculation relates to the rights of a non-contributing member, that no contributions will be made to the scheme by the member, or on the member's behalf, after the illustration date, or
- (b) in any other case, that until the member's retirement date—
  - (i) contributions to the scheme will be made by the member or on the member's behalf, and
  - (ii) in the case of—
    - (aa) an occupational pension scheme, the treatment of the scheme under sections 592 to 594 or, as the case may be, 639 to 646A of the Income and Corporation Taxes Act 1988 will continue, or
    - (bb) a personal pension scheme, the scheme maintains its tax registration under section 153 of the Finance Act 2004.

(2) In this paragraph "non-contributing member" means a member in respect of whom no further contributions to the scheme are due or expected after the illustration date.

**9.** A statement that the information given under this Part is given only for the purposes of illustration and that it does not represent any promise or guarantee as to the amount of benefit that may be receivable by the member or a beneficiary under the scheme.

**10.** A summary of how the person to whom the information given under this Part relates may obtain from the trustees or managers of the scheme further details about that information.

**11.** A statement that general assumptions have been made.

**12.** A statement that any amounts in the information given under this Part are expressed in today's prices.

**13.** The member's retirement date used for the purposes of the information given under this Part.

**14.** The illustration date used for the purposes of the information given under this Part.

## PART 3

### Further information to be given on pension illustration

**15.** A statement that—

- (a) assumptions have been made about the nature of the investments made for the purposes of the member's money purchase benefits and their likely performance, and
- (b) those assumptions may not correspond with the investments actually made for those purposes or their actual performance.

**16.** A statement that the amount of any pension payable under the scheme to or in respect of the member will depend on considerations (including the performance of investments and the cost of buying an annuity at the time the pension becomes payable)

which may be different from the assumptions made for the purposes of the information given under Part 2.

**17. Details of—**

- (a) any assumptions made, for the purposes of Part 2, in relation to future contributions to the scheme,
- (b) any additional assumptions made, for the purposes of Part 2, in relation to annuities, and
- (c) any changes to the assumptions that were used for the previous information given under Part 2.

## SCHEDULE 7

### Information to be given by schemes that relates to accessing benefits

#### PART 1

##### Information to be given for occupational scheme members entitled to an annuity

1. A statement that the person is entitled to select an annuity.
2. Whether the person is entitled to select the provider of the annuity.
3. A statement that different annuities have different features and different rates of payment including annuities that provide—
  - (a) the same payments every year,
  - (b) increasing payments every year,
  - (c) payments only for the person,
  - (d) payments for the person's spouse or partner,
  - (e) a guarantee on the early death of the person.
4. Either—
  - (a) an explanation of the characteristic features of the annuities referred to in paragraph 3, or
  - (b) a copy of guidance giving that explanation that has been prepared by the Regulator and approved by the Secretary of State.
5. A statement that the person should consider taking advice about which annuity is most suitable for them.

#### PART 2

##### Information on accessing benefits for members and survivors

6. The amount of benefit that is payable.
7. If benefit is payable periodically—
  - (a) any conditions for continuing to make the payments, and
  - (b) any provisions which would allow the payments to be altered.

8. Any rights and options that persons have on the death of the member or beneficiary.
9. Any procedures for exercising the rights and options referred to in paragraph 8.
10. The provisions (or, as the case may be, a statement that there are no provisions) under which the pension payable to the survivor of a member or beneficiary may or will be increased and the extent to which such increases are dependant on the exercise of a discretion.

## SCHEDULE 8

### Information to be given by schemes about winding up

#### PART 1

##### Information to be given by occupational pension schemes during winding up

1. A statement that the scheme is being wound up.
2. The reasons why the scheme is being wound up.
3. The name and postal or electronic address of a person to whom any enquires about the scheme should be made.
4. Where section 22 of the 1995 Act applies, a statement that at least one of the trustees of the scheme are required to be an independent person by section 23 of that Act.
5. In the case of active members, whether death in service benefits will continue to be payable.
6. A summary of the action that is being taken, and that has been taken, to—
  - (a) establish the scheme's liabilities, and
  - (b) recover any assets.
7. An estimate of when—
  - (a) the scheme's liabilities are likely to be established, and
  - (b) any assets are likely to be recovered.
8. Either—
  - (a) an indication of the extent to which (if at all) the actuarial value of accrued rights or benefits are likely to be reduced, or
  - (b) a statement that there is insufficient information to provide such an indication.

#### PART 2

##### Information to be given by occupational pension schemes after winding up

9. Whether the member or beneficiary's benefits are reduced because the scheme's resources are not sufficient to meet its liabilities.
10. The amount of any reduction of the member or beneficiary's benefits.
11. Who has or will become liable for the payment of the member or beneficiary's benefits.

## PART 3

### Information to be given by personal pension schemes winding up

**12.** The amount—

- (a) of contributions (before the making of any deductions), including a nil amount, credited to the member under the scheme during the 12 months preceding a specified date, and
- (b) where the scheme was, at any time before the abolition date, an appropriate scheme the amount of the minimum contributions paid by the Secretary of State in respect of the member in that period that is attributable to section 45(1) of the 1993 Act identifying separately that Part of the contributions that is attributable to tax relief on the employee's share of minimum contributions, being the difference between that share and the grossed-up equivalent of that share, the expressions "employee's share" and "grossed-up equivalent" having the meaning given to them by section 202(3) and (4) of the Finance Act 2004 (minimum contributions under pensions legislation).

**13.** At a specified date—

- (a) the value of the member's accrued rights under the scheme; or
- (b) if different, the value of the cash equivalent calculated in accordance with regulations 3 and 4 of the Personal Pension Schemes (Transfer Values) Regulations 1987.

**14.** The options available to a member for preserving, transferring or otherwise disposing of the member's accrued rights under the scheme.

**15.** An account of the amount by which the member's accrued rights have been reduced and of the action taken by the scheme, or which is open to the member to take, in order, so far as may be possible, to restore the value of the member's accrued rights under the scheme.

## PART 4

### Report under section 72A of the 1995 Act

**16.** Where a report has been made to the Regulator under section 72A(a) of the 1995 Act (reports about winding up), a copy of that report.

## PART 5

### Information on winding up when the member is not entitled to benefits

**17.** An estimate of the amount of the member or beneficiary's benefits that are expected to be payable from normal pension age or death.

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose requirements relating to the provision of information on occupational pension and personal pension schemes.

---

(a) Section 72A was inserted by the Child Support, Pensions and Social Security Act 2000 (c.19), s. 49(1).

Part 1 of the Regulations contains general provisions. Regulation 1 provides for the date the Regulations come into force and the date certain provisions cease to have effect. Regulation 2 provides for interpretation. Regulation 3 makes provision relating to recognised trades unions. Regulation 4 sets out the type of scheme that is affected by the Regulations and indicates which of the duties apply in particular cases. Regulation 5 provides for the imposition of civil penalties for breach of duty by an occupational pension scheme.

Part 2 contains provisions concerning the information that must be given at the initial stage of membership of a pension scheme.

Part 3 contains provision concerning the information that must be given when there are changes to pension schemes.

Part 4 contains provision concerning information that must be given on request.

Part 5 contains provision concerning information that must be given relating to the funding of schemes and the benefits that the schemes may produce.

Part 6 contains provision concerning the information that must be given when the benefits from the scheme are to be accessed.

Part 7 contains provision concerning the information that must be given when the pension in payment changes.

Part 8 contains provisions concerning the information that must be given when schemes are winding up.

Part 9 contains provisions concerning the methods to be used by schemes in giving the information required under the Regulations.

Part 10 contains provision for revocations and for amendments.