
STATUTORY INSTRUMENTS

1996 No. 1655

The Occupational Pension Schemes (Disclosure of Information) Regulations 1996

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Disclosure of Information) Regulations 1996 and shall come into force on 6th April 1997.

(2) In these Regulations, unless the context otherwise requires—

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

“the 1995 Act” means the Pensions Act 1995;

[^{F1}“the 2004 Act” means the Pensions Act 2004;]

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

“active member” has the meaning given in section 124(1) of the 1995 Act;

“the actuary” has the meaning given in section 47(1)(b) of the 1995 Act;

[^{F2}“address” means postal address (except in the phrases “postal address”, “electronic address” and “website address”);]

“the auditor” has the meaning given in section 47(1)(a) of the 1995 Act;

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

^{F3}
...

[^{F4}“contracted-out employment” shall be construed in accordance with section 8 of the 1993 Act;]

“deferred member” has the meaning given in section 124(1) of the 1995 Act;

[^{F5}“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000;]

“employer”, in relation to a member or prospective member of a scheme, means—

- (a) in the case of an employed earner, the secondary contributor (within the meaning of section 7 of the Social Security Contributions and Benefits Act 1992^{M1}) in relation to any payment of earnings in respect of the employment concerned, and
- (b) in the case of a self-employed earner, any other person, government department or public authority who has made, or is to make, payments to the scheme in respect of the earner;

[^{F6}“excluded person” means a member or beneficiary—

- (a) whose present postal address and electronic address is not known to the trustees of the scheme; and
- (b) in respect of whom the trustees 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 of the scheme are satisfied that that correspondence has not been delivered;]

“funded”, in relation to benefits under a scheme, means provided by setting aside resources (other than assets at the disposal of the employer of any person who is employed in relevant employment) in advance which are related to the intended rate or amount of the benefits;

[^{F7}‘illustration date’ means, in relation to any information provided, or to be provided, under paragraph 6ZA(1) of Schedule 2, the date specified by the trustees as the date by reference to which amounts are calculated for the purpose of providing the information;]

“independent person” has the meaning given in section 23(3) of the 1995 Act;

^{M2}“independent trade union” has the meaning given in section 235(1) of the Employment Rights Act 1996 ;

[^{F8}“jobholder information” means the information specified in regulation 3 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010.]

“managers” has the meaning given in section 124(1) of the 1995 Act;

“member” has the meaning given by section 124(1) of the 1995 Act;

^{F9}
...

“money purchase benefits” means benefits the rate or amount of which are calculated by reference to a payment or payments made by the member, or by any other person in respect of the member, and which are not average salary benefits;

[^{F10}“money purchase contracted-out scheme” has the meaning given in section 181(1) of the 1993 Act;]

“money purchase scheme” means a pension scheme under which all the benefits that may be provided [^{F11}other than death benefits] are money purchase benefits;

^{F12}
...

[^{F13}“normal benefit age” has the meaning given by section 101B of the 1993 Act;]

“normal pension age” has the meaning given by section 180 of the 1993 Act;

[^{F14}“pension credit” means a credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999;

pension credit member” has the meaning given by section 124(1) of the 1995 Act;]

“pensionable service” has the meaning given by section 124(1) of the 1995 Act;

“pensioner member” has the meaning given by section 124(1) of the 1995 Act;

“professional advisers” has the meaning given by section 47 of the 1995 Act;

“prospective member” means any person who, under the terms of his contract of service [^{F15}or the scheme rules or both]—

- (a) is able, at his own option, to become a member of the scheme,
- (b) will become so able if he continues in the same employment for a sufficiently long period,
- (c) will be admitted to it automatically unless he makes an election not to become a member, or
- (d) may be admitted to it subject to the consent of his employer;

^{F16}
...

“public service pension scheme” has the meaning given by section 1 of the 1993 Act;

[^{F17}“the Regulator” means the Pensions Regulator established under section 1 of the 2004 Act;]

“Regulatory Authority” means [^{F18}the Pensions Regulator];

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

[^{F19}‘the relevant guidance’ means the document entitled “Technical Memorandum TM1: Statutory Money Purchase Illustrations” which—

[^{F20}(a) is adopted or prepared, and from time to time revised, by [^{F21}the Financial Reporting Council Limited];]

(b) ^{F22} ...]

“request” means a request in writing;

[^{F23}‘retirement date’ means, in relation to a member—

(a) the date which he has specified to the trustees, and which is acceptable under the rules of the scheme, for the purpose of paragraph 6ZA(1) of Schedule 2; or

(b) where no acceptable date has been specified for that purpose, the date specified by the trustees as being the appropriate date for the purpose of paragraph 6ZA(1);]

“scheme” means an occupational pension scheme;

“scheme year”, in relation to a scheme, means—

(a) a year specified for the purposes of the scheme in any document comprising the scheme or, if none, a period of 12 months commencing on 1st April or on such other date as the trustees select; or

(b) such other period (if any) exceeding 6 months but not exceeding 18 months as is selected by the trustees—

(i) in connection with the commencement or termination of the scheme, or

(ii) in connection with a variation of the date on which the year or period referred to in paragraph (a) is to commence;

^{M3} “simplified defined contribution scheme” means a scheme approved by the Commissioners of Inland Revenue under section 591 of the Income and Corporation Taxes Act 1988 and which provides benefits which are limited by reference to—

(a) the aggregate amount of the contributions which can be paid by a member and his employer, and

(b) the maximum lump sum retirement benefit which can be provided under the scheme;

“tax-approved scheme” means a scheme which is—

(a) approved by the Commissioners of Inland Revenue for the purposes of sections 590 or 591 of the Income and Corporation Taxes Act 1988, or

(b) a statutory scheme as defined in section 611A of that Act ^{M4} ;

[^{F24}(c) approved by the Commissioners of the Inland Revenue under Chapter IV of Part XIV of that Act;]

“trustees”, in relation to a scheme which is not set up or established under a trust, means the managers of the scheme, except in relation to a scheme established outside the United Kingdom, and in such a case “trustees” means the person or body treated by the Commissioners of Inland Revenue for the time being as the administrator of the scheme for the purposes of Chapter I of Part XIV of the Income and Corporation Taxes Act 1988;

“wholly insured scheme” means a scheme under which all the benefits provided are secured by a policy or policies of insurance or an annuity contract or contracts.

(3) Except in so far as the context otherwise requires, any reference—

(a) in these Regulations to a numbered regulation or Schedule is to the regulation in, or, as the case may be, the Schedule to, these Regulations bearing that number;

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- (b) in a regulation or Schedule to a numbered paragraph is to the paragraph of that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered sub-paragraph is to the sub-paragraph of that paragraph bearing that letter.

Textual Amendments

- F1** Words in reg. 1(2) inserted (30.12.2005) by The Occupational Pension Schemes (Scheme Funding) Regulations 2005 (S.I. 2005/3377) , regs. 1 , 20(1) , **Sch. 3 paras. 2(2)(a)** (with Sch. 3 para. 3)
- F2** Words in reg. 1(2) inserted (1.12.2010) by The Occupational, Personal and Stakeholder Pension Schemes (Disclosure of Information) (Amendment) Regulations 2010 (S.I. 2010/2659) , regs. 1(2) , **3(2)(a)**
- F3** Words in reg. 1(2) omitted (9.8.2012) by The Occupational and Personal Pension Schemes (Prescribed Bodies) Regulations 2012 (S.I. 2012/1817) , reg. 1(2) , Sch. 1 , para. 5(a)
- F4** Words in reg. 1(2) inserted (6.4.2003) by The Occupational and Personal Pension Schemes (Disclosure of Information) Amendment Regulations 2002 (S.I. 2002/1383) , regs. 1(2) , 3(2)(a)
- F5** Words in reg. 1(2) inserted (1.12.2010) by The Occupational, Personal and Stakeholder Pension Schemes (Disclosure of Information) (Amendment) Regulations 2010 (S.I. 2010/2659) , regs. 1(2) , **3(2)(b)**
- F6** Words in reg. 1(2) substituted (1.12.2010) by The Occupational, Personal and Stakeholder Pension Schemes (Disclosure of Information) (Amendment) Regulations 2010 (S.I. 2010/2659) , regs. 1(2) , **3(2)(c)**
- F7** Words in reg. 1(2) inserted (6.4.2003) by The Occupational and Personal Pension Schemes (Disclosure of Information) Amendment Regulations 2002 (S.I. 2002/1383) , regs. 1(2) , 3(2)(b)
- F8** Words in reg. 1(2) inserted (1.10.2012) by The Occupational Pension Schemes (Disclosure of Information) (Amendment) Regulations 2012 (S.I. 2012/1811) , regs. 1(2) , **2(2)**
- F9** Words in reg. 1(2) omitted (6.4.2012) by virtue of The Pensions Act 2008 (Abolition of Protected Rights) (Consequential Amendments) Order 2011 (S.I. 2011/1246) , arts. 1(2)(a) , **11(2)(a)**
- F10** Words in reg. 1(2) inserted (6.4.1997) by The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/786) , reg. 1 , **Sch. 1 para. 10(2)(b)**
- F11** Words in reg. 1(2) inserted (6.4.1997) by The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/786) , reg. 1 , **Sch. 1 para. 10(2)(c)**
- F12** Words in reg. 1(2) revoked (6.4.1997) by The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/786) , reg. 1 , Sch. 1 para. 10(2)(d) , **Sch. 2**
- F13** Words in reg. 1(2) inserted (1.12.2000) by The Pension Sharing (Consequential and Miscellaneous Amendments) Regulations 2000 (S.I. 2000/2691) , regs. 1 , **5(2)(b)**
- F14** Words in reg. 1(2) inserted (1.12.2000) by The Pension Sharing (Consequential and Miscellaneous Amendments) Regulations 2000 (S.I. 2000/2691) , regs. 1 , **5(2)(c)**
- F15** Words in reg. 1 substituted (1.10.2000) by The Stakeholder Pension Schemes Regulations 2000 (S.I. 2000/1403) , regs. 1(2) , **28(2)(a)**
- F16** Words in reg. 1(2) omitted (6.4.2013) by virtue of The Pensions Act 2008 (Abolition of Protected Rights) (Consequential Amendments) Order 2011 (S.I. 2011/1246) , arts. 1(2)(b) , **28(a)**
- F17** Words in reg. 1(2) inserted (30.12.2005) by The Occupational Pension Schemes (Scheme Funding) Regulations 2005 (S.I. 2005/3377) , regs. 1 , 20(1) , **Sch. 3 paras. 2(2)(b)** (with Sch. 3 para. 3)
- F18** Words in reg. 1(2) substituted (6.4.2005) by Personal and Occupational Pension Schemes (Indexation and Disclosure of Information) (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/704) , regs. 1(2) , **20(2)**
- F19** Words in reg. 1(2) inserted (6.4.2003) by The Occupational and Personal Pension Schemes (Disclosure of Information) Amendment Regulations 2002 (S.I. 2002/1383) , Reg. 1(2) , Reg. 3(2)(c)
- F20** Words in reg. 1(2) substituted (6.4.2007) by Occupational and Personal Pension Schemes (Prescribed Bodies) Regulations 2007 (S.I. 2007/60) , reg. 1 , **Sch. para. 5(b)**

- F21** Words in reg. 1(2) substituted (9.8.2012) by The Occupational and Personal Pension Schemes (Prescribed Bodies) Regulations 2012 (S.I. 2012/1817), reg. 1, **Sch. para. 5(b)**
- F22** Words in reg. 1(2) omitted (1.10.2008) by virtue of Pensions Act 2007 (Actuarial Guidance) (Consequential Provisions) Order 2008 (S.I. 2008/2301), art. 1, **Sch. para. 1(b)**
- F23** Words in reg. 1(2) inserted (6.4.2003) by The Occupational and Personal Pension Schemes (Disclosure of Information) Amendment Regulations 2002 (S.I. 2002/1383), regs. 1(2), 3(2)(d)
- F24** Words in reg. 1 added (1.10.2000) by The Stakeholder Pension Schemes Regulations 2000 (S.I. 2000/1403), regs. 1(2), **28(2)(b)**

Modifications etc. (not altering text)

- C1** Regs. 1 2 applied (1.10.2000) by The Stakeholder Pension Schemes Regulations 2000 (S.I. 2000/1403), regs. 1(2), 32, **Schs. 2**
- C2** Reg. 1(2) applied (with modifications) (6.4.2011) by The Application of Pension Legislation to the National Employment Savings Trust Corporation Regulations 2011 (S.I. 2011/673), regs. 1(1), **2(a)**

Marginal Citations

- M1** 1992 c.4 .
- M2** 1996 c.18 .
- M3** 1988 c.1 .
- M4** Section 611A was inserted by section 75 of and Schedule 6, Part I, paragraphs 1, 15, 18(1) to the Finance Act 1989 (c.26) .

Application of these Regulations

2.—(1) Subject to [^{F25}paragraphs (2), (3) and (3A)], and regulations 6(2), 7(2) and 8, these Regulations apply in relation to a scheme which—

- (a) is, or was formerly, a tax approved scheme (or in respect of which an application for tax approval has been made which has not been determined); or

[^{F26}(aa) is a scheme which—

- (i) has such a superannuation fund as is mentioned in section 615(6) of the Income and Corporation Taxes Act 1988 (exemption from tax in respect of certain pensions); and
- (ii) is undertaking cross-border activities; or]

- (b) is a public service pension scheme.

(2) These Regulations do not apply to a scheme—

- (a) whose members are fewer than 2;

[^{F27}(aa) ^{F28}]

[^{F29}(b) the only benefits provided by which are death benefits; or]

- (c) unless—

- (i) it is established in the United Kingdom, or
- (ii) it has 1 or more trustees resident in the United Kingdom.

[^{F30}(2A) For the purposes of this regulation, any reference to a scheme which is undertaking cross-border activities is a reference to a scheme in relation to which the trustees or managers are—

- (a) authorised under section 288 of the Pensions Act 2004 (general authorisation to accept contributions from European employers); and
- (b) approved under section 289 of that Act (approval in relation to particular European employer) in relation to a European employer.]

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(3) Regulations 3 to 7 shall not apply to a scheme established by the Salvation Army Act 1963^{M5}.

[^{F31}(3A) In the case of a scheme which is a stakeholder pension scheme within the meaning of section 1 of the Welfare Reform and Pensions Act 1999, regulation 5 shall have effect as if paragraph (5) were omitted.]

(4) These Regulations do not impose on the trustees of a scheme any duty in relation to—

- (a) any member or prospective member if no person who employs him in relevant employment has informed the trustees that he is a member or prospective member; or
- (b) an independent trade union recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme if no person who employs any such member or prospective member in relevant employment has informed the trustees that the trade union is so recognised;
- (c) any member where all members are trustees.

Textual Amendments

- F25** Words in reg. 2(1) substituted (1.10.2000) by [The Stakeholder Pension Schemes Regulations 2000 \(S.I. 2000/1403\)](#), regs. 1(2), **28(3)(a)**
- F26** Reg. 2(1)(aa) inserted (30.3.2006) by [Occupational Pension Schemes \(Republic of Ireland Schemes Exemption \(Revocation\) and Tax Exempt Schemes \(Miscellaneous Amendments\)\) Regulations 2006 \(S.I. 2006/467\)](#), regs. 1(2), **2(2)**
- F27** Reg. 2(2)(aa) inserted (31.12.2000) by [The Occupational Pension Schemes \(Republic of Ireland Schemes Exemption\) Regulations 2000 \(S.I. 2000/3198\)](#), regs. 1(1), **7**
- F28** Reg. 2(2)(aa) revoked (6.4.2006) by [Occupational Pension Schemes \(Republic of Ireland Schemes Exemption \(Revocation\) and Tax Exempt Schemes \(Miscellaneous Amendments\)\) Regulations 2006 \(S.I. 2006/467\)](#), regs. 1(3), 10, **Sch.**
- F29** Reg. 2(2)(b) substituted (6.4.1997) by [The Personal and Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/786\)](#), reg. 1, **Sch. 1 para. 10(3)**
- F30** Reg. 2(2A) inserted (30.3.2006) by [Occupational Pension Schemes \(Republic of Ireland Schemes Exemption \(Revocation\) and Tax Exempt Schemes \(Miscellaneous Amendments\)\) Regulations 2006 \(S.I. 2006/467\)](#), regs. 1(2), **2(3)**
- F31** Reg. 2(3A) inserted (1.10.2000) by [The Stakeholder Pension Schemes Regulations 2000 \(S.I. 2000/1403\)](#), regs. 1(2), **28(3)(b)**

Modifications etc. (not altering text)

- C1** Regs. 1 2 applied (1.10.2000) by [The Stakeholder Pension Schemes Regulations 2000 \(S.I. 2000/1403\)](#), regs. 1(2), 32, **Schs. 2**

Marginal Citations

- M5** 1963 c.xxxii.

Constitution of scheme

3.—(1) Subject to paragraph (5), the trustees of a scheme shall make provision, in the manner specified in paragraph (2), for the disclosure, to persons and trade unions in the categories specified in paragraph (3), of—

- (a) the contents—
 - (i) of the trust deed constituting the scheme, if it is constituted by such a deed; or
 - (ii) of any document constituting the scheme, if it is not constituted by a trust deed,

- and, if the rules of the scheme are not set out in a trust deed or other document the contents of which fall to be disclosed under sub-paragraph (a)(i) or (ii), the contents of the rules;
- (b) the contents of any document which amends or supplements or wholly or partly supersedes a document the contents of which fall to be disclosed under sub-paragraph (a) or this sub-paragraph; and
 - (c) if the name and address of every person who employs any member of the scheme in relevant employment is not set out in any trust deed or other document the contents of which fall to be disclosed under sub-paragraph (a) or (b), the contents of a document setting out the name and address of every such person.
- (2) A copy of any of the documents referred to in paragraph (1), shall, within 2 months of a request being made by a person or a trade union in the categories specified in paragraph (3)—
- [^{F32}(a) be made available free of charge—
 - (i) for inspection at a place which is reasonable having regard to the circumstances of the request and of the person who or trade union which made it; or
 - (ii) on a website (see regulation 10B); or, at their option,]
 - (b) be furnished to such person or trade union, and where a charge is levied it shall not exceed the expense incurred in copying, posting and packing such copy, so however that in the case of a document copies of which are publicly available, the trustees may, instead of furnishing a copy, advise the person who or trade union which has requested it where copies may be obtained.
- (3) The categories of persons and trade unions mentioned in paragraphs (1) and (2) are the following, namely—
- (a) members and prospective members of the scheme;
 - (b) spouses [^{F33}and civil partners] of members and of prospective members;
 - (c) beneficiaries under the scheme;
 - (d) independent trade unions recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme.
- (4) Any document of which disclosure is required by paragraph (1) which is not in the English language shall be accompanied by a translation in that language.
- (5) Nothing in this regulation shall require 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 which 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 for the purposes of collective bargaining.
- (6) Where any provision of an Act or statutory instrument has been set out in a document which is required to be disclosed by paragraph (1), or has been incorporated in such a document by reference, that provision shall be disclosed either—
- (a) by giving a reference to it and the Act or statutory instrument in which it is contained; or
 - (b) by setting out its text.

Textual Amendments

F32 Reg. 3(2)(a) substituted (1.12.2010) by [The Occupational, Personal and Stakeholder Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2010 \(S.I. 2010/2659\)](#), regs. 1(2), **3(3)**

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F33 Words in reg. 3(3)(b) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 2 para. 5(2)** (with art. 3)

Basic information about the scheme

4.—(1) Subject to the provisions of paragraph (4), the trustees of a scheme shall furnish in writing the information specified in Schedule 1 to persons and trade unions in the categories specified in paragraphs (2) and (3).

[^{F34}(2) The information specified in Schedule 1 shall be given as of course, where practicable, to every prospective member, and where such information has not already been given to a person, it shall be given—

- (a) where the trustees of the scheme have received jobholder information in relation to that person, to that person within 1 month of the scheme receiving that information, or
- (b) where no jobholder information has been received, to that person within 2 months of his becoming a member of the scheme.

(2A) To the extent that any information specified in Schedule 1 has not previously been given to a member who was a deferred member of the scheme on 5th April 1997, such information shall be given to that member within 2 months of his becoming a pensioner member.]

(3) The information specified in Schedule 1 shall be given to—

- (a) any member or prospective member of, or beneficiary under, the scheme;
- (b) the spouse [^{F35}or civil partner] of any member or prospective member; or
- (c) any independent trade union recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme,

on request (except where the same information was furnished to that person or trade union in the 12 months prior to the request being made), as soon as practicable and in any event within 2 months of the request being made.

(4) Where different information is applicable to different members, prospective members and beneficiaries, nothing in this regulation shall be construed as requiring the trustees to disclose information in relation to a member, prospective member or beneficiary 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 which 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 for the purposes of collective bargaining.

(5) [^{F36}Subject to paragraph (5A),] the trustees shall notify all members and beneficiaries (except excluded persons) of any change in relation to the scheme which will result in a material alteration in the information referred to in paragraphs 1 to 25 and 29 of Schedule 1, before that change takes effect, where it is practicable so to do, and in any event not later than 3 months after that change has taken effect.

[^{F37}(5A) Paragraph (5) does not apply where the change in relation to the scheme results in a material alteration in information which the trustees of the scheme are not required to give or disclose by virtue of paragraph (4).]

(6) When any information specified in Schedule 1 is provided, it shall be accompanied by a written statement that further information about the scheme is available, giving the address to which enquiries about it should be sent.

Textual Amendments

- F34** Reg. 4(2)(2A) substituted for reg. 4(2) (1.10.2012) by [The Occupational Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2012 \(S.I. 2012/1811\)](#), regs. 1(2), **2(3)**
- F35** Words in reg. 4(3)(b) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 2 para. 5(3)** (with art. 3)
- F36** Words in reg. 4(5) inserted (1.12.2010) by [The Occupational, Personal and Stakeholder Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2010 \(S.I. 2010/2659\)](#), regs. 1(2), **3(4)(b)**
- F37** Reg. 4(5A) inserted (1.12.2010) by [The Occupational, Personal and Stakeholder Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2010 \(S.I. 2010/2659\)](#), regs. 1(2), **3(4)(c)**

Information to be made available to individuals

5.—(1) The trustees of a scheme shall furnish in writing the information specified in Schedule 2 to the persons, and in the circumstances, specified in [^{F38}paragraphs (2) to (12ZA)].

(2) Where benefit under the scheme has become, or is about to become, payable to a person, the information mentioned in paragraphs 1 to 3 and 11 of Schedule 2 shall be furnished to that person, as of course, before or within 1 month after the date on which benefit becomes payable, or within 2 months after such date where that person is retiring before normal pension age.

(3) Where the amount of benefit payable to a person is or is about to be altered otherwise than in accordance with a provision such as is mentioned in paragraph 3 of Schedule 2, the information (as changed) that is mentioned in paragraphs 1 and 11 of Schedule 2 shall be furnished to that person, as of course, before or within 1 month after the date on which the decision to alter the amount is made, or if the alteration has effect from a later date, before or within 1 month after that date.

(4) Except in relation to money purchase benefits, the information mentioned in paragraph 4 of Schedule 2, so far as it relates to any active [^{F39}member, deferred member or pension credit member], shall be furnished to such member, on request (not being a request made within 12 months of the last occasion on which any such information as is mentioned in that paragraph was furnished to the member making the request) as soon as practicable and, in any event, within 2 months of the request being made.

[^{F40}(5) Subject to regulation 2(3A), each member of a scheme who is eligible for money purchase benefits except an excluded person must be furnished, as of course, within 12 months of the end of each scheme year, with—

- (a) the information mentioned in paragraphs 5, 6 and 6AA of Schedule 2; and
- (b) subject to paragraph (5ZA) of this regulation, the information mentioned in paragraph 6ZA(1) of Schedule 2,

and the information provided in accordance with this paragraph must relate to the member's money purchase benefits.

(5ZA) Where information is furnished in accordance with paragraph (5)(b)—

- (a) that information must be accompanied by the additional information specified in paragraph 6ZA(6) of Schedule 2; and
- (b) the further information specified in paragraph 6ZA(7) of Schedule 2 must be provided by one of the methods in paragraph (5ZD) of this regulation,

and the information provided in accordance with this paragraph must relate to the member's money purchase benefits.]

[^{F41}(5ZA) The requirement under paragraph (5) above to furnish the information mentioned in [^{F42}paragraph 6ZA(1)] of Schedule 2 shall not apply—

- (a) in respect of a person who is in receipt of pension benefits under the scheme; or
- (b) where the specified date referred to in paragraph 6(a)(ii) of Schedule 2 is not more than 2 years before the date which is the member's retirement date for the purpose of paragraph 6ZA of Schedule 2; or
- (c) where, in relation to the member—
 - (i) the value, determined by reference to the relevant guidance, of his accrued rights to money purchase benefits under the scheme was less than £5,000 on the illustration date in respect of which such information was last furnished to him;
 - (ii) no contributions, including transfers of pension rights or pension credits, have been made to the scheme by him or on his behalf in respect of money purchase benefits since that date; and
 - (iii) the trustees previously gave notice to the member that no further such information would be furnished to him unless further contributions to the scheme in respect of money purchase benefits had first been made by him or on his behalf; or
- (d) where, in relation to the member—
 - (i) the value, determined by reference to the relevant guidance, of his accrued rights to money purchase benefits under the scheme is less than £5,000 on the first illustration date falling after 5th April 2003;
 - (ii) no contributions, including transfers of pension rights or pension credits, have been made to the scheme by him or on his behalf after 5th April 2003; and
 - (iii) no further contributions are, in the opinion of the trustees, likely to be made to the scheme by him or on his behalf after that illustration date; or
- (e) where—
 - (i) the member's benefit is calculated by reference to the greater of the result of a money purchase and a defined benefit formula; and
 - (ii) in the opinion of the trustees, the benefit calculated in accordance with a money purchase formula is not likely to affect the pension payable; or
- (f) where the specified date referred to in paragraph 6(a)(ii) of Schedule 2 is before 6th April 2003.

(5ZB) For the purposes of paragraph (5ZA) a scheme which provides additional money purchase benefits by virtue of the payment by the member of voluntary contributions shall be regarded as a separate scheme from any other part of that scheme.

(5ZC) Where paragraph (5ZA) applies but the trustees of the scheme nevertheless choose to furnish the information described in paragraph 6ZA(1) of Schedule 2 and the amount comprising that information is calculated in accordance with sub-paragraphs (2) to (5) of that paragraph, [^{F43}then—

- (a) that information must be accompanied by the additional information specified in paragraph 6ZA(6) of Schedule 2; and
- (b) the further information specified in paragraph 6ZA(7) of Schedule 2 must be provided by one of the methods in paragraph (5ZD) of this regulation,

as if that additional and further information had been provided under paragraph 6ZA(1) of Schedule 2.]]

[^{F44}(5ZD) The methods referred to in paragraphs (5ZZA)(b) and (5ZC)(b) are for the further information to—

- (a) accompany the information described in paragraph 6ZA(1) of Schedule 2; or
- (b) be otherwise furnished by the trustees of the scheme.]

^{F45}(5A)

(6) Where a scheme is, or has been, a money purchase scheme, or a scheme which makes provision for the payment of money purchase benefits in relation to one or more members' employments, the information mentioned in paragraph 7 of Schedule 2 shall be sent, as of course, to each such member—

- (a) in a case where the trustees or managers of the scheme know of no reason to suppose that the member will not give effect to his rights on the date on which he attains normal pension age, at least 6 months before he attains that age;
- (b) in any other case—
 - (i) if the date of the agreement in respect of when the member is to give effect to his rights (“the date of agreement”) is more than 6 months before the agreed date for giving effect to his rights (“the agreed date”), at least 6 months before the agreed date, and
 - (ii) if the date of agreement is not more than 6 months before the agreed date, within 7 days of the date of agreement and in any event before the agreed date.

^{F46}(6A) Where a scheme is, or has been, a money purchase scheme, the information mentioned in paragraph 7 of Schedule 2 shall be sent, as of course, to each pension credit member—

- (a) in a case where the trustees or managers of the scheme know of no reason to suppose that the pension credit member will not give effect to his rights on the date on which he attains normal benefit age, at least 6 months before he attains that age;
- (b) in any other case—
 - (i) if the date of the agreement in respect of which the pension credit member is to give effect to his rights (“the date of agreement”) is more than 6 months before the agreed date for giving effect to his rights (“the agreed date”), at least 6 months before the agreed date, and
 - (ii) if the date of agreement is not more than 6 months before the agreed date, within 7 days of the date of agreement and in any event before the agreed date.]

^{F47}(7)

^{F47}(7ZA)

^{F48}(7A)

(8) Where a member of or a beneficiary under a scheme has died and rights or options may be exercisable by a person in consequence, the information mentioned in paragraphs 11 and 12 of Schedule 2 shall—

- (a) where the trustees are aware of his existence and he is at least 18 years old and his address is known to the trustees, be furnished as of course and as soon as practicable to that person and, in any event, within 2 months after the trustees receive notification of the death; and
- (b) on request (not being a request made within 3 years of the last occasion on which information was furnished under this paragraph to the same person in the same capacity) be furnished to any person who is a personal representative of the deceased person or who is authorised to act on behalf of the person to whom rights or options under the scheme may be available in consequence of the death, as soon as practicable and, in any event, within 2 months after the request is made.

(9) The information mentioned in paragraphs 13 and 14 of Schedule 2 shall be furnished on request (not being a request made less than 12 months after the last occasion on which such

information was furnished to the same person) to any member or prospective member within 2 months of his request.

(10) [^{F49}When] the trustees have commenced winding up the scheme, they shall as of course, as soon as practicable, and in any event within 1 month—

- (a) inform all members [^{F50}, ^{F51} ... and all] beneficiaries (except excluded persons) that they have done so, giving the reasons why and stating the name and address of a person to whom any further enquiries about the scheme should be sent;
- (b) where section 22 of the 1995 Act applies, inform all members [^{F50}, ^{F52} ... and all] beneficiaries (except excluded persons) that at least one of the trustees is required by section 23 of that Act to be an independent person;
- (c) inform all active members whether death in service benefits will continue to be payable; and
- (d) furnish all members [^{F50}, ^{F53} ... and all] beneficiaries (except excluded persons) with the information mentioned in paragraph 15 of Schedule 2 at that time and at least once in every successive 12 month period preceding the completion of the winding up.

[^{F54}(11) Where a stakeholder pension scheme within the meaning of section 1 of the Welfare Reform and Pensions Act 1999 is removed from the register of such schemes kept under section 2 of that Act the trustees shall within 2 weeks of being notified of that removal inform each member of the scheme except an excluded person that the scheme has been removed from the register of stakeholder pension schemes and is no longer a stakeholder pension scheme, and that it is required to commence winding-up under the scheme rules.]

(12) When the trustees are engaged in winding up the scheme, they shall, where the information is available to them, as soon as practicable, and in any event within 3 months after they have done what they are able to do to discharge their liabilities in relation to a member or beneficiary in accordance with the applicable winding up rules—

- (a) furnish the information mentioned in paragraphs 1 to 3 of Schedule 2, to that beneficiary or to that member where that member is entitled to payment of benefits, and (except in relation to money purchase benefits) where that member is not entitled to payment of benefits, furnish the information mentioned in paragraph 16 of Schedule 2 to that member (except where that member is an excluded person); and
- (b) inform each person who is entitled to information under sub-paragraph (a)—
 - (i) whether, and if so by how much, the benefits in question are reduced because the scheme's resources are not sufficient to meet its liabilities; and
 - (ii) who has or will become liable for the payment of those benefits.

[^{F55}(12ZA) Where the trustees of a scheme to which Part 3 of the 2004 Act applies have obtained an actuarial valuation or report under section 224 of that Act, they shall furnish the information mentioned in paragraphs 17 to 22 of Schedule 2, in the form of a summary funding statement, as of course to all members and beneficiaries [^{F56}(except excluded persons), on, or before, or within a reasonable period after, the date] by which they are required by that section to ensure that the valuation or report is received by them.]

[^{F57}(12A) Where by virtue of paragraph 1 of [^{F58}Schedule 2 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005] (sectionalised multi-employer schemes) [^{F59}Part 3 of the 2004 Act] applies as if a section of a scheme were a separate scheme (or, in a case where [^{F60}Part 3 does not apply] to the scheme, if it did apply it would apply in that way), paragraphs (10) [^{F61}(12) and (12AA)] apply in a case where such a section is being wound up as they apply where the scheme as a whole is being wound up, but taking the references in those paragraphs to the scheme and its members and beneficiaries as referring only to the section and its members and beneficiaries.]

[^{F62}(12AA) If any member or beneficiary of a scheme in respect of which a report has been made to the Regulatory Authority under section 72A of the 1995 Act (reports about winding up) requests a copy of the report, the trustees must provide him with a copy of it within two months of the request being made.]

[^{F63}(12AB) If a scheme has been modified by the Regulator under section 231(2)(a) of the 2004 Act (modifications as regards the future accrual of benefits), the trustees must inform all active members of the fact within one month of the modification taking effect.]

(13) When any information specified in Schedule 2 is provided, it shall be accompanied by a written statement that further information about the scheme is available, giving the address to which enquiries about it should be sent.

[^{F64}(14) Where the trustees have commenced winding up the scheme before 6th April 1997—

- (a) paragraph (10) does not apply, but
- (b) the trustees shall furnish all members and beneficiaries (except excluded persons) with the information mentioned in paragraph 15 of Schedule 2 at least once in every successive 12 month period beginning with that date and ending with the completion of the winding up.

(15) For the purposes of this regulation, the time when a scheme begins to be wound up shall be determined

[^{F65}(a) in a case where regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations 1996 applies, in accordance with that regulation, and

- (b) in any other case, in accordance with section 124(3A) and (3B) of the 1995 Act (but subject to section 124(3C) and (3E))].

[^{F66}(16) The requirement in paragraph (12ZA) does not apply in relation to a member or beneficiary whose only entitlement to benefits under the scheme is, or will be, to money purchase benefits.]

Textual Amendments

- F38** Words in reg. 5(1) substituted (30.12.2005) by [The Occupational Pension Schemes \(Scheme Funding\) Regulations 2005 \(S.I. 2005/3377\)](#), regs. 1, 20(1), **Sch. 3 paras. 2(3)(a)** (with Sch. 3 para. 3)
- F39** Words in reg. 5(4) substituted (1.12.2000) by [The Pension Sharing \(Consequential and Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/2691\)](#), regs. 1, **5(3)(a)**
- F40** Reg. 5(5) substituted (1.12.2010) by [The Occupational, Personal and Stakeholder Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2010 \(S.I. 2010/2659\)](#), regs. 1(2), **3(5)(a)**
- F41** Reg. 5(5ZA)-(5ZC) inserted (6.4.2003) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) Amendment Regulations 2002 \(S.I. 2002/1383\)](#) regs. 1(2), 3(3)(b)
- F42** Words in reg. 5(5ZA) substituted (1.12.2010) by [The Occupational, Personal and Stakeholder Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2010 \(S.I. 2010/2659\)](#), regs. 1(2), **3(5)(b)**
- F43** Words in reg. 5(5ZC) substituted (1.12.2010) by [The Occupational, Personal and Stakeholder Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2010 \(S.I. 2010/2659\)](#), regs. 1(2), **3(5)(c)**
- F44** Reg. 5(5ZD) inserted (1.12.2010) by [The Occupational, Personal and Stakeholder Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2010 \(S.I. 2010/2659\)](#), regs. 1(2), **3(5)(d)**
- F45** Reg. 5(5A) omitted (6.4.2012) by virtue of [The Pensions Act 2008 \(Abolition of Protected Rights\) \(Consequential Amendments\) Order 2011 \(S.I. 2011/1246\)](#), arts. 1(2)(a), **11(3)**
- F46** Reg. 5(6A) inserted (1.12.2000) by [The Pension Sharing \(Consequential and Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/2691\)](#), regs. 1, **5(3)(c)**

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Occupational Pension Schemes (Disclosure of Information) Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F47** Reg. 5(7)(7ZA) omitted (6.4.2013) by virtue of The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011 (S.I. 2011/1245), regs. 1(2), **16(2)**
- F48** Reg. 5(7A) omitted (6.4.2012) by virtue of The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) Regulations 2011 (S.I. 2011/1245), regs. 1(2), **8(2)(c)**
- F49** Word in reg. 5(10) substituted (12.1.1998) by The Personal and Occupational Pension Schemes (Miscellaneous Amendments) (No. 2) Regulations 1997 (S.I. 1997/3038), regs. 1, **6(3)**
- F50** Words in reg. 5(10)(a)(b)(d) substituted (1.12.2000) by The Pension Sharing (Consequential and Miscellaneous Amendments) Regulations 2000 (S.I. 2000/2691), regs. 1, **5(3)(e)**
- F51** Words in reg. 5(10)(a) omitted (1.4.2002) by The Occupational Pension Schemes (Winding Up Notices and Reports etc.) Regulations 2002 (S.I. 2002/459), regs. 1(2), 2
- F52** Words in reg. 5(10)(b) omitted (1.4.2002) by The Occupational Pension Schemes (Winding Up Notices and Reports etc.) Regulations 2002 (S.I. 2002/459), regs. 1(2), 2
- F53** Words in reg. 5(10)(d) omitted (1.4.2002) by The Occupational Pension Schemes (Winding Up Notices and Reports etc.) Regulations 2002 (S.I. 2002/459), regs. 1(2), 2
- F54** Reg. 5(11) inserted (1.10.2000) by The Stakeholder Pension Schemes Regulations 2000 (S.I. 2000/1403), regs. 1(2), **28(4)(b)**
- F55** Reg. 5(12ZA) inserted (30.12.2005) by The Occupational Pension Schemes (Scheme Funding) Regulations 2005 (S.I. 2005/3377), regs. 1, 20(1), **Sch. 3 paras. 2(3)(b)** (with Sch. 3 para. 3)
- F56** Words in reg. 5(12ZA) substituted (6.4.2007) by Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/814), regs. 1, **8(2)(a)**
- F57** Reg. 5(12A) inserted (6.4.1997) by The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/786), reg. 1, **Sch. 1 para. 10(4)(c)**
- F58** Words in reg. 5(12A) substituted (30.12.2005) by The Occupational Pension Schemes (Scheme Funding) Regulations 2005 (S.I. 2005/3377), regs. 1, 20(1), **Sch. 3 paras. 2(3)(d)(i)** (with Sch. 3 para. 3)
- F59** Words in reg. 5(12A) substituted (30.12.2005) by The Occupational Pension Schemes (Scheme Funding) Regulations 2005 (S.I. 2005/3377), regs. 1, 20(1), **Sch. 3 paras. 2(3)(d)(ii)** (with Sch. 3 para. 3)
- F60** Words in reg. 5(12A) substituted (30.12.2005) by The Occupational Pension Schemes (Scheme Funding) Regulations 2005 (S.I. 2005/3377), regs. 1, 20(1), **Sch. 3 paras. 2(3)(d)(iii)** (with Sch. 3 para. 3)
- F61** Words in reg. 5(12A) substituted (1.4.2002) by The Occupational Pension Schemes (Winding Up Notices and Reports etc.) Regulations 2002 (S.I. 2002/459), regs. 1(2), 2(4).
- F62** Reg. 5(12AA) inserted (1.4.2002) by The Occupational Pension Schemes (Winding Up Notices and Reports etc.) Regulations 2002 (S.I. 2002/459, reg 1(2), reg. 2
- F63** Reg. 5(12AB) inserted (30.12.2005) by The Occupational Pension Schemes (Scheme Funding) Regulations 2005 (S.I. 2005/3377), regs. 1, 20(1), **Sch. 3 paras. 2(3)(c)** (with Sch. 3 para. 3)
- F64** Reg. 5(14)(15) inserted (6.4.1997) by The Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/786), reg. 1, **Sch. 1 para. 10(4)(d)**
- F65** Reg. 5(15)(a)(b) substituted (6.4.2005) by Occupational Pension Schemes (Winding Up etc.) Regulations 2005 (S.I. 2005/706), reg. 1(2), **Sch. para. 10**
- F66** Reg. 5(16) added (6.4.2007) by Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/814), regs. 1, **8(2)(b)**

Modifications etc. (not altering text)

- C3** Reg. 5 applied (with application in accordance with art. 1(2) of the commencing S.I., 1.12.2000) by The Divorce etc. (Pensions) Regulations 2000 (S.I. 2000/1123), **art. 3(1)(b)(2)(b)**reg. 1(1)

Availability and content of annual report

6.—(1) Subject to paragraph (2), the trustees of any scheme shall, in relation to, and not more than 7 months after the end of, each scheme year which ends on or after 6th April 1997, make available a document which contains—

- (a) a copy of the audited accounts and the auditor's statement where required by regulations made under section 41(1) and (2)(a) and (b) of the 1995 Act for the scheme year to which the document relates;
- (b) a copy of the latest actuarial statement (whether or not a revised statement) where required by regulations made under section 41(1) and (2)(c) of the 1995 Act;
- ^{F67}(c) where ^{F68}Part 3 of the 2004 Act] applies to the scheme, a copy of the latest certificate by the actuary under ^{F69}section 227 of] that Act as to the adequacy of the contributions payable towards the scheme; and]
- (d) other information, consisting of or including the information specified in Schedule 3, so far as it applies to the scheme,

to the persons, in the circumstances and in the manner specified in paragraphs (3), (4) and (6).

(2) The requirements of this regulation do not apply to a public service pension scheme—

- (a) under the provisions of which there is no requirement 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); or
- (b) which is made under section 7 of the Superannuation Act 1972 ^{M6} (superannuation of persons employed in local government service, etc.) or section 2 of the Parliamentary and other Pensions Act 1987 ^{M7} (power to provide for pensions for Members of the House of Commons, etc.).

(3) A copy of the latest such document as is mentioned in paragraph (1) shall be furnished free of charge on request (not being a second or subsequent request by the same person or, as the case may be, trade union, for a copy of the same document) to any person or trade union in the categories specified in paragraph (6) within 2 months of the request being made.

(4) A copy of any such document as is mentioned in paragraph (1), being neither the latest nor one which relates to a scheme year which ended more than 5 years previously, shall, within 2 months of a request being made by any person or trade union in the categories specified in paragraph (6)—

- (a) be made available free of charge for inspection at a place which is reasonable having regard to the circumstances of the request and of the person who or trade union which made it; or, at their option,
- (b) be furnished to such person or trade union, and where a charge is levied it shall not exceed the expense incurred in copying, posting and packing such copy.

(5) In the case of a scheme year ending before 6th April 1997, a reference to such document as is mentioned in paragraph (1) shall, except in relation to regulation 11(2) (penalties), be deemed to include copies of a document made available by the trustees under regulation 9 of the Occupational Pension Schemes (Disclosure of Information) Regulations 1986 ^{M8}.

(6) The categories of persons and trade unions mentioned in paragraphs (3) and (4) are the following, namely—

- (a) members and prospective members of the scheme;
- (b) spouses ^{F70}and civil partners] of members and of prospective members of the scheme;
- (c) beneficiaries under the scheme;

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(d) independent trade unions recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme.

(7) When a copy of a document is furnished in accordance with paragraph (3) or (4), it shall be accompanied by a written statement that further information about the scheme is available, giving the address to which enquiries about it should be sent.

Textual Amendments

- F67** Reg. 6(1)(c) substituted (6.4.1997) by [The Personal and Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/786\)](#), reg. 1, **Sch. 1 para. 10(5)**
- F68** Words in reg. 6(1)(c) substituted (30.12.2005) by [The Occupational Pension Schemes \(Scheme Funding\) Regulations 2005 \(S.I. 2005/3377\)](#), regs. 1, 20(1), **Sch. 3 paras. 2(4)(a)** (with Sch. 3 para. 3)
- F69** Words in reg. 6(1)(c) inserted (30.12.2005) by [The Occupational Pension Schemes \(Scheme Funding\) Regulations 2005 \(S.I. 2005/3377\)](#), regs. 1, 20(1), **Sch. 3 paras. 2(4)(b)** (with Sch. 3 para. 3)
- F70** Words in reg. 6(6)(b) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 2 para. 5(4)** (with art. 3)

Modifications etc. (not altering text)

- C4** Regs. 6 7 applied (1.10.2000) by [The Stakeholder Pension Schemes Regulations 2000 \(S.I. 2000/1403\)](#), regs. 1(2), 32, **Schs. 2**

Marginal Citations

- M6** 1972 c.11.
- M7** 1987 c.45.
- M8** [S.I. 1986/1046](#), as amended by 1986/1717, 1987/1105, 1988/476, 1989/1641, 1991/167, 1992/246, 1992/1531, 1994/1062.

[^{F71}Availability of other documents]

7.—(1) Subject to paragraph (2), the trustees of any scheme shall make provision in the manner specified in paragraph (3), for the disclosure of—

- [^{F72}(a) the statement of funding principles where required under section 223 of the 2004 Act;
- (b) where Part 3 of the 2004 Act applies to the scheme, the last actuarial valuation under section 224 of that Act received by the trustees, or, if an actuarial report under that section was received by them more recently than the last actuarial valuation, both that valuation and any report received subsequently;
- (c) any recovery plan prepared under section 226 of the 2004 Act which is currently in force;
- (ca) the payment schedule where required under section 87 of the 1995 Act or schedule of contributions where required under section 227 of the 2004 Act, and]
- (d) the latest statement of the principles governing decisions about investments where required under section 35 of the 1995 Act,
- [^{F73}(e) an outline of the winding up procedure prepared or revised under section 231A of the 2004 Act,]

to persons and trade unions in the categories specified in paragraph (4).

(2) The requirements of this regulation do not apply to a public service pension scheme such as is referred to in regulation 6(2).

(3) A copy of any such document as is mentioned in paragraph (1), being the latest such document, shall, within 2 months of a request being made by a person or a trade union in the categories specified in paragraph (4)—

- (a) be made available free of charge for inspection at a place which is reasonable having regard to the circumstances of the request and of the person who or trade union which made it; or, at their option,
- (b) be furnished to such person or trade union, and where a charge is levied it shall not exceed the expense incurred in copying, posting and packing such copy.

(4) The categories of persons and trade unions mentioned in paragraphs (1) and (3) are the following, namely—

- (a) members and prospective members of the scheme;
- (b) spouses [^{F74}and civil partners] of members and of prospective members of the scheme;
- (c) beneficiaries under the scheme;
- (d) independent trade unions recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of the scheme.

(5) When a copy of a document is furnished in accordance with paragraph (3), it shall be accompanied by a written statement that further information about the scheme is available, giving the address to which enquiries about it should be sent.

Textual Amendments

- F71** Reg. 7 heading substituted (30.12.2005) by virtue of [The Occupational Pension Schemes \(Scheme Funding\) Regulations 2005 \(S.I. 2005/3377\)](#), regs. 1, 20(1), **Sch. 3 paras. 2(5)** (with Sch. 3 para. 3)
- F72** Reg. 7(1)(a)-(ca) substituted for (30.12.2005) by [The Occupational Pension Schemes \(Scheme Funding\) Regulations 2005 \(S.I. 2005/3377\)](#), regs. 1, 20(1), **Sch. 3 paras. 2(6)** (with Sch. 3 para. 3)
- F73** Reg. 7(1)(e) inserted (24.7.2006) by [Occupational Pension Schemes \(Winding up Procedure Requirement\) Regulations 2006 \(S.I. 2006/1733\)](#), regs. 1, **3(2)**
- F74** Words in reg. 7(4)(b) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 2 para. 5(5)** (with art. 3)

Modifications etc. (not altering text)

- C4** Regs. 6 7 applied (1.10.2000) by [The Stakeholder Pension Schemes Regulations 2000 \(S.I. 2000/1403\)](#), regs. 1(2), 32, **Schs. 2**

Limited disclosure requirement imposed on trustees of schemes which are not tax-approved or public service pension schemes and on trustees of a scheme established by the Salvation Army Act 1963

8.—(1) This regulation applies to schemes to which [^{F75}regulation 2(1)(a), (aa) and (b) do not refer,] and to a scheme established by the Salvation Army Act 1963.

(2) Where this regulation applies, the trustees—

- (a) shall give, as of course, in writing, where practicable to every prospective member, and where it has not been practicable so to do, to a person within 2 months of his becoming a member of the scheme, the information specified in paragraphs 12, 19 and 24 to 29 of Schedule 1, together with—
 - (i) a statement as to which of the benefits are, and which are not funded, and where benefits are funded, the manner in which they are secured, and

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(ii) a statement that the provisions of the 1995 Act, subject to certain exceptions, are not applicable to the scheme;

(b) ^{F76} ...

(3) The information referred to in paragraph (2) shall be given to any independent trade union, in so far as that information is relevant to the rights of members or prospective members of the scheme who are of a class of employee in relation to which it is a recognised trade union for the purposes of collective bargaining, on request as soon as practicable and in any event within 2 months of the request being made.

(4) When any information specified in paragraph (2) is provided, it shall be accompanied by a written statement that further information about the scheme is available, giving the address to which enquiries about it should be sent.

Textual Amendments

- F75** Words in reg. 8(1) substituted (30.3.2006) by [Occupational Pension Schemes \(Republic of Ireland Schemes Exemption \(Revocation\) and Tax Exempt Schemes \(Miscellaneous Amendments\)\) Regulations 2006 \(S.I. 2006/467\)](#), regs. 1(2), **2(4)**
- F76** Reg. 8(2)(b) and preceding word omitted (1.12.2010) by virtue of [The Occupational, Personal and Stakeholder Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2010 \(S.I. 2010/2659\)](#), regs. 1(2), **3(6)**

Recognised trade unions

9. Any question whether an organisation is an independent trade union recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of a scheme shall be referred to an industrial tribunal.

[^{F77}Service of information and documents by a scheme

10.—(1) Except where these Regulations otherwise provide, the trustees of the scheme may furnish or give any relevant information by—

- (a) sending it to a member or beneficiary's last known postal address; or
- (b) subject to paragraphs (2) to (4), using either or both of the following methods—
 - (i) sending it to a member or beneficiary's last known electronic address,
 - (ii) making it available on a website (see regulation 10B).

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

- (a) any relevant information; or
- (b) all relevant information,

is not furnished or given in accordance with paragraph (1)(b), that relevant information may not be furnished or given in accordance with paragraph (1)(b).

(3) Relevant information may only be furnished or given in accordance with paragraph (1) (b) where the trustees 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 relevant information; and

(b) taking into account the requirements of disabled persons.

(4) 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 relevant information by means of an electronic communication before 1st December 2010,

relevant information may not be furnished or given to that member or beneficiary in accordance with paragraph (1)(b) unless the trustees of the scheme have given them by post the written notice referred to in paragraph (5).

(5) The written notice mentioned in paragraph (4) must state that—

(a) the trustees of the scheme propose to furnish or give relevant information to the member or beneficiary by means of an electronic communication; and

(b) the member or beneficiary may request in writing that relevant information is not furnished or given by means of an electronic communication.

(6) In this regulation, “relevant information” means any information or document which these Regulations require the trustees of a scheme to give or furnish to a member or beneficiary of the scheme.

Textual Amendments

F77 Regs. 10-10B substituted for reg. 10 (1.12.2010) by [The Occupational, Personal and Stakeholder Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2010 \(S.I. 2010/2659\)](#), regs. 1(2), 3(7)

Service of information and documents to a scheme

10A. Any—

(a) request for information or for a document to be given or furnished in pursuance of these Regulations; or

(b) information to be given to the trustees of a scheme in relation to requirements imposed by these Regulations,

may be furnished, made or given by sending it to the trustees of the scheme by post.

Textual Amendments

F77 Regs. 10-10B substituted for reg. 10 (1.12.2010) by [The Occupational, Personal and Stakeholder Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2010 \(S.I. 2010/2659\)](#), regs. 1(2), 3(7)

Provision of information on a website

10B.—(1) This regulation sets out the conditions which must be met when making information or documents available on a website under—

(a) regulation 3(2)(a)(ii);

(b) regulation 6(4)(a)(ii);

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Occupational Pension Schemes (Disclosure of Information) Regulations 1996*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (c) regulation 7(3)(a)(ii); and
 - (d) regulation 10(1)(b)(ii).
- (2) When the trustees of the scheme make the first information or document available on a website, they must send a notification 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, when the trustees of the scheme make any subsequent information or document available on a website, they must send a notification 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) each of those letters—
 - (i) asks the recipient to send their electronic address to the trustees of the scheme, and
 - (ii) states that the recipient may request in writing that information or documents are not furnished or given by means of an electronic communication; and
 - (c) the trustees of the scheme—
 - (i) do not know the recipient's electronic address, or
 - (ii) have not received a written request that information or documents are not furnished or given to the recipient by means of an electronic communication.
- (7) In this regulation, "recipient" means the person, organisation or body to whom these Regulations require information or documents to be made available.]

Textual Amendments

F77 Regs. 10-10B substituted for reg. 10 (1.12.2010) by [The Occupational, Personal and Stakeholder Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2010 \(S.I. 2010/2659\)](#), regs. 1(2), 3(7)

[^{F78}Civil Penalties

11. Where any person fails, without reasonable excuse, to comply with any requirement imposed under these Regulations, the Regulatory Authority may [^{F79}by notice in writing] require that person to pay within 28 days a penalty which shall—

- (a) in the case of an individual, not exceed £5,000, and
- (b) in any other case, not exceed £50,000.]

Textual Amendments

- F78** Reg. 11 substituted (6.4.2005) by [Personal and Occupational Pension Schemes \(Indexation and Disclosure of Information\) \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/704\)](#), regs. 1(2), **17**
- F79** Words in reg. 11 inserted (6.4.2009) by [Occupational, Personal and Stakeholder Pensions \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/615\)](#), regs. 1(2), **6(2)**

Modifications etc. (not altering text)

- C5** Reg. 11 excluded (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **78** (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

Revocation

12. The regulations listed in column 2 of Schedule 4 to these Regulations are revoked to the extent specified in column 3 of that Schedule.

Signed by authority of the Secretary of State for Social Security.

Department of Social Security

Oliver Heald
Parliamentary Under-Secretary of State,

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Occupational Pension Schemes (Disclosure of Information) Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Sch.1 para.26 amended by S.I. 1999/3198 regs.5(4)15
- Sch. 1 para. 12A inserted by S.I. 1997/786 Sch. 1 para. 10(7)
- Sch.2 para.6AA added by S.I. 2000/2691 reg.5(4)(b)
- Sch.2 para.SA added by S.I. 2000/2691 reg 5(4)(c)
- Sch.2 para.9 amended by S.I. 2000/2691 reg.5(4)(d)
- Sch.2 para.10 amended by S.I. 2000/2691 reg 5(4)(e)
- Sch. 2 para. 6A inserted by S.I. 1997/786 Sch. 1 para. 10(8)
- Sch 3 para.7 amended by S.I. 2000/2691 reg.5(5)
- Sch. 3 para. 16 substituted by S.I. 1997/786 Sch. 1 para. 10(9)
- Instrument amended by S.I. 1997/3038 reg.6(3)
- Regulations revoked by S.I. 2013/2734 reg. 1(3)(b)
- reg.1 defn(s). added by S.I. 2000/2691 reg.5(2)(b)(c)
- reg.1 defn(s) amended by S.I. 2000/1403 reg.28(2)
- reg.1 defn(s). amended by S.I. 2000/2691 reg.5(2)(a)
- reg. 1(2) words inserted by S.I. 1997/786 Sch. 1 para. 10(2)(a)
- reg. 1(2) words inserted by S.I. 1997/786 Sch. 1 para. 10(2)(b)
- reg. 1(2) words inserted by S.I. 1997/786 Sch. 1 para. 10(2)(c)
- reg. 1(2) words revoked by S.I. 1997/786 Sch. 1 para. 10(2)(d)Sch. 2
- reg.2 amended by S.I. 2000/1403 reg.28(3)
- reg.2 amended by S.I. 2000/3198 reg.7
- reg. 2(2)(b) substituted by S.I. 1997/786 Sch. 1 para. 10(3)
- reg.4(2) amended by S.I. 1997/3038 reg.6(2)
- reg.4(2) amended by S.I. 1997/819 reg.4
- reg.5 amended by S.I. 1999/3198 reg.5(2)
- reg.5 amended by S.I. 2000/1403 reg.28(4)
- reg.5 amended by S.I. 2000/2691 reg.5(3)
- reg. 5(5A) inserted by S.I. 1997/786 Sch. 1 para. 10(4)(a)
- reg. 5(11) revoked by S.I. 1997/786 Sch. 1 para. 10(4)(b)Sch. 2
- reg. 5(12A) inserted by S.I. 1997/786 Sch. 1 para. 10(4)(c)
- reg. 5(14)(15) inserted by S.I. 1997/786 Sch. 1 para. 10(4)(d)
- reg. 6(1)(c) substituted by S.I. 1997/786 Sch. 1 para. 10(5)
- reg.11 amended by S.I. 1999/3198 reg 5(3)
- reg. 11(1) words substituted by S.I. 1997/786 Sch. 1 para. 10(6)(a)
- reg. 11(2) words substituted by S.I. 1997/786 Sch. 1 para. 10(6)(b)

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

- Act by S.I. 2000/1403 reg.32Sch.2
- Act by S.I. 2000/1403 reg.32Sch.2
- Act by S.I. 2000/1403 reg.32. Sch.2
- Act by S.I. 2000/1403 reg.32Sch.2

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

- Sch 2. para.4 amended by S.I. 2000/2691 reg.5(4)(a)
- Sch.2 paras.1314 amended by S.I. 2000/2691 reg 5(4)(f)