
STATUTORY INSTRUMENTS

2022 No. 509 (C. 19)

FINANCIAL SERVICES

CONSUMER PROTECTION

The Financial Guidance and Claims Act 2018
(Commencement No. 9) Regulations 2022

Made - - - - 4th May 2022

The Secretary of State for Work and Pensions, in exercise of the powers conferred by section 37(5), (8)(b) and (9)(a)(i) of the Financial Guidance and Claims Act 2018⁽¹⁾, makes the following Regulations.

Citation

1. These Regulations may be cited as the Financial Guidance and Claims Act 2018 (Commencement No. 9) Regulations 2022.

Commencement

2. The following provisions of the Financial Guidance and Claims Act 2018 come into force on 1st June 2022—

- (a) section 18(1) and (2) (personal pension schemes: requirements to refer members to guidance etc.) for all remaining purposes; and
- (b) section 19(2) and (3) (occupational pension schemes: requirements to refer members to guidance etc.) for all remaining purposes.

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

4th May 2022

Guy Opperman
Parliamentary Under Secretary of State
Department for Work and Pensions

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the ninth commencement regulations made under the Financial Guidance and Claims Act 2018 (c. 10) (“the Act”).

Regulation 2 brings into force certain provisions of the Act on 1st June 2022 relating to requirements to refer individuals to pensions guidance in certain circumstances.

Section 18(2) of the Act (requirements to refer members to appropriate guidance by trustees or managers of personal or stakeholder pension schemes) was commenced for the purpose only of making rules on 5th July 2021 and is commenced for all remaining purposes by these Regulations, as is section 18(1) of the Act. In particular, section 18(2) of the Act amends section 137FB of the Financial Services and Markets Act 2000 (FCA general rules: disclosure of information about the availability of pensions guidance) (c. 8) to (among other things) confer powers on the Financial Conduct Authority to make rules requiring the trustees or managers of personal or stakeholder pension schemes to refer members and survivors to appropriate pensions guidance in certain circumstances.

Section 19(2) and (3) of the Act (requirement to refer relevant beneficiaries to appropriate guidance by trustees or managers of occupational pension schemes) was commenced for the purpose only of making regulations on 5th July 2021 and is commenced for all remaining purposes by these Regulations.

Section 19(2) of the Act inserts new section 113B into the Pension Schemes Act 1993 (occupational pension schemes: requirements to refer members to guidance etc.) (c. 48) (“the 1993 Act”). New section 113B of the 1993 Act, among other things, requires the Secretary of State to make regulations requiring the trustees or managers of occupational pension schemes to refer relevant beneficiaries to appropriate pensions guidance in certain circumstances.

Section 19(3) of the Act amends section 115 of the 1993 Act (powers as respects failure to comply with information requirements) to add a reference to regulations made under section 113B of the 1993 Act. This is to enable specified persons, where the trustees or managers of an occupational pension scheme make default in complying with requirements of regulations made under section 113B of the 1993 Act, to make an application to a county court in England and Wales or the sheriff in Scotland for an order directing the trustees or managers to make good the default in complying with those requirements.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

A full impact assessment has been produced in relation to the provisions of the Act and a copy is available at <http://www.legislation.gov.uk/ukpga/2018/10/resources>. A hard copy of this impact assessment can be obtained from Private Pensions, Projects and Guidance, Department for Work and Pensions, Floor 1, Caxton House, 6 – 12 Tothill Street, London, SW1H 9NA.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Financial Guidance and Claims Act 2018 (c. 10) have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1) to (5) and (7)	1st October 2018	2018/1029
Section 1(6)	6th April 2021	2021/433
Section 2	1st October 2018	2018/1029
Section 3(1), (4) to (7) and (9) (for specified purposes)	1st October 2018	2018/1029
Section 3(1), (4) to (7) and (9) (for all remaining purposes)	1st January 2019	2018/1330
Section 3(2) and (3)	1st October 2018	2018/1029
Section 3(8) and (10)	1st January 2019	2018/1330
Section 4	1st January 2019	2018/1330
Section 5	1st January 2019	2018/1330
Section 6	1st October 2018	2018/1029
Section 7	1st October 2018	2018/1029
Section 8	1st October 2018	2018/1029
Section 9	1st October 2018	2018/1029
Section 10	1st January 2019	2018/1330
Section 11(2)	1st October 2018	2018/1029
Section 14	1st October 2018	2018/1003
Section 15	1st October 2018	2018/1029
Section 16	1st October 2018	2018/1029
Section 17(1) to (3), (6)(a), (7) and (8)	1st October 2018	2018/1029
Section 17(4), (5) and (6)(b)	1st January 2019	2018/1330
Section 18(1) (for specified purposes)	1st January 2019	2018/1330
Section 18(1) (partially)	5th July 2021	2021/764
Section 18(2) (for specified purposes)	5th July 2021	2021/764
Section 18(3) to (6)	5th July 2021	2021/764
Section 18(7)	1st January 2019	2018/1330
Section 19(1) (partially)	5th July 2021	2021/764
Section 19(2) and (3) (for specified purposes)	5th July 2021	2021/764
Section 19(4)	5th July 2021	2021/764
Section 20	1st January 2019	2018/1003
Section 23	1st October 2018	2018/1029

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 24	1st October 2018	2018/1029
Section 25 (partially)	1st October 2018	2018/1029
Section 25 (partially)	1st January 2019	2018/1330
Section 25 (partially)	6th April 2021	2021/433
Section 26	1st October 2018	2018/1029
Section 27(1) to (14)	6th October 2018	2018/1045
Section 28	29th March 2019	2019/743
Section 33	29th March 2019	2019/743
Section 34	29th March 2019	2019/743
Section 35	8th September 2018	2018/987
Schedule 1	1st October 2018	2018/1029
Schedule 2	1st October 2018	2018/1029
Schedule 3 paragraph 1	1st October 2018	2018/1029
Schedule 3 paragraph 2	1st October 2018	2018/1029
Schedule 3 paragraph 3	1st October 2018	2018/1029
Schedule 3 paragraph 4	1st October 2018	2018/1029
Schedule 3 paragraph 6	1st October 2018	2018/1029
Schedule 3 paragraph 7	1st January 2019	2018/1330
Schedule 3 paragraph 8	6th April 2021	2021/433
Schedule 3 paragraphs 9 and 10	1st January 2019	2018/1330
Schedule 3 paragraph 11	1st October 2018	2018/1029
Schedule 3 paragraph 12	6th April 2021	2021/433
Schedule 3 paragraph 13(b) and (d)	1st January 2019	2018/1330
Schedule 3 paragraph 13(c)	1st October 2018	2018/1029
Schedule 3 paragraph 14(2)(b) and (d) and (3)(c) and (d)	1st January 2019	2018/1330
Schedule 3 paragraph 14(2)(c) and (3)(c)	1st October 2018	2018/1029
Schedule 3 paragraph 15	6th April 2021	2021/433
Schedule 3 paragraphs 16 to 20	1st January 2019	2018/1330
Schedule 3 paragraph 21(2)(b), (3)(b), (5)(a)(ii) and (5)(b)(iv)	1st October 2018	2018/1029
Schedule 3 paragraphs 21(2)(a) and (c), (3)(a), (4), (5)(a)(iii), (5)(b)(i) and (ii) and 30(b)	1st January 2019	2018/1330

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 3 paragraph 22	6th April 2021	2021/433
Schedule 3 paragraph 23	1st October 2018	2018/1029
Schedule 3 paragraph 24	1st October 2018	2018/1029
Schedule 3 paragraph 25	6th April 2021	2021/433
Schedule 3 paragraph 26	6th April 2021	2021/433
Schedule 3 paragraph 27	6th April 2021	2021/433
Schedule 3 paragraph 28	1st October 2018	2018/1029
Schedule 3 paragraph 29	6th April 2021	2021/433
Schedule 3 paragraph 30(a) and (c)	1st October 2018	2018/1029
Schedule 3 paragraphs 31 and 32	1st January 2019	2018/1330
Schedule 4	6th October 2018	2018/1045