
STATUTORY INSTRUMENTS

2023 No. 858

PENSIONS

The Pensions Dashboards (Amendment) Regulations 2023

Made - - - - *19th July 2023*

Coming into force - - *9th August 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 238D and 315(2) and (5) of the Pensions Act 2004⁽¹⁾ (“the Act”).

In accordance with section 317(1) of the Act, the Secretary of State has consulted with such persons as the Secretary of State considers appropriate.

In accordance with section 316(2)(kb) of the Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Pensions Dashboards (Amendment) Regulations 2023.

(2) These Regulations come into force on 9th August 2023.

(3) These Regulations extend to England and Wales and Scotland.

Amendments to the Pensions Dashboards Regulations 2022

2. The Pensions Dashboards Regulations 2022⁽²⁾ are amended in accordance with regulations 3 to 11.

Amendment of regulation 14

3. In regulation 14(2) (cooperation - trustees or managers), for “the staging profile” substitute “regulation 15(1)”.

Amendment of regulation 15

4. In regulation 15 (connection according to the staging profile)—

(a) in the heading, for “staging profile” substitute “connection deadline”;

(1) 2004 c. 35. See section 318(1) for the definitions of “prescribed” and “regulations”. Section 119 of the Pension Schemes Act 2021 (c. 1) inserted section 238D and section 316(2)(kb).

(2) S.I. 2022/1220, amended by S.I. 2023/399.

- (b) in paragraph (2)—
 - (i) in the opening words, omit “16,”;
 - (ii) omit sub-paragraphs (a) and (b);
 - (iii) before sub-paragraph (c) insert—
 - “(aa) by no later than the connection deadline;”;
 - (iv) in sub-paragraph (d)—
 - (aa) after “from time to time by” insert “the Secretary of State,”;
 - (bb) before “jointly” insert “by at least two of them”;
- (c) omit paragraph (3);
- (d) for paragraph (6) substitute—
 - “(6) The connection deadline that applies to a pension scheme under paragraph (2)(aa) remains fixed, unless—
 - (a) the deadline changes pursuant to regulation 17, 19 or 20, or
 - (b) all the members of the scheme become pensioner members.”.

Amendment of regulation 16

- 5. In regulation 16 (early or voluntary connection)—
 - (a) in the heading, omit “Early or”;
 - (b) in paragraph (1)—
 - (i) omit sub-paragraph (a) including the “or” at the end of the sub-paragraph;
 - (ii) in the closing words, omit “early or”;
 - (c) in paragraphs (2) and (3), omit “early or” in each place it occurs;
 - (d) in paragraph (4)—
 - (i) in the opening words, omit “early or”;
 - (ii) in sub-paragraph (a)—
 - (aa) in the opening words, omit “even if there is a change in the classification of the scheme type or in its size,”;
 - (bb) at the end of paragraph (ii), for “;” substitute “.”;
 - (iii) omit sub-paragraph (b);
 - (e) in paragraph (5)—
 - (i) in the opening words, omit “early or”;
 - (ii) in sub-paragraph (b), for “within the connection window referred to in paragraph (4) (b)” substitute “by no later than the agreed deadline”.

Amendment of regulation 17

- 6. In regulation 17 (deferred connection)—
 - (a) in paragraph (1)—
 - (i) in the opening words, for “staging deadline that applies to a pension scheme by virtue of regulation 15(2)(a)” substitute “connection deadline that applies to a pension scheme by virtue of regulation 15(2)(aa)”;
 - (ii) omit sub-paragraph (a);

- (iii) before sub-paragraph (b), insert—
 - “(aa) no more than 12 months has passed since the coming into force of regulation 15(2)(aa);”;
- (iv) at the end of sub-paragraph (b), for “;” substitute “.”;
- (v) omit sub-paragraph (c);
- (b) in paragraph (2)—
 - (i) in the opening words, for “staging deadline” substitute “connection deadline”;
 - (ii) omit sub-paragraph (a);
 - (iii) before sub-paragraph (b), insert—
 - “(aa) submit evidence to demonstrate that at least one of the following conditions applies—
 - (i) that before the coming into force of regulation 15(2)(aa), they had embarked on a programme to transfer the data held by the pension scheme to a new administrator;
 - (ii) that before the coming into force of regulation 15(2)(aa), they had entered into a contract containing an obligation to retender the administration of the scheme, and that the timetable for this is reasonable and conflicts with the connection deadline;”;
 - (iv) in sub-paragraph (b), in the opening words, for “staging deadline” substitute “connection deadline”;
- (c) in paragraph (3), for “staging deadline”, in each place it occurs, substitute “connection deadline”;
- (d) for paragraph (4), substitute—
 - “(4) Where permission is granted to defer the connection deadline under paragraph (3) (a), the agreed deadline remains fixed, unless all the members of the scheme become pensioner members.”;
- (e) in paragraph (5)—
 - (i) in the opening words, for “staging deadline” substitute “connection deadline”;
 - (ii) in sub-paragraph (b), for “within the connection window referred to in paragraph (4) (b)” substitute “by no later than the agreed deadline”.

Amendment of regulation 18

- 7. In regulation 18 (connection where the staging profile does not apply)—
 - (a) for the heading, substitute “Connection for new or growing schemes”;
 - (b) for paragraph (1)(a) substitute—
 - “(a) a pension scheme does not exist at the reference date or has fewer than 100 relevant members at the reference date, but is established (if it did not exist previously) and has 100 or more relevant members at a scheme year end date on or after 1st April 2024”;
 - (c) in paragraph (2)(b), for “staging deadline for the equivalent scheme type and size (as if it did exist at the reference date)” substitute “connection deadline that applies to a scheme which is covered by regulation 15(1)”;
 - (d) omit paragraph (3);
 - (e) for paragraph (4), substitute—

“(4) Once a deadline applies pursuant to paragraph (2), that deadline remains fixed, unless—

- (a) permission to defer connection is given under regulation 17, or
 - (b) all the members of the scheme become pensioner members.”;
- (f) in paragraph (5)(b), for “within the connection window referred to in paragraph (4)(b)” substitute “by no later than the deadline pursuant to paragraph (2)”.

Amendment of regulation 19

8. In regulation 19 (connection where the Pensions Dashboards Regulations 2022 cease to apply and then apply again)—

- (a) for paragraph (3), substitute—
 - “(3) Once a deadline applies pursuant to paragraph (2), the deadline remains fixed, unless—
 - (a) permission to defer connection is given under regulation 17 (in which case the rules in that provision apply instead), or
 - (b) all the members of the scheme become pensioner members.”;
- (b) in paragraph (4)(b), for “within the connection window referred to in paragraph (3)(b)” substitute “by no later than the deadline pursuant to paragraph (2)”.

Amendment of regulation 20

9. In regulation 20 (connection affected by an assessment period)—

- (a) for paragraph (2), substitute—
 - “(2) Once a deadline applies pursuant to paragraph (1)(b), the deadline remains fixed, unless—
 - (a) permission to defer connection is given under regulation 17, or
 - (b) all the members of the scheme become pensioner members.”;
- (b) in paragraph (3)(b), for “within the connection window referred to in paragraph (2)(b)” substitute “by no later than the deadline pursuant to paragraph (1)(b)”.

Amendment of Schedule 1

10. In Schedule 1 (interpretation)—

- (a) omit the definition of “automatic enrolment”;
- (b) after the definition of “connection and security standards” insert—
 - ““connection deadline” means 31st October 2026, being the latest date by which relevant occupational pension schemes must be connected to the Money and Pensions Service (unless a different deadline applies pursuant to regulation 16, 17, 18, 19 or 20);”;
- (c) in the definition of “guidance” omit “early or”;
- (d) omit the definition of “hybrid scheme”;
- (e) omit the definition of “master trust scheme”;
- (f) in the definition of “reference date”, for “1st April 2020 and 31st March 2021” substitute “1st April 2023 and 31st March 2024”;
- (g) omit the definition of “staging deadline”;

(h) omit the definition of “staging profile”.

Omission of Schedule 2

11. Omit Schedule 2 (staging profile).

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

19th July 2023

Laura Trott
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 amend the Pensions Dashboards Regulations 2022 (S.I. 2022/1220) (“the 2022 Regulations”).

The 2022 Regulations make provision for pensions dashboard services, which are intended to enable individuals (or other authorised persons) to request and view information relating to an individual’s pension entitlements electronically.

Chapter 1 of Part 3 of the 2022 Regulations imposes requirements on trustees or managers of relevant occupational pension schemes to cooperate with the Money and Pensions Service. The Money and Pensions Service is the single financial guidance body established by section 1 of the Financial Guidance and Claims Act 2018 (c. 10). Regulation 15 (connection according to the staging profile) of the 2022 Regulations introduced Schedule 2 (staging profile) which sets out the order and date by which different types of relevant occupational pension schemes were required to establish a working connection with the Money and Pensions Service. These Regulations amend the 2022 Regulations, to replace the staging profile, staging deadlines and connection window, by introducing a single “connection deadline” of 31st October 2026.

Regulation 3 amends regulation 14 (cooperation - trustees or managers) by removing the reference to the staging profile.

Regulation 4 amends regulation 15 (connection according to the staging profile) by replacing the staging profile and staging deadlines (as set out in Schedule 2 to the 2022 Regulations) with a single “connection deadline” for all relevant occupational pension schemes. The connection deadline is defined in Schedule 1 (interpretation). Regulation 4 also removes the “connection window”, which is no longer required. References in Chapter 1 to the connection window and to changes in the classification of a scheme according to the staging profile are therefore omitted.

Regulation 15(2)(d) of the 2022 Regulations is amended to allow the Secretary of State to issue guidance in relation to connection either separately or jointly with the Money and Pensions Service or the Pensions Regulator, who may also issue guidance jointly.

Regulation 5 amends regulation 16 (early or voluntary connection) by revoking the process of trustees or managers applying for early connection, as there is no longer a connection window; references to early connection in Chapter 1 are therefore omitted.

Regulation 6 amends regulation 17 (deferred connection) by extending the period for trustees or managers to make an application to the Secretary of State to defer the connection deadline. The amended period is the period within 12 months of the coming into force of these Regulations, to reflect the introduction of the single connection deadline, and the evidence requirements are updated to reflect the amended period.

Regulation 7 amends regulation 18 (connection where the staging profile does not apply) by amending the dates that are relevant for the purpose of establishing when a scheme, which meets the criteria for connecting to the Money and Pensions Service after the reference date, must connect. The reference date is defined in Schedule 1 (interpretation).

Regulations 8 and 9 amend regulations 19 (connection where the Pensions Dashboards Regulations 2022 cease to apply and then apply again) and 20 (connection affected by an assessment period), respectively, to reflect the introduction of a single connection deadline.

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Regulation 10 makes amendments to Schedule 1 (interpretation) by including a definition of connection deadline, amending the definition of reference date (so the scheme year end date falls between 1st April 2023 and 31st March 2024, inclusive of both these dates), and removing the definition of staging profile and staging deadline. It also removes definitions which were only used in and in connection with the staging profile in Schedule 2.

Regulation 11 omits Schedule 2 (staging profile).

A full impact assessment of the effect that these Regulations will have on the costs of business, the voluntary sector and the public sector has been undertaken. A copy is annexed to the Explanatory Memorandum which is available alongside these Regulations on www.legislation.gov.uk. Copies may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, Caxton House, Tothill Street, London, SW1H 9NA.