
DRAFT STATUTORY INSTRUMENTS

2022 No.

The Pensions Dashboards Regulations 2022

PART 1

General

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Pensions Dashboards Regulations 2022.
- (2) These Regulations come into force 21 days after the date on which they are made.
- (3) These Regulations extend to England and Wales and Scotland.

Interpretation

2. Schedule 1 (interpretation) contains definitions of terms used in these Regulations.

Application

- 3.—(1) Part 2 of these Regulations applies—
 - (a) to a pensions dashboard service⁽¹⁾, other than a pensions dashboard service referred to in section 4A(1) of the Financial Guidance and Claims Act 2018⁽²⁾, and
 - (b) to a provider of a pensions dashboard service to which Part 2 of these Regulations applies by virtue of sub-paragraph (a).
- (2) Subject to paragraph (4), Parts 3 and 4 of these Regulations apply to a trustee or manager of a relevant occupational pension scheme⁽³⁾—
 - (a) where the scheme existed on the reference date and had 100 or more relevant members on that date,
 - (b) where the scheme existed on the reference date and had fewer than 100 relevant members on that date, but has 100 or more relevant members on any subsequent date, or
 - (c) where the scheme was established after the reference date and had 100 or more relevant members on the date it was established, or has 100 or more relevant members on any subsequent date.
- (3) These Regulations remain applicable to a relevant occupational pension scheme where they apply by virtue of paragraph (2)(a), (b) or (c), even if the number of relevant members falls below 100, unless the number of relevant members falls to zero.
- (4) Parts 3 and 4 of these Regulations do not apply to a trustee or manager of a relevant occupational pension scheme—

(1) “pensions dashboard service” is defined in section 238A(1) of the Pensions Act 2004 (c.35).

(2) 2018 c. 10. Section 4A(1) was inserted by section 122 of the Pension Schemes Act 2021 and relates to the pensions dashboard service provided by the Money and Pensions Service (the “single financial guidance body” established by section 1 of that Act).

(3) “relevant occupational pension scheme” is defined in section 238F(3) of the Pensions Act 2004.

- (a) if the pension scheme has its main administration outside of Great Britain,
- (b) if the pension scheme is a scheme which is not registrable with the Regulator⁽⁴⁾, other than a public service pension scheme which is not registrable with the Regulator (in which case Parts 3 and 4 do apply), or
- (c) if the pension scheme is a public service pension scheme which is registrable but which relates to persons referred to in regulation 3 of the Civil Service (Other Crown Servants) Pension Scheme Regulations 2016⁽⁵⁾.

(5) Subject to paragraph (4), Parts 3 and 4 of these Regulations also apply to a trustee or manager of a relevant occupational pension scheme which has fewer than 100 relevant members but which is permitted to connect on a voluntary basis under regulation 16(1)(b).

Dashboards Available Point

4.—(1) Qualifying pensions dashboard services⁽⁶⁾ are to be available for use by the general public from a date to be specified (“the Dashboards Available Point”) in a notice issued by the Secretary of State.

(2) Prior to the Dashboards Available Point, pensions dashboard services are only available for use by individuals who are invited by or on behalf of the Money and Pensions Service to use pensions dashboard services to support testing or service improvements.

(3) The Secretary of State must issue a notice to specify the Dashboards Available Point at least 6 months before the Dashboards Available Point.

(4) Before issuing a notice to specify the Dashboards Available Point, the Secretary of State must be satisfied that the dashboards ecosystem is ready to support widespread use of qualifying pensions dashboard services by the general public—

- (a) having regard to any matters that the Secretary of State considers are relevant, and
- (b) following consultation with the Money and Pensions Service, the Regulator and the Financial Conduct Authority.

(5) After issuing the notice, the Secretary of State must without delay publish the notice on the gov.uk homepage for the Department for Work and Pensions.

(6) After publishing the notice, the Secretary of State must take all reasonable steps to publicise the Dashboards Available Point.

Oversight of standards

5. Standards published from time to time by the Money and Pensions Service or by the Regulator or by the Financial Conduct Authority count as standards for the purposes of these Regulations only if—

- (a) where standards are published for the first time, they have been approved by the Secretary of State;
- (b) where standards have been published before (having been approved by the Secretary of State) and are being published again in amended form—
 - (i) they have been approved by the Secretary of State, or
 - (ii) they only contain amendments that in the view of the Money and Pensions Service involve minor technical changes.

(4) “the Regulator” is defined in section 318(1) of the Pensions Act 2004.

(5) S.I. 2016/326, as amended by regulations 3 to 5 of S.I. 2019/906. Regulation 2 of S.I. 2016/326 defines “the agencies” as meaning the Secret Intelligence Service and the Security Service, and defines “GCHQ eligible person” as meaning a person who meets the conditions of eligibility set out in regulation 2A of that instrument.

(6) “qualifying pensions dashboard service” is defined in section 238A(2) of the Pensions Act 2004.

PART 2

Prescribed requirements for qualifying pensions dashboard services

Qualifying pensions dashboard services

6. This Part prescribes the requirements to be satisfied in order for a pensions dashboard service to come within the meaning of “qualifying pensions dashboard service” for the purposes of sections 238A(2) and 238F(3) of the Pensions Act 2004.

Cooperation - providers

7. A provider of a pensions dashboard service (referred to in this Part as “a provider”) must cooperate with the Money and Pensions Service to assist with the exercise of its functions in relation to pensions dashboard services, including providing information in accordance with standards referred to in this Part.

Connection and functionality

8.—(1) A provider must—

- (a) register with the Money and Pensions Service, and
- (b) meet the requirements in paragraphs (2) to (6).

(2) The provider must connect its pensions dashboard service to the Money and Pensions Service in compliance with—

- (a) connection and security standards, and
- (b) technical standards,

published from time to time by the Money and Pensions Service.

(3) The provider must ensure that its pensions dashboard service complies with service standards and operational standards published from time to time by the Money and Pensions Service.

(4) The provider must—

- (a) if the consent of the user is provided, immediately seek to obtain the user’s registered pension identifier from the Money and Pensions Service;
- (b) if the user has given consent to a delegate to access the user’s view data, and if the pensions dashboard service allows for delegated access, enable the delegate to access the user’s view data;
- (c) provide a link to the Money and Pensions Service to enable a user to review, revoke or amend the consents referred to in sub-paragraphs (a) and (b).

(5) The provider must issue a view request if—

- (a) a pension identifier has been obtained,
- (b) the user requests their view data or state pension information, and
- (c) the consent of the user is provided in relation to the provider issuing a view request or requesting state pensions information for the user.

(6) The provider must notify the Money and Pensions Service without delay of any—

- (a) connection state changes, such as downtime (whether scheduled or unscheduled) or maintenance, or
- (b) systemic issues, such as cyber-attacks that could affect the security of the dashboards ecosystem.

- (7) For the purposes of this regulation, a “delegate” must be—
- (a) a Money and Pensions Service guider (meaning a person from the Money and Pensions Service whose role involves guiding users of pensions dashboard services),
 - (b) a person who has permission under Part 4A of the Financial Services and Markets Act 2000(7) (permission to carry on regulated activities) to advise on either of the following—
 - (i) investments as referred to in article 53(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(8);
 - (ii) conversion or transfer of pension benefits as referred to in article 53E(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(9), or
 - (c) another person whom the Money and Pensions Service considers appropriate.

(8) For the purposes of this regulation and regulation 11, a “view request” also includes a request made by a qualifying pensions dashboard service or by the pensions dashboard service provided by the Money and Pensions Service to a specified authorised person pursuant to section 137FAA (FCA general rules: pensions dashboards) of the Financial Services and Markets Act 2000(10).

(9) For the purposes of this regulation and regulations 9 and 11, “view data” also includes similar data provided by a personal or stakeholder pension scheme pursuant to rules made under section 137FAA (FCA general rules: pensions dashboards).

View data

9.—(1) A pensions dashboard service must display to the individual concerned the view data provided by a pension scheme—

- (a) as soon as it is received, and
- (b) without charge.

(2) The presentation by a pensions dashboard service of view data, and of general information about using the pensions dashboard service and accessing the service to see view data, must accord with design standards published from time to time by the Money and Pensions Service.

(3) A pensions dashboard service must not store view data, unless the view data is stored in the form of temporary caching and for the sole purpose of displaying the view data in a single session.

State pension information

10.—(1) A pensions dashboard service must display to the individual concerned whichever of the following information is provided by the Secretary of State—

- (a) state pension information(11);
- (b) notice that state pension information, or an element of state pension information, is unavailable;
- (c) supporting messages.

(2) Information referred to in paragraph (1) must be displayed—

- (a) without delay, and
- (b) without charge.

(7) 2000 c. 8. Part 4A was substituted for sections 40 to 55 by section 11(2) of the Financial Services Act 2012 (c. 21).

(8) S.I. 2001/544; article 53(1) was amended by S.I. 2016/392, S.I. 2017/488 and S.I. 2017/500.

(9) S.I. 2001/544; article 53E was inserted by article 2(1) and (2) of S.I. 2015/731.

(10) Section 137FAA was inserted by section 121(2) of the Pension Schemes Act 2021.

(11) Section 238C(2)(a) of the Pensions Act 2004 defines “state pension information” by reference to section 42(7) of the Child Support, Pensions and Social Security Act 2000 (c. 19); regulation 10(6)(a) of these Regulations expands on that.

(3) The content and manner of display of supporting messages must accord with standards on state pension information published from time to time by the Secretary of State covering the following—

- (a) generic messages;
- (b) messages relating to the user’s state pension information;
- (c) messages to indicate where further information relating to the state pension information provided is available;
- (d) messages for display where state pension information has not been provided by the Secretary of State;
- (e) any other messages relating to state pension information that has been provided by the Secretary of State.

(4) The presentation by a pensions dashboard service of information referred to in paragraph (1), and of general information about using the pensions dashboard service and accessing the service to see state pension information, must accord with design standards published from time to time by the Money and Pensions Service.

(5) A pensions dashboard service—

- (a) must only display information referred to in sub-paragraphs (a) to (c) of paragraph (1) which is provided by the Secretary of State, and
- (b) must not store such information other than in the form of temporary caching and for the sole purpose of displaying it in a single session.

(6) For the purposes of this regulation—

- (a) a reference to “state pension information”, in relation to an individual, is to be read as including a reference to the tax years upon which the state pension information referred to in section 42(7) of the Child Support, Pensions and Social Security Act 2000⁽¹²⁾ is based, (where “tax year” means a period beginning with 6th April in one year and ending with 5th April in the next year);
- (b) “element of state pension information” refers to any of the information relating to an individual that is listed in paragraphs (a) to (e) of section 42(7) of the Child Support, Pensions and Social Security Act 2000;
- (c) “supporting messages” means—
 - (i) messages relating to state pension information;
 - (ii) messages to be displayed when state pension information, or an element of state pension information, is unavailable.

Operational information and reporting

11.—(1) A provider must provide operational information upon request to any of the following—

- (a) the Money and Pensions Service;
- (b) the Regulator;
- (c) the Financial Conduct Authority;
- (d) the Secretary of State,

in accordance with reporting standards published from time to time by the Money and Pensions Service or by the Regulator or by the Financial Conduct Authority.

(2) In this regulation, “operational information” means information that is relevant to—

- (a) the operation of pensions dashboard services;

⁽¹²⁾ 2000 c. 19.

- (b) monitoring compliance with the requirements prescribed in this Part;
 - (c) supporting the functions of the Regulator in respect of Parts 3 and 4 of these Regulations.
- (3) Information referred to in paragraph (2) may include (but is not limited to)—
- (a) analytical and statistical information relating to the delivery of pensions dashboard services;
 - (b) information on missing data, data formatting, and data received from pension schemes;
 - (c) survey data collected from its users to assist with evaluation of the pensions dashboard service;
 - (d) information on—
 - (i) the number of view requests issued in respect of each pension scheme;
 - (ii) view data returned by pension schemes in response to view requests, which may include (but is not limited to) response times and instances of pensions information not being made available within the required timeframe;
 - (iii) any aspect of the processing of an individual’s request for pensions information.
- (4) Information referred to in this regulation must be retained on record by the provider for at least 6 years from the end of the calendar year to which it relates.

Information on making a complaint

- 12.**—(1) A provider must provide users with information on how to make a complaint relating to the pensions dashboard service that it provides, or to acts or omissions of the provider.
- (2) This must include a link to the central complaints process for the Money and Pensions Service.
- (3) In this regulation, “the central complaints process for the Money and Pensions Service” means a service to help users understand what help is available if things go wrong and their available routes to redress.

Enabling auditing

- 13.**—(1) A provider must—
- (a) procure and enable an independent person to audit whether or not the provider and their pensions dashboard service are compliant with the requirements in this Part—
 - (i) both prior to connection and on an annual basis thereafter, and
 - (ii) as far as possible covering the entire 12-month period between an initial or earlier report and the next one;
 - (b) report the outcome of the auditing process to the Money and Pensions Service, by no later than whichever of the following is appropriate in the circumstances—
 - (i) 20 working days beginning with the day after the date of the initial audit report, or
 - (ii) one year and 20 working days beginning with the day after the date of a previous audit report.
- (2) In relation to paragraph (1)—
- (a) a provider must—
 - (i) work with the independent person to identify, and must seek to rectify, any areas of non-compliance;
 - (ii) cover the costs of the auditing process;
 - (b) a report on the outcome of the auditing process must—

- (i) include an assessment as to the extent of any compliance or lack thereof;
- (ii) in respect of any non-compliance, state—
 - (aa) what measures have been put in place to secure compliance, and
 - (bb) that, in the view of the independent person, these measures are adequate to secure compliance within a reasonable period.
- (3) In this regulation, “independent person” means a person—
 - (a) who is independent of the provider, and
 - (b) whom the provider reasonably concludes is suitably qualified or experienced to carry out the tasks referred to in this regulation.

PART 3

Requirements relating to trustees or managers of relevant occupational pension schemes

CHAPTER 1

Requirements relating to cooperation and connection

Cooperation - trustees or managers

14.—(1) Subject to paragraph (2), trustees or managers must comply with the requirement specified in paragraph (3) from the day after the date on which these Regulations come into force.

(2) Trustees or managers of a pension scheme which is not covered by the staging profile, but who are granted permission to connect that scheme to the Money and Pensions Service on a voluntary basis under regulation 16(1)(b), must comply with the requirement specified in paragraph (3) from the day after the date on which that permission is granted.

(3) The requirement is to cooperate with the Money and Pensions Service to assist with the exercise of its functions in relation to pensions dashboard services, including providing information in accordance with service standards and operational standards published from time to time by the Money and Pensions Service.

Connection according to the staging profile

15.—(1) Trustees or managers of a pension scheme which exists at the reference date and which has 100 or more relevant members at the reference date must—

- (a) register the scheme with the Money and Pensions Service, having regard to the guidance referred to in paragraph (2)(d), and
- (b) meet the requirements in paragraphs (2), (4) and (5).

(2) Unless a different deadline for connecting to the Money and Pensions Service already applies pursuant to regulation 16, 17, 19 or 20, trustees or managers must connect the pension scheme to the Money and Pensions Service—

- (a) by no later than the staging deadline relevant to the scheme as set out in the fourth column of the table in Part 1 or 2 of Schedule 2 (staging profile);
- (b) within the connection window for the scheme as referred to in paragraph (3);
- (c) in compliance with—
 - (i) connection and security standards, and

- (ii) technical standards,
published from time to time by the Money and Pensions Service;
- (d) having regard to guidance on connection issued from time to time by the Money and Pensions Service and the Regulator either separately or jointly.
- (3) For the purposes of paragraph (2)(b), the “connection window” for the scheme means—
 - (a) in the case of schemes within cohort 1(a) of the staging profile, the period of 5 months leading up to and including the staging deadline;
 - (b) in the case of schemes within any other cohort of the staging profile, the period of one month leading up to and including the staging deadline.
- (4) Trustees or managers must keep a record of how they have carried out the steps set out in the guidance on connection referred to in paragraph (2)(d), or of alternative steps they have taken in order to comply with the requirements in this Part on connecting their pension scheme to the Money and Pensions Service, for at least 6 years from the end of the scheme year to which they relate.
- (5) Trustees or managers must do the following—
 - (a) notify the Money and Pensions Service without delay of any of the following, in compliance with service standards and operational standards published from time to time by the Money and Pensions Service—
 - (i) connection state changes, such as downtime (whether scheduled or unscheduled) or maintenance;
 - (ii) systemic issues, such as cyber-attacks that could affect the security of the dashboards ecosystem;
 - (b) notify the Money and Pensions Service of any change in connection arrangements.
- (6) The staging deadline that applies to a pension scheme under paragraph (2)(a) remains fixed, even if there is a change in the classification of the scheme type or in its size, unless—
 - (a) the deadline changes pursuant to regulation 16, 17, 19 or 20, or
 - (b) all the members of the scheme become pensioner members.
- (7) Once a scheme has connected to the Money and Pensions Service, trustees or managers must use every endeavour to ensure that the scheme remains connected at all times.

Early or voluntary connection

- 16.**—(1) Where trustees or managers—
- (a) wish to connect a pension scheme to the Money and Pensions Service earlier than the start of the connection window for the scheme as provided for in regulation 15(3), or
 - (b) wish to connect a pension scheme to the Money and Pensions Service on a voluntary basis in circumstances where the scheme has fewer than 100 relevant members,
- they must apply to the Money and Pensions Service for permission for the pension scheme to connect to the Money and Pensions Service early or on a voluntary basis.
- (2) When applying for permission to connect under paragraph (1), trustees or managers must have regard to guidance on early or voluntary connection issued from time to time by the Money and Pensions Service.
- (3) Subject to consultation with the Regulator, except where the Money and Pensions Service and the Regulator agree that such consultation is not needed, the Money and Pensions Service may grant permission for early or voluntary connection by such a date as the Money and Pensions Service considers appropriate (referred to in this regulation as the “agreed deadline”).
- (4) Where permission is granted for early or voluntary connection under paragraph (3)—

- (a) the agreed deadline remains fixed, even if there is a change in the classification of the scheme type or in its size, unless—
 - (i) permission to defer connection is given under regulation 17, or
 - (ii) all the members of the scheme become pensioner members;
 - (b) the connection window for the scheme is—
 - (i) in the case of schemes connecting early, the period beginning one month before the agreed deadline and ending with the staging deadline that would have applied to the scheme under regulation 15(2)(a) if permission to connect early had not been applied for;
 - (ii) in the case of schemes connecting on a voluntary basis, the period of one month leading up to and including the agreed deadline.
- (5) Once permission to connect early or on a voluntary basis has been granted under paragraph (4), trustees or managers must—
- (a) register the scheme with the Money and Pensions Service, having regard to the guidance referred to in regulation 15(2)(d);
 - (b) connect the pension scheme to the Money and Pensions Service within the connection window referred to in paragraph (4)(b), in compliance with the standards referred to in regulation 15(2)(c) and having regard to the guidance referred to in regulation 15(2)(d);
 - (c) meet the requirements in regulation 15(4) and (5).

Deferred connection

17.—(1) Where the trustees or managers wish to defer the staging deadline that applies to a pension scheme by virtue of regulation 15(2)(a), they may apply to the Secretary of State for permission to do this if—

- (a) no more than 12 months has passed since the coming into force of these Regulations;
- (b) a deferral has not been permitted in respect of the pension scheme previously;
- (c) they submit an application at least 2 months before the relevant staging deadline.

(2) If applying to defer the staging deadline that applies to a pension scheme, trustees or managers must—

- (a) submit evidence to demonstrate that at least one of the following conditions applies—
 - (i) that before the coming into force of these Regulations, 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 these Regulations, 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 staging deadline;
- (b) submit evidence to demonstrate that complying with the staging deadline—
 - (i) would be disproportionately burdensome, or
 - (ii) would put the personal data of members at risk;
- (c) set out the steps being taken to ensure that the pension scheme can connect to the Money and Pensions Service at the earliest opportunity.

(3) The Secretary of State, following consultation with the Regulator and with the Money and Pensions Service, may by notice—

- (a) grant permission to defer the staging deadline until such a date within 12 months of the staging deadline as the Secretary of State considers appropriate (referred to in this regulation as the “agreed deadline”), or

- (b) refuse to grant permission to defer the staging deadline.
- (4) Where permission is granted to defer the staging deadline under paragraph (3)(a)—
 - (a) the agreed deadline remains fixed, even if there is a change in the classification of the scheme type or in its size, unless—
 - (i) permission to connect early is given under regulation 16, or
 - (ii) all the members of the scheme become pensioner members;
 - (b) the connection window for the scheme is the period of one month leading up to and including the agreed deadline.
- (5) Once permission has been granted to defer the staging deadline under paragraph (3)(a), trustees or managers must—
 - (a) register the scheme with the Money and Pensions Service, having regard to the guidance referred to in regulation 15(2)(d);
 - (b) connect the pension scheme to the Money and Pensions Service within the connection window referred to in paragraph (4)(b), in compliance with the standards referred to in regulation 15(2)(c) and having regard to the guidance referred to in regulation 15(2)(d);
 - (c) meet the requirements in regulation 15(4) and (5).

Connection where the staging profile does not apply

18.—(1) If—

- (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 within two years of the reference date (that is, at a scheme year end between 1st April 2021 and 31st March 2023 inclusive), and
- (b) the trustees or managers have not been granted permission for the scheme to connect on a voluntary basis under regulation 16,

then the deadline for connecting to the Money and Pensions Service is as provided for in paragraph (2).

- (2) The deadline is whichever is the later of the following—
 - (a) 6 months from the end of the scheme year in which the scheme first exists and has 100 or more relevant members, or
 - (b) the staging deadline for the equivalent scheme type and size (as if it did exist at the reference date).
- (3) If—
 - (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 following a scheme year end on or after 1st April 2023, and
 - (b) the trustees or managers have not been granted permission for the scheme to connect on a voluntary basis under regulation 16,

then the deadline for connecting to the Money and Pensions Service is to be 6 months after the end of the scheme year during which the scheme is first established and has 100 or more relevant members.

- (4) Once a deadline applies pursuant to paragraph (2) or (3)—
 - (a) that deadline remains fixed, even if there is a change in the classification of the scheme type or in its size, unless—
 - (i) permission to connect early or to defer connection is given under regulation 16 or 17 respectively, or

- (ii) all the members of the scheme become pensioner members;
- (b) the connection window for the scheme is the period of one month leading up to and including that deadline.
- (5) Trustees or managers must—
 - (a) register the scheme with the Money and Pensions Service, having regard to the guidance referred to in regulation 15(2)(d);
 - (b) connect the pension scheme to the Money and Pensions Service within the connection window referred to in paragraph (4)(b), in compliance with the standards referred to in regulation 15(2)(c) and having regard to the guidance referred to in regulation 15(2)(d);
 - (c) meet the requirements in regulation 15(4) and (5).

Connection where these Regulations cease to apply and then apply again

- 19.**—(1) Paragraph (2) applies in cases where—
- (a) Parts 3 and 4 of these Regulations cease to apply to trustees or managers of a pension scheme, on account of an exception in regulation 3(4)(a), (b) or (c) applying, and
 - (b) Parts 3 and 4 of these Regulations subsequently apply again to those trustees or managers, on account of an exception in regulation 3(4)(a), (b) or (c) no longer applying (referred to in this regulation as the scheme “coming back into scope of the Regulations”).
- (2) On coming back into scope of the Regulations, the deadline for connecting to the Money and Pensions Service is to be whichever is the later of the following—
- (a) 6 months from the end of the scheme year end in which the scheme comes back into scope, or
 - (b) the deadline for connecting to the Money and Pensions Service that applied previously, under whichever of regulation 15 to 18 or 20 is relevant in the circumstances.
- (3) Once a deadline applies pursuant to paragraph (2)—
- (a) the deadline remains fixed, even if there is a change in the classification of the scheme type or in its size, unless—
 - (i) permission or further permission to connect early or to defer connection is given under regulation 16 or 17 respectively (in which case the rules in those provisions apply instead), or
 - (ii) all the members of the scheme become pensioner members;
 - (b) the connection window for the scheme is the period of one month leading up to and including the deadline.
- (4) Trustees or managers must—
- (a) register the scheme with the Money and Pensions Service, having regard to the guidance referred to in regulation 15(2)(d);
 - (b) connect the pension scheme to the Money and Pensions Service within the connection window referred to in paragraph (3)(b), in compliance with the standards referred to in regulation 15(2)(c) and having regard to the guidance referred to in regulation 15(2)(d);
 - (c) meet the requirements in regulation 15(4) and (5).

Connection affected by an assessment period

- 20.**—(1) If an assessment period in relation to a pension scheme begins before the scheme has connected to the Money and Pensions Service—

- (a) trustees or managers are not required to connect the scheme to the Money and Pensions Service before the assessment period ends, and
 - (b) if, when the assessment period ends, the scheme continues to function as a pension scheme, the deadline for connecting to the Money and Pensions Service is whichever is the later of the following—
 - (i) 6 months beginning with the day after the date on which the assessment period ends, or
 - (ii) the deadline for connecting to the Money and Pensions Service that applied previously, under whichever of regulations 15 to 19 is relevant in the circumstances.
- (2) Once a deadline applies pursuant to paragraph (1)(b)—
- (a) the deadline remains fixed, even if there is a change in the classification of the scheme type or in its size, unless—
 - (i) permission to connect early or to defer connection is given under regulation 16 or 17 respectively, or
 - (ii) all the members of the scheme become pensioner members;
 - (b) the connection window for the scheme is the period of one month leading up to and including the deadline.
- (3) Trustees or managers must—
- (a) register the scheme with the Money and Pensions Service, having regard to the guidance referred to in regulation 15(2)(d);
 - (b) connect the pension scheme to the Money and Pensions Service within the connection window referred to in paragraph (2)(b), in compliance with the standards referred to in regulation 15(2)(c) and having regard to the guidance referred to in regulation 15(2)(d);
 - (c) meet the requirements in regulation 15(4) and (5).
- (4) If an assessment period in relation to a section of a scheme or a segregated part of a scheme begins before the scheme has connected to the Money and Pensions Service, this does not affect the requirement for the scheme to connect to the Money and Pensions Service unless all the sections or segregated parts of the scheme are subject to the assessment period.

Notification of disconnection

21. The trustees or managers of a pension scheme which disconnects from the Money and Pensions Service must notify the Money and Pensions Service as soon as possible.

CHAPTER 2

Requirements following connection of a pension scheme

Requirements relating to the provision of pensions information

22.—(1) Subject to paragraphs (2) to (5), once trustees or managers have connected a pension scheme to the Money and Pensions Service in accordance with Chapter 1, they must comply with the requirements in this Chapter on providing, or facilitating the provision of, pensions information to—

- (a) a qualifying pensions dashboard service, or
- (b) the pensions dashboard service provided by the Money and Pensions Service,

unless the pension scheme enters an assessment period, in which case the requirements do not apply for the duration of the assessment period.

- (2) Paragraph (3) applies if—

- (a) a pension scheme, section of a scheme, or segregated part of a scheme enters an assessment period after trustees or managers have connected the scheme to the Money and Pensions Service,
 - (b) once the assessment period ends, the scheme, section of the scheme, or segregated part of the scheme continues to function as a pension scheme, section of the scheme, or segregated part of the scheme, and
 - (c) a period of lead in time is required in order for the scheme, section of the scheme, or segregated part of the scheme to be able to properly meet the requirements in this Part relating to the provision of pensions information.
- (3) During the lead in time referred to in paragraph (2)(c) (which is to be as short as possible and no longer than 3 months), and in respect of the scheme, section of the scheme, or segregated part of the scheme to which the assessment period relates, trustees or managers are only required to do the following in response to a view request—
- (a) they must meet the requirements in this Chapter relating to the provision of administrative data, and
 - (b) they must return a message, in accordance with data standards published from time to time by the Money and Pensions Service, explaining that value data cannot be provided due to the scheme, section of the scheme, or segregated part of the scheme undergoing or having recently undergone assessment by the Pension Protection Fund.
- (4) Once the lead in time referred to in paragraph (3) has ended, trustees or managers referred to in that paragraph must comply with the requirements in this Chapter on providing, or facilitating the provision of, pensions information to—
- (a) a qualifying pensions dashboard service, or
 - (b) the pensions dashboard service provided by the Money and Pensions Service.
- (5) If a pension scheme, section of a scheme, or segregated part of a scheme is winding up, then, while it is winding up, trustees or managers are only required to do the following in response to a view request, in respect of the scheme, section of the scheme, or segregated part of the scheme that is winding up—
- (a) they must meet the requirements in this Chapter relating to the provision of administrative data;
 - (b) they must do one of the following—
 - (i) they must return a message, in accordance with data standards published from time to time by the Money and Pensions Service, explaining that it would not be appropriate to provide value data, or
 - (ii) they must—
 - (aa) as far as possible in accordance with regulations 25 to 27, provide value data, along with corresponding contextual information and signpost data, and
 - (bb) return a message, in accordance with data standards published from time to time by the Money and Pensions Service, explaining that the scheme, section of the scheme, or segregated part of the scheme is winding up.

Find requests, matching, pension identifiers and view requests

23.—(1) Trustees or managers must decide on criteria to use for matching (“the matching criteria”), and they must keep a record of this for at least 6 years from the end of the scheme year in which the decision is taken.

(2) On receipt of a find request, trustees or managers must complete matching immediately, having regard to guidance on matching issued from time to time by the Secretary of State or the Regulator.

(3) In a case where there is a positive match, and where this relates to a member who is or could be a relevant member, trustees or managers must—

- (a) immediately create and register a pension identifier with the Money and Pensions Service, in accordance with technical standards published from time to time by the Money and Pensions Service;
- (b) store information that indicates whether the pension identifier relates to a match made or to a possible match.

(4) In a case where there is a possible match, trustees or managers must—

- (a) check with the Money and Pensions Service that the individual to whom the find request relates has consented to their view data being provided to the pensions dashboard service that issued the view request;

(b) immediately provide to the pensions dashboard service that issued the view request—

(i) the administrative data referred to in regulation 24(1)(a)(i) and (1)(b) (together referred to as a “limited form of administrative data”)—

(aa) in the format and manner set out in data standards published from time to time by the Money and Pensions Service;

(bb) having regard to guidance on data issued from time to time by the Money and Pensions Service;

(ii) a message, in accordance with data standards published from time to time by the Money and Pensions Service, indicating—

(aa) that further information is required in order to determine if a match can be made, and

(bb) that the individual to whom the find request relates must contact the pension scheme without delay (and, as set out in sub-paragraph (d)(i), within 30 days) in order to provide further information so that the pension scheme can determine whether a match can be made;

(c) if the individual to whom the find request relates contacts them, immediately seek to resolve the possible match, having regard to guidance on matching issued from time to time by the Secretary of State or the Regulator;

(d) if the individual to whom the find request relates—

(i) does not make contact with the pension scheme regarding the possible match within 30 days of receiving a limited form of administrative data as referred to in the opening words of sub-paragraph (b)(i), or

(ii) does make contact, but the scheme is unable to resolve the possible match as a match made within such time as may be reasonably allowed by the pension scheme, having regard to guidance on matching referred to in paragraph (2),

delete the find request information and de-register the pension identifier from the Money and Pensions Service as soon as possible;

(e) if a match is subsequently made, notify the Money and Pensions Service of this.

(5) In a case where a match is made (including where, following a possible match, a match is made), trustees or managers must, on receipt of a view request—

- (a) check with the Money and Pensions Service that the individual to whom the find request relates has consented to their view data being provided to the pensions dashboard service that issued the view request;
 - (b) provide view data as referred to in regulations 24 to 27 to the pensions dashboard service that issued the view request—
 - (i) in the format and manner set out in data standards published from time to time by the Money and Pensions Service, and
 - (ii) having regard to guidance on data issued from time to time by the Money and Pensions Service.
- (6) In a case where a match is made but the member subsequently ceases to be a relevant member, trustees or managers must de-register the pension identifier from the Money and Pensions Service as soon as possible.

Administrative data

- 24.—(1) Administrative data is comprised of the following—
- (a) information about the pension scheme, including—
 - (i) the name of the pension scheme;
 - (ii) a description of the types of benefits provided under the scheme to the individual;
 - (iii) whether the individual is an active member, a deferred member or a pension credit member;
 - (iv) the date when the individual became a member of the scheme;
 - (b) information about the scheme’s administrator, including—
 - (i) the name of the administrator, having regard to guidance on data issued from time to time by the Money and Pensions Service;
 - (ii) information to enable the individual to get in touch with the administrator, which accords with data standards published from time to time by the Money and Pensions Service, and which includes at least one of the following—
 - (aa) the administrator’s website address;
 - (bb) the administrator’s email address;
 - (cc) the administrator’s telephone number and telephone number type, including whether the number is the primary telephone number, is appropriate for Welsh language speakers, or is for text message service only;
 - (dd) the name and full postal address of the administrator;
 - (c) information about the employment to which the pension relates, including (if available)—
 - (i) the start date of the earliest pensionable service and, in the case of a deferred member, the end date of the latest pensionable service, and
 - (ii) whichever of the following is appropriate—
 - (aa) in a case where the pensionable service relates to a single employer, the name of the employer;
 - (bb) in a case where the pensionable service relates to more than one employer, either the name of the most recent employer or confirmation that there have been multiple employers.
- (2) Subject to paragraph (3), trustees or managers must provide administrative data immediately after a view request is received.

(3) In the case of a member who seeks view data within 3 months of joining the scheme (resulting in a view request being issued by a pensions dashboard service), trustees or managers must provide the administrative data referred to in paragraph (1) as soon as practicable, and no later than 3 months after the member's joining date.

(4) When providing administrative data under this regulation, trustees or manager must also provide the date of birth of the individual concerned.

Signpost data

25.—(1) Signpost data is comprised of the following—

- (a) information on member-borne costs and charges (applicable to money purchase schemes⁽¹³⁾ only);
- (b) the scheme's statement of investment principles;
- (c) the scheme's implementation statement.

(2) Where signpost data is applicable to the nature of the scheme or type of benefit in question, trustees or managers must, immediately after a view request is received, provide a website address for locations where signpost data can be accessed.

(3) In this regulation—

- (a) “statement of investment principles” has the same meaning as in regulation 29A(2A)(a) of the 2013 Regulations⁽¹⁴⁾;
- (b) “implementation statement” has the same meaning as in paragraph 30(1)(f)(i) of Part 5 of Schedule 3 to the 2013 Regulations.

Value data

26.—(1) Value data is the information required by this regulation and by Schedule 3.

(2) Trustees or managers must provide value data as specified in Part 1 of Schedule 3 (value data requirements), unless an exemption applies in respect of projected values under Part 2 of Schedule 3 (exemption from certain value data requirements).

(3) All value data specified in Part 1 of Schedule 3—

- (a) must be from—
 - (i) a statement provided to the member within the last 13 months, even if the values in that statement were calculated more than 13 months ago and whether or not such a calculation was done in response to an earlier view request, or
 - (ii) a calculation performed for the member within the last 12 months, whether or not such a calculation was done in response to an earlier view request;
- (b) must have the same illustration date.

(4) Where value data is provided as specified in Part 1 of Schedule 3—

- (a) it must be accompanied by information specified in regulation 27 (“contextual information”), and
- (b) it must be provided, together with the contextual information required, within the timescales set out in paragraph (5).

(5) Subject to paragraph (6)—

⁽¹³⁾ “money purchase scheme” is defined in section 318(1) of the Pensions Act 2004.

⁽¹⁴⁾ S.I. 2013/2734; regulation 29A was inserted by regulation 3(1) and (6) of S.I. 2018/233; regulation 29A(2A) was inserted by regulation 5(1) and (4)(b) of S.I. 2018/988.

- (a) where the value has been generated for a statement provided to the member within the past 13 months, or is based on a calculation made within the past 12 months, the information must be returned immediately;
 - (b) where sub-paragraph (a) does not apply—
 - (i) in a case where all benefits provided to a member are money purchase benefits⁽¹⁵⁾, it must be returned within 3 working days from the day after the date on which—
 - (aa) a pension identifier is registered for a positive match, or
 - (bb) the Money and Pensions Service is notified that a possible match is a match made;
 - (ii) in all other cases (including where the benefits provided to a member are hybrid benefits which depend on anything other than a money purchase calculation), it must be returned within 10 working days from the day after the date on which a pension identifier is registered for a positive match or (if appropriate) from the date on which it is re-registered as a match made.
- (6) Where a member seeks view data (resulting in a view request being issued by a pensions dashboard service) within 12 months of the end of that member’s first full scheme year, trustees or managers must meet the requirements of paragraphs (2) to (5) as soon as practicable and no later than the sooner of—
- (a) the point at which the first statement has been produced for that member, or
 - (b) 12 months after the end of that member’s first full scheme year.
- (7) Where an element of value data that trustees or managers are required to provide under this regulation is not returned on time—
- (a) the trustee or manager must provide a reason for this (in particular if there is a system error or a delay in calculation), in accordance with data standards published from time to time by the Money and Pensions Service;
 - (b) the giving of a reason under sub-paragraph (a) does not excuse the trustees or managers from the requirement to provide the element of value data.
- (8) In this regulation—
- (a) “statement” means a statement of benefits produced in relation to Part 5 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013;
 - (b) “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹⁶⁾ in any part of the United Kingdom.

Contextual information

27.—(1) Alongside value data referred to in regulation 26(1), the following information must be provided where relevant in the circumstances—

- (a) the illustration date, having regard to guidance on value data issued from time to time by the Money and Pensions Service;
- (b) whether the value is expressed as an annual income, lump sum or pot value;
- (c) whether the value displayed contains any safeguarded benefits;

⁽¹⁵⁾ “money purchase benefit” is defined in section 318(1) of the Pensions Act 2004.

⁽¹⁶⁾ 1971 c. 80.

- (d) whether the value displayed includes any spouse's or civil partner's or dependant's benefits;
- (e) whether the benefits, once in payment, could be subject to change;
- (f) the type of illustration provided, as referred to in data standards published from time to time by the Money and Pensions Service;
- (g) the date from when a benefit is to be payable, or, where benefits are to be paid in tranches (as referred to in paragraph 2(4)(a) of Part 1 of Schedule 3), the date from when each tranche of benefit is to be payable;
- (h) if a pension benefit is payable for a fixed term, the date that the benefit is payable to (although benefits payable until death should leave the "to" date blank);
- (i) additional information to help the individual better understand their value data, including on whether—
 - (i) the benefits are hybrid benefits;
 - (ii) the pension may increase or decrease in payment;
 - (iii) the pension may stop paying out or reduce at a certain age;
 - (iv) more than one retirement date has been used to calculate the value (if there are multiple tranches of benefits);
 - (v) the individual should get in touch with the scheme regarding the information displayed, together with the reason for this;
 - (vi) a calculation method has been used as referred to in paragraph 2(1)(b)(ii) of Part 1 of Schedule 3.

(2) For sub-paragraphs (b) to (f), (h) and (i) of paragraph (1), the data element in each case should be selected from a fixed list as set in data standards published from time to time by the Money and Pensions Service.

(3) In this regulation, "safeguarded benefits" has the meaning given by section 48(8) of the Pension Schemes Act 2015(17).

Operational information and reporting

28.—(1) Trustees or managers must provide operational information upon request to any of the following—

- (a) the Money and Pensions Service;
- (b) the Regulator;
- (c) the Financial Conduct Authority;

in accordance with reporting standards as published from time to time by the Money and Pensions Service or the Regulator.

(2) In this regulation, "operational information" means information that is relevant to—

- (a) the operation of pensions dashboard services;
- (b) monitoring compliance with the requirements prescribed in this Part;
- (c) supporting the functions of the Regulator in respect of Parts 3 and 4 of these Regulations.

(3) Information referred to in paragraph (2) may include (but is not limited to) information on the following—

- (a) the number of find requests received;

- (b) the matching process used by the scheme;
 - (c) in relation to positive matches—
 - (i) the number of matches made that are notified to the Money and Pensions Service, and
 - (ii) how quickly any possible matches were resolved;
 - (d) in relation to possible matches—
 - (i) the number of possible matches, and
 - (ii) how many of these resulted in a match being made, resulted in no match being made, or remained unresolved;
 - (e) the number of view requests received and the time taken to respond to each one;
 - (f) contacts received from users, including details of—
 - (i) queries about pensions information provided,
 - (ii) pensions not found following a search, and
 - (iii) complaints;
 - (g) any aspect of the processing of an individual’s request for pensions information.
- (4) Information referred to in this regulation must be retained on record by trustees or managers for at least 6 years from the end of the scheme year to which it relates.

PART 4

Compliance and enforcement

Compliance notices

29.—(1) A compliance notice is a notice directing trustees or managers to take, or to refrain from taking, the steps specified in the notice.

(2) The Regulator may issue a compliance notice to the trustees or managers of a relevant occupational pension scheme where the Regulator is of the opinion that they are not complying, or have not complied, with any requirement in Part 3.

(3) The steps mentioned in paragraph (1) may be any steps that the Regulator reasonably requires with a view to remedying the non-compliance with a requirement in Part 3 and, where appropriate, avoiding repetition of it.

(4) A compliance notice may, in particular—

- (a) state the period within which any step must be taken or must cease to be taken;
- (b) require the trustees or managers to provide to the Regulator, within a specified period, information relating to the non-compliance;
- (c) require the trustees or managers to inform the Regulator, within a specified period, how the trustees or managers have complied with, or are complying with, the compliance notice;
- (d) give the trustees or managers a choice between different steps that may be taken to ensure that the non-compliance is remedied and, where appropriate, is not repeated;
- (e) cover more than one contravention, with separate steps specified in respect of each contravention, to the extent that the Regulator considers this to be appropriate.

(5) A direction in a compliance notice may be expressed to be conditional on compliance by a third party, with a specified direction contained in a third party compliance notice under regulation 30.

- (6) A compliance notice must state—
- (a) which provision of Part 3 was not, or is not, being complied with in the opinion of the Regulator;
 - (b) the evidence on which that opinion is based;
 - (c) that if the Regulator is of the opinion that trustees or managers have failed to comply with the compliance notice, then the Regulator may issue a penalty notice under regulation 31.

Third party compliance notices

30.—(1) A third party compliance notice is a notice directing the third party to whom it is issued (as referred to in paragraph (2)) to take, or to refrain from taking, the steps specified in the notice.

(2) The Regulator may issue a third party compliance notice in any of the circumstances listed in paragraph (3), where—

- (a) the Regulator is of the opinion that the non-compliance by trustees or managers of a relevant occupational pension scheme with a requirement in Part 3 is or was, wholly or partly, a result of an act or omission by another person (“the third party”), and
- (b) that act or omission is not in itself a contravention of Part 3.

(3) The circumstances are—

- (a) receipt of an indication that the trustees or managers of a relevant occupational pension scheme are unable to confirm whether they are complying with, or will be able to comply with, a requirement under Part 3, or
- (b) the Regulator is of the opinion that the trustees or managers have not complied with a requirement under Part 3.

(4) The steps mentioned in paragraph (1) may be any steps that are reasonably necessary to ensure that any non-compliance with any requirement in Part 3 can be remedied and, where appropriate, is not repeated.

(5) A third party compliance notice may, in particular—

- (a) state the period within which any steps must be taken or must cease to be taken;
- (b) require the third party to provide to the Regulator, within a specified period, information relating to the non-compliance;
- (c) require the third party to inform the Regulator, within a specified period, how the third party has complied with, or is complying with, the third party compliance notice;
- (d) give the third party a choice between different steps that may be taken to ensure that the non-compliance can be remedied and, where appropriate, is not repeated;
- (e) cover more than one contravention, with separate steps specified in respect of each contravention, to the extent that the Regulator considers this to be appropriate.

(6) A third party compliance notice must state—

- (a) the particulars of the act or omission by the third party, and which of the circumstances in paragraph (3) apply in the opinion of the Regulator;
- (b) if the Regulator is of the opinion that the circumstances in paragraph (3)(a) apply, the evidence on which that opinion is based;
- (c) if the Regulator is of the opinion that the circumstances in paragraph (3)(b) apply—
 - (i) which provision of Part 3 was not, or is not, being complied with in the opinion of the Regulator;
 - (ii) the evidence on which that opinion is based;

- (d) that if the Regulator is of the opinion that the third party has failed to comply with the third party compliance notice, then the Regulator may issue a penalty notice under regulation 30.

Penalty notices

31.—(1) A penalty notice is a notice requiring the person to whom it is issued to pay a penalty within the period specified in the notice.

(2) Subject to regulation 33(1) and (3)(b), the Regulator may issue a penalty notice to—

- (a) any trustee or manager of a pension scheme where the Regulator is of the opinion that the trustee or manager has—
 - (i) failed to comply with a compliance notice under regulation 29, or
 - (ii) contravened a provision under Part 3;
- (b) a third party where the Regulator is of the opinion that the third party failed to comply with a third party compliance notice under regulation 30.

(3) The amount of the penalty is to be determined by the Regulator, but in respect of a failure or contravention must not exceed—

- (a) £5,000 if the person is an individual, or
- (b) £50,000 if the person is a body corporate (including corporate trustees), a Scottish partnership, or any other person who is not an individual.

(4) A penalty notice must—

- (a) state the amount of the penalty;
- (b) state the date by which the penalty must be paid, which must be at least 4 weeks after the date on which the penalty notice is issued;
- (c) state the period (if any) to which the penalty relates;
- (d) if the penalty notice is issued under paragraph 2(a)(i) or (2)(b), specify the failure to which the penalty notice relates;
- (e) if the notice is issued under paragraph 2(a)(ii), specify the provision which has been contravened;
- (f) notify the person to whom the notice is issued of the review process under regulation 34 and the right of referral to a tribunal under regulation 35.

(5) Where the Regulator may issue more than one penalty notice to a person because there has been—

- (a) more than one failure to comply with the same compliance notice, or
- (b) more than one contravention of a provision under Part 3 (whether more than one contravention of the same provision or contraventions of different provisions),

the penalty notices may be issued in a single document.

(6) If a single document is issued as mentioned in paragraph (5), the information required by paragraph (4) may be provided in the document by reference to more than one penalty.

Penalty notices: recovery

32.—(1) A penalty payable under a penalty notice is recoverable by the Regulator.

(2) In England and Wales, any such penalty is, if the County Court so orders, recoverable under section 85 of the County Courts Act 1984(18) or otherwise as if it were payable under an order of that court.

(3) In Scotland, any such penalty is enforceable as if it were an extract registered decree arbitral bearing a warrant for execution signed by the sheriff court of any sheriffdom in Scotland.

(4) The Regulator must pay into the Consolidated Fund any penalty recovered under this regulation.

Penalty notices: recovery from bodies corporate and Scottish partnerships

33.—(1) Where—

- (a) a penalty under regulation 31 is recoverable from a body corporate or a Scottish partnership by reason of any act or omission of the body or partnership, and
- (b) the act or omission was done with the consent or connivance of, or is attributable to any neglect on the part of, any persons mentioned in paragraph (2),

the Regulator may issue the penalty notice to each of those persons who consented to or connived in the act or omission, or to whose neglect the act or omission was attributable.

(2) The persons are—

- (a) in relation to a body corporate—
 - (i) any director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, and
 - (ii) where the affairs of the body corporate are managed by its members, any member who has management functions;
- (b) in relation to a Scottish partnership, the partners of that partnership.

(3) Where the Regulator requires any person mentioned in paragraph (2) to pay a penalty, the Regulator—

- (a) may not also require the relevant body corporate or Scottish partnership to pay a penalty in respect of the same act or omission, and
- (b) must issue a penalty notice to the person who is required to pay, but may also notify the relevant body corporate or Scottish partnership.

Review of notices

34.—(1) The Regulator may review a notice to which this paragraph applies—

- (a) on the written application of the person to whom the notice was issued, or
- (b) if the Regulator otherwise considers it appropriate.

(2) Paragraph (1) applies to—

- (a) a compliance notice issued under regulation 29;
- (b) a third party compliance notice issued under regulation 30;
- (c) a penalty noticed issued under regulation 31 or 33.

(3) An application to review a notice under paragraph (1)(a) must be made within 28 days beginning with the date on which the notice is issued to a person.

(4) The Regulator may review a notice under paragraph (1)(b) within 18 months beginning with the date on which the notice is issued to a person.

- (5) In circumstances where the Regulator receives an application to review a notice under paragraph (1)(a), the effect of the notice is suspended for the period—
- (a) beginning on the day that the Regulator determines to carry out the review, and
 - (b) ending on the day that the person who applied for the review is informed of the outcome of the review.
- (6) In carrying out the review, the Regulator must consider any representations made by the person to whom the notice was issued.
- (7) On reviewing a notice, the Regulator may—
- (a) confirm, vary or revoke the notice;
 - (b) substitute a different notice.

References to the First-tier Tribunal or Upper Tribunal

- 35.**—(1) A person to whom a penalty notice is issued under regulation 31 or 33 may, if one of the conditions in paragraph (2) is satisfied, make a reference to the Tribunal in respect of—
- (a) the issue of the notice;
 - (b) the amount of the penalty under the notice.
- (2) The conditions are—
- (a) that the Regulator has completed a review of the notice under regulation 34, or
 - (b) that the person to whom the notice was issued made an application for review of the notice under regulation 34(1)(a) and the Regulator has determined not to carry out a review.
- (3) On a reference to the Tribunal in respect of a notice, the effect of the notice is suspended for the period beginning on the day the Tribunal receives notice of the reference and ending—
- (a) on the day the reference is withdrawn,
 - (b) if the reference is made out of time, on the day the Tribunal determines not to allow the reference to proceed, or
 - (c) on the day the reference is completed.
- (4) For the purposes of paragraph (3)(c), a reference is completed when—
- (a) the reference has been determined, and
 - (b) the Tribunal has remitted the matter to the Regulator.
- (5) In this regulation—
- (a) “the Tribunal” means—
 - (i) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the reference;
 - (ii) the First-tier Tribunal in any other case;
 - (b) “Tribunal Procedure Rules” means—
 - (i) the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 in relation to the First-tier Tribunal⁽¹⁹⁾, and
 - (ii) the Tribunal Procedure (Upper Tribunal) Rules 2008⁽²⁰⁾ in relation to the Upper Tribunal.

⁽¹⁹⁾ S.I. 2009/1976.

⁽²⁰⁾ S.I. 2008/2698.

PART 5

Disclosure of information

Disclosure of information

36.—(1) The Money and Pensions Service may disclose information to the Regulator⁽²¹⁾, provided that the disclosure is for the purpose of enabling or assisting the Money and Pensions Service or the Regulator to exercise its functions in connection with these Regulations.

(2) Except as provided by paragraph (3), the disclosure of information under this regulation does not breach—

- (a) any obligation of confidence owed by the person making the disclosure, or
- (b) any other restriction on the disclosure of information (however imposed).

(3) This regulation does not authorise a disclosure of information if the disclosure would contravene the data protection legislation, where “the data protection legislation” has the same meaning as in the Data Protection Act 2018⁽²²⁾ (see section 3 of that Act).

(4) This regulation does not limit the circumstances in which information may be disclosed apart from this regulation.

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

Date

Name
Parliamentary Under Secretary of State
Department for Work and Pensions

(21) In the Pensions Act 2004, section 84 allows the Regulator to disclose information to facilitate the exercise of functions by the Regulator, and section 86 allows for Schedule 3 to be amended by order to enable the Regulator to disclose information to facilitate the exercise of functions by other supervisory authorities.

(22) 2018 c. 12.