



Pension Schemes Act 1993

1993 CHAPTER 48

PART VI

FURTHER REQUIREMENTS FOR PROTECTION OF SCHEME MEMBERS

[^{F1}113B Occupational pension schemes: requirements to refer members to guidance etc

- (1) The Secretary of State must make regulations requiring the trustees or managers of an occupational pension scheme to take the steps mentioned in subsections (2) and (3) in relation to an application from a relevant beneficiary—
 - (a) to transfer any rights accrued under the scheme, or
 - (b) to start receiving benefits provided by the scheme.
- (2) As part of the application process, the trustees or managers must ensure that—
 - (a) the beneficiary is referred to appropriate pensions guidance, and
 - (b) the beneficiary is provided with an explanation of the nature and purpose of such guidance.
- (3) Before proceeding with the application, the trustees or managers must ensure that the beneficiary has either received appropriate pensions guidance or has opted out of receiving such guidance.
- (4) The regulations may—
 - (a) specify what constitutes appropriate pensions guidance;
 - (b) make further provision about how the trustees or managers must comply with the duties in subsections (2) and (3) (such as provision about methods of communication and time limits);
 - (c) make further provision about how, and to whom, a beneficiary may indicate that they have received or opted out of receiving appropriate pensions guidance for the purposes of subsection (3);
 - (d) specify what the duties of the trustees or managers are in the situation where a beneficiary does not respond to a communication that is made for the purposes of complying with the duty in subsection (3);

Status: Point in time view as at 05/07/2021. This version of this provision has been superseded.

Changes to legislation: Pension Schemes Act 1993, Section 113B is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (e) provide for exceptions to the duties in subsections (2) and (3) in specified cases;
 - (f) provide for the Secretary of State or another prescribed person to issue guidance for the purposes of this section, to which trustees or managers must have regard in complying with their duties under the regulations.
- (5) In determining what provision to include in the regulations, the Secretary of State must have regard to any rules that are for the time being in force under section 137FB(1A) of the Financial Services and Markets Act 2000.
- (6) In this section—
- “relevant beneficiary”, in relation to a pension scheme, means—
 - (a) a member of the scheme, or
 - (b) another person of a prescribed description,
 who has a right or entitlement to flexible benefits under the scheme;
 - “flexible benefits” has the meaning given by section 74 of the Pension Schemes Act 2015;
 - “pensions guidance” means information or guidance provided by any person in pursuance of the requirements mentioned in section 4 of the Financial Guidance and Claims Act 2018 (information etc about flexible benefits under pension schemes).]

Textual Amendments

- F1** S. 113B inserted (5.7.2021 for specified purposes, 1.6.2022 in so far as not already in force) by [Financial Guidance and Claims Act 2018 \(c. 10\)](#), **ss. 19(2)**, 37(5); S.I. 2021/764, reg. 2(e); S.I. 2022/509, reg. 2(b)

Status:

Point in time view as at 05/07/2021. This version of this provision has been superseded.

Changes to legislation:

Pension Schemes Act 1993, Section 113B is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.