

**1987 No. 1105**

**PENSIONS**

**The Occupational Pension Schemes (Disclosure of Information) (Amendment) Regulations 1987**

<i>Made</i> - - - -	<i>25th June 1987</i>
<i>Laid before Parliament</i>	<i>6th July 1987</i>
<i>Coming into force</i>	<i>27th July 1987</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 168(1) of, and Schedule 20 to, the Social Security Act 1975(a) and sections 56A(1) and (3) of the Social Security Pensions Act 1975(b) and of all other powers enabling him in that behalf, after considering the report of the Occupational Pensions Board on the proposals submitted to them(c), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Disclosure of Information) (Amendment) Regulations 1987 and shall come into force on 27th July 1987.

(2) In these Regulations, “the principal Regulations” means the Occupational Pension Schemes (Disclosure of Information) Regulations 1986(d).

(3) Except so far as the context otherwise requires, any reference in these Regulations to a numbered regulation or Schedule is to the regulation in, or, as the case may be, Schedule to, the principal Regulations bearing that number.

**Amendments of the principal Regulations**

2.—(1) For paragraph (3)(c) of regulation 5, there shall be substituted the following sub-paragraph—

“(c) 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 that trade union is recognised, to any extent, for the purposes of collective bargaining.”

(2) For paragraph (4) of regulation 6 there shall be substituted the following paragraph—

“(4) Except in relation to money purchase benefits, the information mentioned in paragraph 4 of Schedule 2 shall be furnished to any member whose pensionable service has not terminated before normal pension age, on request (not being a

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(a) 1975 c.14. See definitions of “prescribe” and “regulations” in Schedule 20. Section 168(1) applies, by virtue of section 66(2) of the Social Security Pensions Act 1975 (c.60), to the exercise of certain powers conferred by that Act.

(b) 1975 c.60; section 56A was added by section 3 of, and Schedule 2 to, the Social Security Act 1985 (c.53).

(c) See section 61(2) and (3) of the Social Security Pensions Act 1975; section 61(2) is amended in ways not relevant to these Regulations.

(d) S.I. 1986/1046, amended by S.I. 1986/1717.

request made within a year of the last occasion on which any such information as is mentioned in that paragraph was furnished to him) as soon as practicable after he requests it.”.

(3) After paragraph (4) of regulation 6 there shall be inserted the following paragraphs—

“(4A) In the case of a scheme which provides only—

- (a) money purchase benefits; or
- (b) (i) money purchase benefits, and  
(ii) salary-related benefits which are payable only in the event of the death of a member who is, immediately before his death, employed in relevant employment,

the information mentioned in paragraphs 4B and 4C of Schedule 2 shall be furnished, as of course, to each member of the scheme, at least once in every period of 12 months after the date of his becoming a member of it.

(4B) Except in the case of a scheme to which paragraph (4A) applies, in relation to money purchase benefits the information mentioned in paragraph 4C of Schedule 2 shall be furnished to any member on request (not being a request made within a year of the last occasion on which any such information as is mentioned in that paragraph was furnished to him) as soon as practicable after he requests it.

(4C) Where a scheme is, or has been, a money purchase contracted-out scheme in relation to one or more members’ employments, and that member has or those members have protected rights under it, the information mentioned in paragraph 4D of Schedule 2 shall be sent, as of course, to each member with such rights—

- (a) not less than 4 months, but not more than 6 months, before he attains pensionable age, and
- (b) not less than 4 months before the member attains the age of 75 years if effect has not been given to his protected rights by the beginning of the sixth month before the member attains the age of 75 years.

(4D) Where a scheme which has been a money purchase contracted-out scheme in relation to one or more members’ employments ceases to be such a scheme in relation to any of them, the trustees of the scheme shall inform each member (“the affected member”), in relation to whose employment the scheme has ceased to be such a scheme, as soon as practicable and in any event not more than 4 weeks after the date on which it ceased to be such a scheme that the scheme has so ceased, and furnish the affected member, as soon as practicable and in any event not more than 4 months after the date on which it ceased to be such a scheme with—

- (a) the information mentioned in paragraphs 4B, 4C, 4E, 4F and 4G of Schedule 2, and
- (b) except where the scheme is able to meet in full its liabilities to the affected member, the information mentioned in paragraph 4H of Schedule 2.”.

(4) For paragraph (6) of regulation 6 there shall be substituted the following paragraph—

“(6) The information mentioned in paragraph 7 of Schedule 2 shall be furnished—

- (a) as of course to any person as soon as practicable after he or his employer has notified the trustees that his pensionable service has terminated or is about to terminate; and
- (b) to any member on request (not being a request made less than 12 months after the last occasion on which such information was furnished to him) as soon as practicable after he requests it.”.

(5) In paragraph (11) of regulation 6—

- (a) for the words “assets of the scheme have all been realised but before the proceeds”, there shall be substituted the words “proceeds of the realisation of the assets of the scheme”; and
- (b) in sub-paragraph (a), for “4” there shall be substituted “4A”.

(6) In paragraph (10) of regulation 8, after the words “and of the person who” there shall be inserted the words “or trade union which”.

- (7) In paragraph (1)(c) of regulation 9, for "14" there shall be substituted "15".
- (8) After paragraph 3 of Schedule 1 there shall be inserted the following paragraphs—
- “3A. The period of notice (if any) which a member of the scheme must give to terminate his pensionable service.
- 3B. Whether, and if so upon what conditions (if any), a member of the scheme, whose pensionable service has terminated before normal pension age, may re-enter pensionable service.”.
- (9) After paragraph 4 of Schedule 2 there shall be inserted the following paragraphs—
- “4A. The amounts of the member's own benefits and of his survivors' benefits which are expected to be payable from normal pension age or death thereafter.
- 4B. The amount of contributions (before the making of any deductions), credited to the member under the scheme during the 12 months preceding a specified date, and, where the scheme was for the whole or any part of that period, a contracted-out scheme, the amount of those contributions which is attributable to—
- (a) the minimum payments to the scheme made in respect of the member by his employer; and
- (b) the payments (if any) made to the trustees of the scheme by the Secretary of State in accordance with section 7(1) of the Social Security Act 1986 in respect of the member.
- 4C.(a) As at a specified date—
- (i) the value of the member's protected rights under the scheme, and
- (ii) the value of the member's accrued rights (other than his protected rights) under the scheme.
- (b) Where the cash equivalent (calculated, as at the date specified for the purposes of sub-paragraph (a), in accordance with paragraph 14 of Schedule 1A to the Act, and regulations made thereunder), in respect of the transfer of the member's rights mentioned in sub-paragraph (a)(i) or (ii) or both would be different from the values to be specified under that sub-paragraph, that cash equivalent.
- 4D. The options available to the member, including those in respect of any accrued rights which are not protected rights.
- 4E. The date on which the scheme ceased to be a money purchase contracted-out scheme in relation to the member's employment.
- 4F. Whether arrangements for the preservation or transfer of the member's protected rights have been, or are to be, proposed to the Occupational Pensions Board and an explanation of the intended effects of any such proposed arrangements.
- 4G. The options available to the member in respect of his protected rights.
- 4H. An account of the amount by which the member's—
- (a) protected rights; and
- (b) accrued rights other than his protected rights,
- have been reduced, and of the arrangements which have been made by the scheme, or are open to the member, to restore the value of his accrued rights under the scheme.”.
- (10) After paragraph 14 of Schedule 5 there shall be inserted the following paragraph—
- “15. A copy of any statement which any auditor of the scheme has made in the year, in accordance with the provisions of regulation 3(4) or (5) of the Occupational Pension Schemes (Auditors) Regulations 1987.”(a) .

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

*Nicholas Scott*  
Minister of State,

25th June 1987

Department of Health and Social Security

(a) S.I. 1987/1102.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Occupational Pension Schemes (Disclosure of Information) Regulations 1986 ("the principal Regulations").

Regulation 2(3) inserts further paragraphs into regulation 6 of the principal Regulations providing for the furnishing, in the circumstances specified in those paragraphs, to members of occupational pension schemes of the kinds mentioned in those paragraphs of the information specified in paragraphs 4B to 4H of Schedule 2 to the principal Regulations (which are all inserted by regulation 2(9) of these Regulations).

Regulation 2(10) inserts a new paragraph 15 into Schedule 5 to the principal Regulations, so that the trustees of an occupational pension scheme are required to furnish the persons specified in regulation 9 of the principal Regulations with a copy of any statement which any auditor of the scheme has made in the scheme year, to which the information relates, in accordance with the provisions of regulation 3(4) or (5) of the Occupational Pension Schemes (Auditors) Regulations 1987.

The remaining provisions of regulation 2 make minor and consequential amendments.

The report of the Occupational Pensions Board on the draft of these Regulations, dated 3rd June 1987, is contained in Command Paper (Cmnd 164) published by Her Majesty's Stationery Office.

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