

## SCHEDULE 1

Regulations 4 and 8

### BASIC INFORMATION ABOUT THE SCHEME

1. The categories of persons who are eligible to be members of the scheme.
2. Whether persons who are eligible to be members of the scheme are admitted to it—
  - (a) only on their own application; or
  - (b) automatically unless the person in question makes an election not to be admitted; or
  - (c) subject to the consent of their employer.
3. The conditions of eligibility for membership.
4. The period of notice (if any) which a member of the scheme must give to terminate his pensionable service.
5. 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.
6. How employers' contributions are determined.
7. How members' normal contributions, if any, are calculated.
8. What arrangements are made for the payment by members of additional voluntary contributions.
9. Whether the scheme is a tax-approved scheme, and if not whether an application for the scheme to become a tax-approved scheme is under consideration by the Commissioners of Inland Revenue.
10. Which of the relevant employments are, and which are not, contracted-out employments within the meaning of section 8 of the 1993 Act, and whether the scheme is contracted-out in relation to those employments by virtue of satisfying section 9(2) or (3) of the 1993 Act<sup>(1)</sup>, or by virtue of being one to which regulations made under section 149 of the 1995 Act apply (mixed benefit contracted-out schemes).
11. Except in the case of a simplified defined contribution scheme, normal pension age under the scheme.
12. What benefits are payable under the scheme and how they are calculated (including how pensionable earnings are defined under the scheme and the rate at which rights to benefits accrue).
13. Whether there is a power under the scheme rules to increase pensions after they have become payable, otherwise than in accordance with statutory requirements, and if so what it is, who may exercise it, and whether and to what extent it is discretionary.
14. Where the scheme is one to which regulations made under section 149 of the 1995 Act apply, the circumstances, if any, in which the nature of a member's accrued rights, or the basis upon which a member accrues rights under the scheme, may alter as a result of the scheme being one to which those regulations apply, and a statement that the trustees will give notice to a member in circumstances where his rights are affected.
15. Whether, and if so when and upon what conditions, survivors' benefits are payable under the scheme.
16. The conditions on which benefits, other than survivors' benefits, are payable under the scheme.
17. Which benefits, if any, are payable only at some person's discretion.

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(1) Section 6 was amended by paragraph 23 of Schedule 3 to the Pensions Act 1995.

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- 18.** The short title of the enactment (if any) which provides for both—
- (a) the setting up of the scheme, and
  - (b) the determination of the rate or amount of the benefits under the scheme.
- 19.** What arrangements are made, and in what circumstances, for—
- (a) estimates of entitlement to a cash equivalent,
  - (b) statements of entitlement to a guaranteed cash equivalent,
  - (c) refunds of contributions, and
  - (d) preservation or transfer of accrued rights

in relation to a member whose relevant employment or pensionable service in relevant employment terminates before he reaches normal pension age.

**20.** Whether, and the circumstances in which, the trustees will accept cash equivalents and provide transfer credits within the meaning of Chapter IV of Part IV of the 1993 Act (transfer values) and whether such acceptance is subject to the discretion of the trustees.

**21.** If the trustees have directed that any cash equivalent shall not take into account any such additional benefits as might accrue to the member in question resulting from the exercise of any discretion vested in the trustees or the employer, a statement to this effect.

**22.** A statement summarising the way in which transfer values are calculated.

**23.** Except in the case of a public service pension scheme such as is referred to in regulation 6(2), a statement that a scheme annual report is available on request.

**24.** Whether information about the scheme has been given to the Registrar of Occupational and Personal Pension Schemes, appointed in accordance with regulations made under section 6 of the 1993 Act(2).

**25.** What procedures the scheme has for the internal resolution of disputes (unless it is an exempt scheme by virtue of regulations made under section 50(7) of the 1995 Act), and the address and job title of the person to be contacted in order to have recourse to these.

**26.** A statement that OPAS (The Pensions Advisory Service)(3) is available to assist members and beneficiaries of the scheme in connection with difficulties which they have failed to resolve with the trustees or administrators of the scheme and the address at which it may be contacted.

**27.** A statement that the Pensions Ombudsman appointed under section 145(2) of the 1993 Act may investigate and determine any complaint or dispute of fact or law in relation to an occupational pension scheme made or referred in accordance with that Act and the address at which he may be contacted.

**28.** A statement that the Regulatory Authority is able to intervene in the running of schemes where trustees, employers or professional advisers have failed in their duties, giving the address at which it may be contacted.

**29.** The address to which enquiries about the scheme generally or about an individual's entitlement to benefit should be sent.

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(2) A company limited by guarantee under the Companies Act 1985 (c. 6): registered number 2459671.

(3) 1986 c. 50. Section 7 was repealed by Schedule 5 to the Pension Schemes Act 1993, subject to the saving in paragraph 22 of Schedule 6 to that Act.

## SCHEDULE 2

Regulation 5

### INFORMATION TO BE MADE AVAILABLE TO INDIVIDUALS

1. The amount of benefit which is payable to the person.
2. If a benefit is payable periodically, the conditions (if any) subject to which payment will be continued.
3. If a benefit is payable periodically, the provisions (if any) under which the amount payable will be altered.
4. In the case of—
  - (a) an active member, the information specified in either (the trustees having the option to choose which one) of paragraphs (i) or (ii), together with the information specified in paragraph (iii)—
    - (i) the amounts of his own benefits and of his survivors' benefits which would be payable from normal pension age or death if his pensionable service were to terminate within 1 month of the date on which the information is furnished to him, calculated without regard to possible increases in his salary;
    - (ii) the amounts of his own benefits and of his survivors' benefits which would be payable from normal pension age or death thereafter if his pensionable service were to terminate on his attaining normal pension age, calculated without regard to possible increases in his salary;
    - (iii) except in the case of a simplified defined contribution scheme, the amount of any death in service benefits that would be payable if the member were to die on a specified date which is within 1 month of the date on which the information is furnished to him, with details of how those benefits are calculated;
  - (b) a deferred member, the date pensionable service ceased and the amounts of his own benefits and of his survivors' benefits payable from normal pension age or death.

And in either case, the information must include:

- the date on which the member's pensionable service commenced;
  - the accrual rate or formula for calculating the member's own benefits and any survivors' benefits;
  - the amount of the member's pensionable remuneration on a specified date being, in the case of an active member, the date on which the information is furnished to him or a date within 1 month thereof, and in the case of a deferred member, the date pensionable service ceased; and
  - details of how any deduction from benefits is calculated.
- (a) (a) The amount of contributions (before the making of any deductions) credited to the member under the scheme during the immediately preceding scheme year and, where the scheme was for the whole or any part of the period a contracted-out scheme, the amount of those contributions which is attributable to—
    - (i) the minimum payments to the scheme made in respect of the member by his employer during the immediately preceding scheme year;
    - (ii) the payments (if any) made to the scheme by the Secretary of State in accordance with section 7(1) of the Social Security Act 1986(4) (schemes becoming contracted-out between 1986 and 1993) in respect of the member during the immediately preceding scheme year;

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(4) Section 42A was inserted by section 137(5) of the Pensions Act 1995.

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- (iii) the age-related payments (if any) made to the scheme by the Secretary of State in accordance with section 42A(3)(5) of the 1993 Act in respect of the member during the immediately preceding scheme year; and
  - (iv) the date of birth used in determining the appropriate age-related percentage for the purposes of section 42A as disclosed to the trustees by the Secretary of State and the name of whom to contact and their address should the date of birth be incorrect.
- (b) If the scheme is a simplified defined contribution scheme, the amount or fraction of contributions applied to insure benefits payable in the event of the member's death before starting to receive retirement benefits under the scheme.
- (a) (a) The value of— &
    - (i) the member's protected rights under the scheme as at a specified date; and
    - (ii) the member's accrued rights (other than his protected rights) under the scheme at the same or another specified date.
  - (b) Where the cash equivalent (calculated, as at the date specified for the purposes of sub-paragraph (a) in accordance with section 97 of the 1993 Act(6), 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.
7. The options available to the member within the scheme rules.
8. The date on which the scheme ceased to be a money purchase contracted-out scheme in relation to the member's employment.
9. The options available to the member within the scheme rules in respect of his protected rights.
10. 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 action taken by the trustees, or which it is open to the member to take, in order, so far as may be possible, to restore the value of his accrued rights under the scheme.
11. The rights and options (if any) available on the death of a member or beneficiary, and the procedures for exercising them.
12. The provisions (or, as the case may be, a statement that there are no provisions) under which any pension payable to a survivor of a member or beneficiary may or will be increased, and the extent to which such increases are dependent on the exercise of a discretion.
13. Whether the member or prospective member is entitled to acquire transfer credits in exchange for a specified cash equivalent (within the meaning of Chapter IV of Part IV of the 1993 Act), provided by another scheme, and if so, a statement of those transfer credits.
14. Whether the member or prospective member is entitled to acquire transfer credits in exchange for any transfer payment (within the meaning of Chapter IV of Part IV of the 1993 Act), provided by another scheme, and if so, a statement of those transfer credits.
15. What action is being taken to establish the scheme's liabilities and to recover any assets; when it is anticipated final details will be known; and (where the trustees have sufficient information) an indication of the extent to which, if at all, the actuarial value of accrued rights or benefits to which such person is entitled are likely to be reduced.

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(5) Section 97 was amended by paragraph 4 of Schedule 6 to the Pensions Act 1995.

(6) Section 9(2) to (2C) was substituted for section 9(2) by section 136(3) of the Pensions Act 1995. Section 9(3) was amended by section 136(4) of, and paragraph 24 of Schedule 5 to, the Pensions Act 1995.

16. An estimate of the amount of the member's own benefits and of his survivors' benefits which are expected to be payable from normal pension age or death.

### SCHEDULE 3

Regulation 6

#### INFORMATION TO BE INCLUDED IN ANNUAL REPORT

1. The names of the persons who were trustees of the scheme, and in the case of a scheme none of the trustees of which is an individual, the names of the directors of any company which is a trustee, during the scheme year to which the information relates (in this Schedule called "the year").

2. The provisions of the scheme in relation to the appointment of trustees and their removal from office, and in the case of a scheme none of the trustees of which is an individual, the provisions in the articles of association of each trustee which relate to the appointment and removal from office of any directors.

3. The names of the professional advisers and of such banks, custodians, and other persons and organisations who have acted for or were retained by the trustees during the year, with an indication (except in a case where regulation 6 is complied with by trustees of a scheme for the first time) of any change since the previous year.

4. The address to which enquiries about the scheme generally or about an individual's entitlement to benefit should be sent.

5. The number of beneficiaries and active, deferred and pensioner members as at any one date during the year.

6. Except in the case of a money purchase scheme, the percentage increases made (otherwise than in accordance with a legislative requirement) during the year (or, if there have been different increases for different individuals or groups of individuals, the maximum, minimum and average percentage increases) to—

- (a) pensions which were payable; and
- (b) deferred pensions,

with a statement whether the increases were to any extent discretionary, and if so to what extent.

7. Except in the case of a money purchase scheme which is a wholly insured scheme, the following information—

- (a) where any cash equivalents or guaranteed cash equivalents (within the meaning of Chapter IV of Part IV of the 1993 Act) paid during the year were not calculated and verified in the manner prescribed by regulations made under section 97 of the 1993 Act, a statement explaining why;
- (b) where any of the cash equivalents or guaranteed cash equivalents paid during the year were less than the amount for which section 94(1) of the 1993 Act provides, a statement to that effect together with information as to—
  - (i) why they were less, and
  - (ii) when full values became, or are likely to become available; and
- (c) a statement whether discretionary benefits are included in the calculation of transfer values, and if so, the method by which the value of discretionary benefits is assessed.

8. A statement as to whether the accounts have been prepared and audited in accordance with regulations made under section 41(1) and (6) of the 1995 Act (unless the scheme is exempt from such requirement by virtue of those regulations).

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**9.** If the auditor's statement made in accordance with regulations made under section 41(1)(a) and (2)(b) of the 1995 Act is negative or qualified, an account of the reasons why and a statement as to how the situation has been or is likely to be resolved.

**10.** If such situation as is mentioned in paragraph 9 was not resolved in a previous year, a statement as to how it has been or is likely to be resolved.

**11.** Who has managed the investments of the scheme during the year and the extent of any delegation of this function by the trustees.

**12.** Whether the trustees have produced a statement of the principles governing decisions about investments for the purposes of the scheme in accordance with section 35 of the 1995 Act (unless the scheme is exempt from such requirement by virtue of regulations made under that section), and where the trustees have produced such a statement, advising that a copy is available on request.

**13.** Except in relation to a wholly insured scheme, a statement as to the trustees' policy on the custody of the scheme assets.

**14.** Where the scheme is one to which section 35 of the 1995 Act applies, an investment report containing—

- (a) a statement by the trustees, or the fund manager, providing details of any investments made for the scheme during the year which were not made in accordance with the statement of the principles governing decisions about investments required under section 35 of the 1995 Act;
- (b) where investments for the scheme have been made in the year which do not accord with the statement of the principles governing decisions about investments required under section 35 of the 1995 Act (or were made in a previous scheme year and continued to be held at the end of the year), a statement by the trustees, or the fund manager, giving the reasons why and explaining what action, if any, it is proposed to take or has already been taken to remedy the position;
- (c) a review of the investment performance of the scheme's fund—
  - (i) during the year; and
  - (ii) except where the scheme has existed for less than 3 scheme years, during a period of not less than 3 and not more than 5 scheme years ending with the year,

including an assessment of the nature, disposition, marketability, security and valuation of the scheme's assets.

**15.** A copy of any statement made on the resignation or removal of the auditor or actuary and made in accordance with regulations made under section 47(6) of the 1995 Act.

**16.** Where the scheme has employer-related investments within the meaning of section 40(2) of the 1995 Act—

- (a) a list of those investments;
- (b) a statement as to the proportion of the scheme's resources represented by those investments;
- (c) a statement as to whether the scheme's investments comply with any restrictions prescribed by regulations made under section 40 of the 1995 Act, and where they do not, how it is intended to remedy the position.

## SCHEDULE 4

Regulation 12

## REVOCATIONS

Column 1 <i>Statutory Instrument Number</i>	Column 2 <i>Statutory Instrument</i>	Column 3 <i>Provision Revoked</i>
S.I.1986/1046	The Occupational Pension Schemes (Disclosure of Information) Regulations 1986	The whole of the Regulations
S.I. 1986/1717	The Occupational Pension Schemes (Disclosure of Information) (Amendment) Regulations 1986	The whole of the Regulations
S.I. 1987/1105	The Occupational Pension Schemes (Disclosure of Information) (Amendment) Regulations 1987	The whole of the Regulations
S.I. 1988/476	The Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1988	Regulation 8
S.I. 1989/1641	The Personal and Occupational Pension Schemes (Miscellaneous Amendments) (No. 2) Regulations 1989	Regulation 3
S.I. 1991/167	The Occupational Pension Schemes (Preservation of Benefit) Regulations 1991	Schedule 1, paragraph 3
S.I. 1992/246	The Occupational Pension Schemes (Investment of Scheme's Resources) Regulations 1992	Regulation 6
S.I. 1992/1531	The Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations 1992	Regulations 4 to 17
S.I. 1994/1062	The Occupational and Personal Pension Schemes (Consequential Amendments) Regulations 1994	Schedule 2, paragraph 8