
STATUTORY INSTRUMENTS

2005 No. 1529

The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005

PART VI

Exempt Communications: Certain Controlled Activities

[^{F1}Pension product offers communicated to employees by third parties

72A.—(1) If the requirements of paragraph (2) are met, the financial promotion restriction does not apply to any communication which is made to an employee by or on behalf of a person (“A”) in relation to a group personal pension scheme or a stakeholder pension scheme.

(2) The requirements of this paragraph are that—

- (a) the employer and A have entered into a written contract specifying the terms on which the communication may be made;
- (b) in the case of a communication made by a person (“B”) on behalf of A, A and B have also entered into a written contract specifying the terms on which the communication may be made;
- (c) the employer has not received, and will not receive, any direct financial benefit as a result of the communication being made;
- (d) the employer will make a contribution to the scheme in the event of the employee becoming a member of the scheme and the communication contains a statement informing the employee of this;
- (e) in the case of a non-real time communication, the communication contains, or is accompanied by, a statement informing the employee of their right to seek advice from an authorised person or an appointed representative; and
- (f) the employer or A notifies the employee in writing prior to the employee becoming a member of the scheme of—
 - (i) the amount of the contribution that the employer will make to the scheme in respect of that employee, or the basis on which the contribution will be calculated; and
 - (ii) any remuneration A or B has received, or will receive, as a consequence of the employee becoming a member of the scheme, or the basis on which any such remuneration will be calculated.

(3) In this article “group personal pension scheme” and “stakeholder pension scheme” have the meaning given by article 72(4).]

Textual Amendments

F1 Arts. 72A-72E inserted (13.4.2010) by [The Financial Services and Markets Act 2000 \(Financial Promotion\) \(Amendment\) Order 2010 \(S.I. 2010/905\)](#), arts. 1, 5

Status:

Point in time view as at 23/03/2019.

Changes to legislation:

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Section 72A.