
STATUTORY INSTRUMENTS

2005 No. 674

The Pension Protection Fund (Provision of Information) Regulations 2005

Citation and commencement

1. These Regulations may be cited as the Pension Protection Fund (Provision of Information) Regulations 2005 and shall come into force on 6th April 2005.

Interpretation

2.—(1) In these Regulations—

[^{F1} “the 1995 Act ” means the Pensions Act 1995;]

“the Act” means the Pensions Act 2004 (any reference to a numbered section being to the section so numbered in that Act) ^{M1};

“appointed representative” means a person—

(a) whose name, address and appointment by the member or beneficiary for the purposes of—

(i) providing information to the Board; or

(ii) receiving information from the Board,

under regulation 3 or 5 have been notified to the Board in a document signed by the member or beneficiary in question or by his legal representative; and

(b) whose appointment has been consented to by the Board;

[^{F2}“the assessment date” means the date on which the assessment period in relation to the scheme or section, or (where there has been more than one such assessment period) the last one, began;]

“assessment period” shall be construed in accordance with section 132 (assessment periods);

“beneficiary” in relation to an eligible scheme means any person, other than a member of that scheme, who is entitled to compensation in accordance with the pension compensation provisions;

[^{F1} “compensation payments” means one or more payments under section 83 of the 1995 Act ;

“the Compensation Regulations ” means the Occupational Pension Schemes (Pensions Compensation Provisions) Regulations 1997;]

“eligible scheme” shall be construed in accordance with section 126 (eligible schemes);

[^{F1} “fraud compensation payments” means one or more payments under section 182(1) of the Act ;]

[^{F1} “the Fraud Compensation Regulations ” means the Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations 2005;]

“insolvency practitioner” shall be construed in accordance with section 121 (insolvency event, insolvency date and insolvency practitioner);

“multi-employer scheme” shall be construed in accordance with section 307(4);

[^{F3}“non-segregated scheme” means a multi-employer scheme which is not a segregated scheme;]

“normal pension age” in relation to any pension or lump sum in respect of which compensation is payable shall be construed in accordance with paragraph 34 of Schedule 7 to the Act (pension compensation provisions);

[^{F1} “the Pensions Compensation Board” means the Board established under section 78 of the 1995 Act ;]

“pension compensation provisions” shall be construed in accordance with section 162 (the pension compensation provisions);

“personal representative” means the executor, original or by representation, or administrator for the time being of a deceased person;

[^{F1} “recovery of value” shall be construed in accordance with section 184(3) of the Act or, as the case may be, in accordance with section 81(3)(f) of the 1995 Act ;]

“review decision” shall be construed in accordance with section 207(1)(a) (review and reconsideration by the Board of reviewable matters); ^{F4}...

[^{F5}“segregated scheme” means a multi-employer scheme which is divided into two or more sections where—

- (a) any contributions payable to the scheme by an employer in relation to the scheme or by a member are allocated to that employer’s or that member’s section; and
- (b) a specified proportion of the assets of the scheme is attributable to each section of the scheme and cannot be used for the purposes of any other section;]

“transfer notice” shall be construed in accordance with section 160 (transfer notice).

[^{F6}(2) In these Regulations, “employer”, in relation to—

- (a) an occupational pension scheme which is not a multi-employer scheme; or
- (b) a single-employer section of a segregated scheme,

which has no active members, includes the person who was the employer of persons in the description of employment to which the scheme or section relates immediately before the time at which the scheme or section ceased to have any active members in relation to it.]

[^{F7}(3) In these Regulations, “employer”, in relation to a non-segregated scheme or a multi-employer section of a segregated scheme—

- (a) in an assessment period, includes any person who before the assessment date has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—
 - (i) condition A is that a debt under section 75 of the Pensions Act 1995 became due from that employer and the full amount of the debt has been paid before the assessment date;
 - (ii) condition B is that—
 - (aa) such a debt became due;
 - (bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and
 - (cc) the reduced amount has been paid in full before the assessment date;

- (iii) condition C is that such a debt became due but before the assessment date it is excluded from the value of the assets of the scheme or section because it is unlikely to be recovered without disproportionate costs or within a reasonable time;
 - (iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due;
- (b) in any other case, includes any person who has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—
- (i) condition A is that a debt under section 75 of the Pensions Act 1995 became due from that employer and the full amount of the debt has been paid;
 - (ii) condition B is that—
 - (aa) such a debt became due;
 - (bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and
 - (cc) the reduced amount has been paid in full;
 - (iii) condition C is that such a debt became due but it is excluded from the value of the assets of the scheme or section because it is unlikely to be recovered without disproportionate costs or within a reasonable time;
 - (iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due.]

Textual Amendments

- F1** Words in reg. 2 inserted (1.9.2005) by [The Occupational Pension Schemes \(Fraud Compensation Payments and Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/2184\)](#), regs. 1(1), **23(2)**
- F2** Words in reg. 2(1) inserted (19.8.2005) by [Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/2113\)](#), regs. 1(1), **4(1)**, 4(2)(d)
- F3** Words in reg. 2(1) inserted (19.8.2005) by [Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/2113\)](#), regs. 1(1), **7(1)**, 7(2)(b)
- F4** Word in reg. 2(1) omitted (19.8.2005) by virtue of [Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/2113\)](#), regs. 1(1), **12(2)**
- F5** Words in reg. 2(1) inserted (19.8.2005) by [Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/2113\)](#), regs. 1(1), **8(1)**, 8(2)(b)
- F6** Reg. 2(2) substituted (19.8.2005) by [Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/2113\)](#), regs. 1(1), **5(4)**
- F7** Reg. 2(3) substituted (19.8.2005) by [Occupational Pension Schemes \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/2113\)](#), regs. 1(1), **6(4)**

Marginal Citations

- M1** The Act is modified in its application to partially guaranteed pension schemes by the [Pension Protection Fund \(Partially Guaranteed Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/277\)](#), in its application to hybrid schemes by the [Pension Protection Fund \(Hybrid Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/449\)](#), and in its application to multi-employer schemes by the [Pension Protection Fund \(Multi-employer Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/441\)](#).

Information to be provided by the Board

3.—(1) In this regulation—

“insolvency event” shall be construed in accordance with section 121;

“qualifying insolvency event” shall be construed in accordance with section 127 (duty to assume responsibility for schemes following insolvency event); and

“segregated scheme” means a multi-employer scheme which is divided into two or more sections where—

- (a) any contributions payable to the scheme by an employer in relation to the scheme or by a member are allocated to that employer's or that member's section; and
- (b) a specified proportion of the assets of the scheme is attributable to each section of the scheme and cannot be used for the purposes of any other section.

(2) Where the Board receives a notice under section 120(2) (duty to notify insolvency events in respect of employers) from an insolvency practitioner that an insolvency event has occurred in relation to an employer, and—

- (a) the scheme to which the notice relates is an eligible scheme; or
- (b) in the case of a multi-employer scheme which is a segregated scheme, the section to which the notice relates is an eligible section,

it shall, [^{F8}within the period specified in paragraph (12)], provide that insolvency practitioner, the Regulator, and the trustees or managers of that scheme or section with the information described in paragraph (3).

[^{F9}(2A) This paragraph applies where the Board receives a notice under section 120(2) from an insolvency practitioner that an insolvency event has occurred in relation to an employer, and—

- (a) the scheme to which the notice relates is not an eligible scheme; or
- (b) the section of the segregated scheme to which the notice relates is not an eligible section.]

[^{F9}(2B) Where paragraph (2A) applies the Board shall within the period specified in paragraph (12) inform—

- (a) the Regulator;
- (b) the trustees or managers of that scheme or section of a segregated scheme; and
- (c) that insolvency practitioner,

that the scheme is not an eligible scheme or, as the case may be, the section is not an eligible section.]

(3) The information to be provided under paragraph (2) is—

- (a) where the insolvency event is not a qualifying insolvency event, that the insolvency event is not such an insolvency event; or
- (b) where the insolvency event is a qualifying insolvency event, that the insolvency event is such an insolvency event and the date on which the assessment period began.

(4) Where the Board—

- (a) receives, during the assessment period, an application for a loan from the trustees or managers of a scheme under section 139(2) (loans to pay scheme benefits); and
- (b) decides whether or not it will make a loan to those trustees or managers,

it shall within the period of 14 days beginning with the day on which it made its decision notify those trustees or managers of its decision, of the amount that it considers appropriate to lend and of the terms on which it will make the loan.

(5) Where a person is authorised by the Board for the purposes of these Regulations as mentioned in section 190(1)(b)(ii) (information to be provided to the Board etc) in relation to a scheme,

the Board shall, within 14 days of making that authorisation, notify the identity of the person so authorised to—

- (a) the trustees or managers of that scheme;
- (b) the employer in respect of that scheme; and
- (c) the insolvency practitioner in relation to that employer.

(6) Where the Board has given the trustees or managers of a scheme a transfer notice, the information to be provided by the Board to members and beneficiaries of that scheme shall be determined in accordance with the provisions of Schedule 1.

[^{F10}(7) Where an application for fraud compensation payments has been made by a person prescribed by regulation 5 (applications) of the Fraud Compensation Regulations (“the applicant”) the information to be provided by the Board to the applicant and the trustees or managers of the scheme shall be determined in accordance with the provisions of Schedule 1A.

(8) Where the Board is exercising the functions of the Pensions Compensation Board and an application for compensation payments has been made by a person prescribed by regulation 4 (applications) of the Compensation Regulations (“the applicant”) the information to be provided by the Board to the applicant and the trustees or managers of the scheme shall be determined in accordance with the provisions of Schedule 1A.]

[^{F11}(9) Where the Board receives—

- (a) an application under section 129(1) (applications and notifications for the purposes of section 128) from the trustees or managers; or
- (b) a notice under section 129(4) from the Regulator,

it shall provide the information specified in paragraph (10) to the persons specified in paragraph (11) within the period specified in paragraph (12).

(10) The information to be provided under paragraph (9) is—

- (a) where the scheme is not an eligible scheme, that the scheme is not such a scheme;
- (b) where the scheme is an eligible scheme, that the scheme is such a scheme and the date on which the assessment period began;
- (c) where the section of the segregated scheme to which the application or, as the case may be, the notice relates is not an eligible section, that the section of the segregated scheme is not such a section; or
- (d) where the section of the segregated scheme to which the application or, as the case may be, the notice relates is an eligible section, that the section of the segregated scheme is such a section and the date on which the assessment period began.

(11) The persons specified in this paragraph are—

- (a) the Regulator;
- (b) the trustees or managers of that scheme or section of a segregated scheme;
- (c) the employer who is the employer in relation to that scheme or section of a segregated scheme; and
- (d) the insolvency practitioner in relation to that employer.

(12) The Board shall provide the information specified in paragraph (3) or (10) within the period of 28 days beginning with—

- (a) the date it receives the notice under section 120(2);
- (b) the date it receives the application under section 129(1);
- (c) the date it receives the notice under section 129(4);

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(d) where the Board requires the—

- (i) Regulator,
- (ii) insolvency practitioner, or
- (iii) trustees or managers,

to produce a document or provide information in connection with a notice given under section 120(2) or 129(4) or, as the case may be, an application under section 129(1), the date on which the document is produced to, or the information received by, either the Board or a person authorised by the Board for the purposes of section 191(2)(b) (notices requiring provision of information); or

(e) where a person is required to produce a document or provide information in connection with a notice given under section 191(1), the date on which the document is produced to, or the information received by, either the Board or a person authorised by the Board for the purposes of section 191(2)(b).

(13) This regulation does not impose any duty on the Board to provide any information to the trustees or managers of a scheme where the address of the trustees or managers has not been provided by the person who referred the notice or application to the Board.]

Textual Amendments

- F8** Words in [reg. 3\(2\)](#) substituted (6.4.2006) by [Pension Protection Fund \(Provision of Information\) \(Amendment\) Regulations 2006 \(S.I. 2006/595\)](#), regs. 1(1), **2(2)**
- F9** [Reg. 3\(2A\) - Reg. 3\(2B\)](#) inserted (6.4.2006) by [Pension Protection Fund \(Provision of Information\) \(Amendment\) Regulations 2006 \(S.I. 2006/595\)](#), regs. 1(1), **2(3)**
- F10** [Reg. 3\(7\) - Reg. 3\(8\)](#) added (1.9.2005) by [The Occupational Pension Schemes \(Fraud Compensation Payments and Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/2184\)](#), regs. 1(1), **23(3)**
- F11** [Reg. 3\(9\)-\(13\)](#) added (6.4.2006) by [Pension Protection Fund \(Provision of Information\) \(Amendment\) Regulations 2006 \(S.I. 2006/595\)](#), regs. 1(1), **2(4)**

Information to be provided by trustees or managers

4.—(1) This regulation applies where there is an assessment period in relation to an eligible scheme.

(2) The information to be provided to—

- (a) the Board; and
- (b) members of that scheme,

by the trustees or managers of that scheme shall be determined in accordance with the provisions of Schedule 2.

[^{F12}Information to be provided to the Board

4A.—(1) This paragraph applies where an application for a fraud compensation payment has been made by a person prescribed by regulation 5 of the Fraud Compensation Regulations in respect of an occupational pension scheme and the trustees or managers of that scheme have reasonable grounds for believing that they have obtained a recovery of value.

(2) This paragraph applies where an application for a compensation payment has been made by a person prescribed by regulation 4 of the Compensation Regulations in respect of an occupational pension scheme and the trustees of that scheme have reasonable grounds for believing that they have obtained a recovery of value.

(3) Where paragraphs (1) or (2) apply, the trustees or managers shall within the period of 14 days beginning with the day on which they have reasonable grounds for believing that they have obtained a recovery of value notify the Board of—

- (a) the amount of the recovery of value; and
- (b) the grounds on which they have considered it reasonable to believe that they have obtained a recovery of value.]

Textual Amendments

F12 Reg. 4A inserted (1.9.2005) by The Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations 2005 (S.I. 2005/2184), regs. 1(1), **23(4)**

Information to be provided by members and beneficiaries and their personal representatives

5.—(1) This regulation applies where the Board has given the trustees or managers of a scheme a transfer notice.

(2) The information to be provided to the Board by members and beneficiaries of that scheme shall be determined in accordance with the provisions of Schedule 3.

(3) Where a member or a beneficiary dies, his personal representative shall, within the period of 28 days beginning with the day of the death, notify the Board of the death and provide the death certificate to the Board.

Method of providing information

6.—(1) Where, under these Regulations, any information is to be provided to any person that information shall be provided in writing.

(2) Where—

- (a) under these Regulations any information is to be provided—
 - (i) to the Board by any member or beneficiary; or
 - (ii) by the Board to any member or beneficiary; and

(b) there is an appointed representative in relation to that member or beneficiary, that information shall be provided by or to his appointed representative.

(3) Any document sent, or notification given, by the Board to any member or beneficiary under regulation 3(6) shall include—

- (a) the name of the scheme to which it relates or other information sufficient to identify the subject matter of the document or notification;
- (b) the address and telephone number of the Board;
- (c) the name in legible characters of the sender of the document or giver of the notification; and
- (d) the date on which it was sent or given.

(4) Any notification given by the Board to any person under regulation 3(2), (4) or (5) shall include—

- (a) the name of the person to whom it is given;
- (b) the name of the scheme to which the notification relates;
- (c) the pension scheme registration number which is allocated to that scheme in the register;
- (d) the address and telephone number of the Board;

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- (e) the name in legible characters of the giver of the notification; and
 - (f) the date on which it was given.
- (5) Any document sent, or notification given, by any trustees or managers to the Board under regulation 4(2) shall include—
- (a) the names of the trustees or managers sending the document or giving the notification;
 - (b) the name of the scheme to which the document or notification relates; and
 - (c) the pension scheme registration number which is allocated to that scheme in the register.
- (6) Any document sent, or notification given, to the Board by any member under regulation 5(2), or by the personal representative of a deceased member under regulation 5(3), shall include, in relation to that member—
- (a) the name, address, date of birth and national insurance number of that member;
 - (b) the name of the employer in relation to the scheme in which that member's pension rights accrued; and
 - (c) the address or location of a place of business of that employer.
- (7) Any document sent, or notification given, to the Board by any beneficiary under regulation 5(2), or by the personal representative of a deceased beneficiary under regulation 5(3), shall include, in relation to the member from whom that beneficiary has accrued pension rights, the information described in sub-paragraphs (a), (b) and (c) of paragraph (6) and the name, address, date of birth and national insurance number of that beneficiary.

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

11th March 2005

Malcolm Wicks
Minister of State,
Department for Work and Pensions

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Changes and effects yet to be applied to :

- Sch. 2 para. 1(1) word substituted by [S.I. 2012/1688 reg. 6\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 of the 2012 Regulations revoked and S.I. 2005/674 has effect as if the 2012 Regulations had not been made by S.I. 2012/3083, reg. 9)
- Sch. 2 para. 1(1) words inserted by [S.I. 2012/1688 reg. 6\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 of the 2012 Regulations revoked and S.I. 2005/674 has effect as if the 2012 Regulations had not been made by S.I. 2012/3083, reg. 9)
- Sch. 2 para. 1(2) Table words inserted by [S.I. 2012/1688 reg. 6\(3\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 of the 2012 Regulations revoked and S.I. 2005/674 has effect as if the 2012 Regulations had not been made by S.I. 2012/3083, reg. 9)
- Sch. 3 table words inserted by [S.I. 2022/237 Sch. para. 4\(2\)\(a\)](#)
- Sch. 3 table words inserted by [S.I. 2022/237 Sch. para. 4\(2\)\(b\)](#)