

2005 No. 674

PENSIONS

The Pension Protection Fund (Provision of Information) Regulations 2005

Made - - - - - *11th March 2005*
Laid before Parliament *16th March 2005*
Coming into force - *6th April 2005*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 190, 203(1), 315(2), (4) and (5) and 318(1) of the Pensions Act 2004(a), and of all other powers enabling him in that behalf, by this instrument, which contains regulations made before the end of the period of six months beginning with the coming into force of the provisions of that Act by virtue of which they are made(b), hereby makes the following Regulations:

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—

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

▶“the 1995 Act” means the Pensions Act 1995;◀

“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;

▶“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;◀

Defn. of “the 1995 Act” inserted by reg. 23(2) of S.I. 2005/2184 as from 1.9.05

Defn. of “the assessment date” inserted by reg. 4(2)(d) of S.I. 2005/2113 as from 19.8.05.

(a) 2004 c. 35. Section 318(1) is cited because of the meaning there given to “prescribed” and “regulations”.

(b) See section 317 of the Pensions Act 2004 which provides that the Secretary of State must consult such persons as he considers appropriate before making regulations by virtue of the provisions of that Act (other than Part 8). This duty does not apply where regulations are made before the end of six months beginning with the coming into force of the provisions of that Act by virtue of which the regulations are made.

(c) 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).

(a) Various definitions inserted by reg. 23(2) of S.I. 2005/2184 as from 1.9.05.

(b) Defns. of “non-segregated scheme” & “segregated scheme” inserted & word ‘and’ omitted from end of defn. of “review decision” by regs. 7(2)(b), 8(2)(b) & 12(2) of S.I. 2005/2113 as from 19.8.05.

See note (a) above.

See note (b) above.

Para. (2) of reg. 2 substituted by reg. 5(4) of S.I. 2005/2113 as from 19.8.05.

“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;

▶“compensation payments” means one or more payments under section 83 of the 1995 Act(a);

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

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

▶“fraud compensation payments” means one or more payments under section 182(1) of the Act;

“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);

▶“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);

▶“the Pensions Compensation Board” means the Board established under section 78 of the 1995 Act(c);◀

“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;

▶“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(d);◀

“review decision” shall be construed in accordance with section 207(1)(a) (review and reconsideration by the Board of reviewable matters); ▶◀

▶“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).

▶(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.◀

(a) Section 83 was repealed by Schedule 13 to the Pensions Act 2004 and saved for transitional purposes by S.I. 2005/1720 (c. 73).

(b) S.I. 1997/665.

(c) Section 78 was repealed by Schedule 13 to the Pensions Act 2004 and saved for transitional purposes by S.I. 2005/1720 (c. 73).

(d) Section 81 was repealed by Schedule 13 to the Pensions Act 2004 and saved for transitional purposes by S.I. 2005/1720 (c. 73).

►(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.◀

Para. (3) of reg. 2 substituted by reg. 6(4) of S.I. 2005/2113 as from 19.8.05.

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,

Words substituted in para. (2) and paras. (2A) & (2B) added to reg. 3 by reg. 2(2) & (3) of S.I. 2006/595 as from 6.4.06.

it shall, ►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).

►(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.

(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.

Paras. (7) & (8) inserted in reg. 3 by reg. 23(3) of S.I. 2005/2184 as from 1.9.05.

►(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(a) 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.◀

►(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,

Paras. (9)-(13) added to reg. 3 by reg. 2(4) of S.I. 2006/595 as from 6.4.06.

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);
- (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

(a) The Board (of the Pension Protection Fund) shall by virtue of article 4 of S.I. 2005/1720 (c. 73) exercise certain functions of the Pensions Compensation Board which fall to be exercised on or after 1st September 2005 and sections 78(4) to 84 of the Pensions Act 1995 (which were repealed by Schedule 13 to the Pensions Act 2004) are saved for that purpose.

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.

► 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. ◀

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;
- (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

SCHEDULE 1

INFORMATION TO BE PROVIDED BY THE BOARD

1.—(1) In this Schedule—

“interested person” shall be construed in accordance with regulations made under section 207(2); and

“reviewable matter” shall be construed in accordance with section 206 (meaning of “reviewable matters”).

(2) Information to be provided by the Board to members and beneficiaries shall be determined in accordance with the provisions of the table of information to be provided by the Board set out below—

Table of information to be provided by the Board

<i>Description of persons to whom information is to be provided</i>	<i>Description of information to be provided</i>	<i>Period during which or time at which information is to be provided</i>
All members and beneficiaries.	Notification that the Board has assumed responsibility for the scheme, or any part there of, together with the date on which the Board assumed that responsibility.	The period of two months beginning on the day on which the Board gave the transfer notice to the trustees or manager.
All members and beneficiaries.	The identity of any person authorised by the Board for the purposes of these Regulations as mentioned in section 190(1)(b)(ii) in relation to the scheme in respect of which the member or beneficiary is receiving or may receive compensation.	Where the Board so authorised a person before it gave the transfer notice, the period of two months beginning on the day on which it gave such notice; or, where the Board so authorises a person after it gave that notice, the period of two months beginning on the day on which that person was so authorised.
Any member who makes a request in writing to the Board for it to provide a forecast of his compensation entitlement.	A forecast, determined in accordance with the pension compensation provisions, of the compensation to be paid to him in relation to that scheme.	The period of 28 days beginning on the day when the Board receives the request.
Any member who will attain normal pension age on his next birthday.	1. A forecast, determined in accordance with the pension compensation provisions, of the compensation to be paid to him in relation to that scheme.	The period of six months beginning 12 months before the day on which he will attain normal pension age.

<i>Description of persons to whom information is to be provided</i>	<i>Description of information to be provided</i>	<i>Period during which or time at which information is to be provided</i>
	<p>2. Details of any options to commute which may be exercised by him in relation to that scheme in accordance with paragraph 24 of Schedule 7 to the Act (commutation of periodic compensation) and forecasts, determined in accordance with the pension compensation provisions, of— (a) the lump sum to be paid to him under any such option; and (b) the reduced level of annual compensation payments which he would receive if he exercised any such option.</p>	
<p>Any member who makes a request in writing to the Board for it to provide— (i) information about any options to commute which may be exercised by him in relation to that scheme in accordance with paragraph 24 of Schedule 7 to the Act; or— (ii) a forecast of the lump sum payable to him on the exercise of any such option.</p>	<p>Details of any options to commute available to him, and forecasts, determined in accordance with the pension compensation provisions, of— (a) the lump sum to be paid to him under any such option; and (b) the reduced level of annual compensation payments which he would receive if he exercised any such option.</p>	<p>The period of 28 days beginning on the day on which the Board receives the request.</p>
<p>Any member who makes a request in writing to the Board for it to provide information about any entitlement he may have to early payment of compensation under paragraph 25 of Schedule 7 to the Act (early payment of compensation).</p>	<p>Details of any entitlement he may have to early payment of compensation and a forecast, determined in accordance with the pension compensation provisions, of the periodic compensation and of any lump sum payment payable to him under paragraph 25.</p>	<p>The period of 28 days beginning on the day on which the Board receives the request.</p>

<i>Description of persons to whom information is to be provided</i>	<i>Description of information to be provided</i>	<i>Period during which or time at which information is to be provided</i>
Any member who becomes entitled to compensation under the pension compensation provisions and any beneficiary of such a member where that beneficiary becomes entitled to such compensation	<p>1. A copy of the determination by the Board of the entitlement to compensation of the member or beneficiary in question.</p> <p>2. Details of any options to commute which may be exercised by him in relation to that scheme in accordance with paragraph 24 of Schedule 7 to the Act and forecasts, determined in accordance with the pension compensation provisions, of—</p> <p>(a) the lump sum to be paid to him under any such option; and</p> <p>(b) the reduced level of annual compensation payments which he would receive if he exercised any such option.</p>	The period of 28 days beginning on the day on which—
		(a) the Board gave the transfer notice to the trustees or managers; or
		(b) the member or beneficiary became entitled to compensation whichever is the later.
<p>►¹Any member who makes a request in writing to the Board for it to provide information about any entitlement the member may have to postpone to a date specified in the request—</p> <p>(i) the periodic compensation; or</p> <p>(ii) any payment of lump sum compensation, under paragraph 25A of Schedule 7 to the Act (postponement of compensation).</p>	<p>Details of any entitlement the member may have to postpone compensation and a forecast to the date specified in the request, and determined in accordance with the pension compensation provisions, of</p> <p>(a) the periodic compensation; or</p> <p>(b) any lump sum compensation payment, payable to the member under the pension compensation provisions.</p>	The period of 28 days beginning on the day on which the Board receives the request.
Any member who has elected to postpone—	1. A forecast, to the date compensation ceases to be postponed, determined in accordance with the pension compensation provisions, of the periodic compensation, and of any lump sum compensation, payable to the member under the provision compensation provisions.	The period of 6 months beginning 12 months before the day on which—
(i) the commencement of the periodic compensation; or		(a) commencement of the periodic compensation ceases to be postponed; or
(ii) payment of lump sum compensation,		

¹Row eight & nine added to table to Sch. 1 by reg. 10 of S.I. 2013/627 as from 30.4.13.

<i>Description of persons to whom information is to be provided</i>	<i>Description of information to be provided</i>	<i>Period during which or time at which information is to be provided</i>
under paragraph 25A of Schedule 7 to the Act (postponement of compensation).	<p>2. Details of any options to commute which may be exercised by the member in relation to that compensation in accordance with paragraph 24 of Schedule 7 to the Act (commutation of periodic compensation) and forecasts, to the date compensation ceases to be postponed, determined in accordance with the pension compensation provisions, of—</p> <p>(a) the lump sum to be paid to that member under any such options; and</p> <p>(b) the reduced level of annual compensation payments which that member would receive if they exercise any such option.</p>	(b) payment of lump sum compensation ceases to be postponed.◀
All members and beneficiaries.	Details of any variation in the amounts of payments of compensation payable under that scheme where the variation will result from the operation of paragraph 27, 28, 29 or 30 of Schedule 7 to the Act, and the date when the variation will become effective (“the operative date”).	Not less than 28 days before the operative date.
Any member or beneficiary who is on an interested person in relation to a particular reviewable matter.	A statement describing how an application may be made to the Board for the review of that reviewable matter, how it will be considered and the Board’s powers on making a review decision.	The period of 28 days beginning on the day which the Board knew or ought to have known that that reviewable matter had occurred.
Any member who is a ▶ ¹ party to matrimonial or civil partnership proceedings or who is contemplating such proceedings◀ and who makes a request in	A statement, determined in accordance with the pension compensation provisions, of the compensation to be paid to him in relation to that scheme.	The period of three months beginning on the day on which the Board receives the request, or by the date the Board complies with any court order to

¹Words substituted in col. 1 of Sch. 1 by reg. 3 of S.I. 2006/595 as from 6.4.06.

<i>Description of persons to whom information is to be provided</i>	<i>Description of information the Board must provide</i>	<i>Period during which the Board must provide information</i>
writing to the Board for information about his compensation entitlement.		provide such information, whichever is the sooner.

►¹SCHEDULE 1A

Regulation 3(7) and (8)

¹Sch. 1A inserted by
reg. 23(5) of S.I. 2005/
2184 as from 1.9.05.

Further information to be provided by the Board

In this Schedule the “applicant” shall be construed in accordance with regulation 3(7) or (8), as appropriate.

<i>Description of persons to whom information is to be provided</i>	<i>Description of information the Board must provide</i>	<i>Period during which the Board must provide information</i>
Trustees or Managers and applicant.	Notification of the settlement date determined by the Board under section 184(2).	The period of 14 days beginning on the day on which the Board determined the settlement date.
Trustees or Managers and applicant.	Notification of the Board’s determination that a payment received is to be treated as a payment in respect of any act or omission constituting a prescribed offence under section 182(1).	The period of 14 days beginning on the day on which the Board made that determination.
Trustees or Managers and applicant.	Notification of the Board’s determination of the terms and conditions on which an interim payment will be made under section 186.	The period of 14 days beginning on the day on which the Board determined to make the payment.
Trustees or Managers and applicant.	Notification of the Board’s determination to recover so much of the interim payment as it considers appropriate.	The period of 14 days beginning on the day on which the Board determined to seek the recovery.
Trustees or Managers and applicant.	Notification of the Board’s determination of the terms and conditions on which a fraud compensation payment will be made under section 182(1).	The period of 14 days beginning on the day on which the Board determined to make the payment.
Trustees or Managers and applicant.	Notification of the Board’s determination under section 186(3) to recover any interim payments made and of the amount it considers appropriate to recover.	The period of 14 days beginning with the day on which the Board made that determination.
Trustees or Managers and applicant.	Notification of the settlement date under section 81(3)(d) of the 1995 Act determined by the Board.	The period of 14 days beginning on the day on which the Board determined the settlement date.

<i>Description of persons to whom information is to be provided</i>	<i>Description of information so be provided</i>	<i>Period during which information is to be provided</i>
Trustees or Managers and applicant.	Notification by the Board that a payment received is to be treated as a payment in respect of any act or omission constituting a prescribed offence under section 81(1)(c) of the 1995 Act.	The period of 14 days beginning on the day on which the Board made that determination.
Trustees or Managers and applicant.	Notification of the Board's determination of the terms and conditions on which a payment in anticipation be made under section 84 of the 1995 Act.	The period of 14 days beginning on the day on which the Board determined to make the payment.
Trustees or Managers and applicant.	Notification of the Board's determination to recover so much of the payment in anticipation made under section 84 of the 1995 Act as it thinks appropriate.	The period of 14 days beginning on the day on which the Board determined to seek the recovery.
Trustees or Managers and applicant.	Notification of the Board's determination of the terms and conditions on which a compensation payment will be made under section 83 of the 1995 Act.	The period of 14 days beginning on the day on which the Board determined to make the payment.◀

SCHEDULE 2

Regulation 4

INFORMATION TO BE PROVIDED BY TRUSTEES OR MANAGERS

1.—(1) In this Schedule—

▶¹◀

¹Defn. of “assessment date” omitted by reg. 12(3) of S.I. 2005/2113 as from 19.8.05.

²Defns. of “determination” and “determination summary” inserted by reg. 6(2) of S.I. 2012/3083 as from 24.1.13.

▶²“determination” means a determination made by the Board under section 143(2)(a);

“determination summary” means, in relation to each member of the scheme, a summary of the determination which contains—

- (a) a summary of the overall assets and liabilities of the scheme;
- (b) details of how that member's entitlement to compensation would be calculated if the Board assumed responsibility for the scheme;
- (c) details of any information the Board holds on that member's pensionable service and accrued rights;

- (d) where there is a pension in payment to that member at the assessment date, the annual amount of that pension; and
- (e) a statement describing how an application may be made to the Board for the review of the determination, how it will be considered and the Board's powers on making a review decision;◀

▶¹“determination” means a determination made by the Board under section 143(2)(a);

“determination summary” means, in relation to each member of the scheme, a summary of the determination which contains—

- (a) a summary of the overall assets and liabilities of the scheme;
- (b) details of how that member's entitlement to compensation would be calculated if the Board assumed responsibility for the scheme;
- (c) details of any information the Board holds on that member's pension and accrued rights;
- (d) where there is a pension in payment to that member at the assessment date, the annual amount of that pension; and
- (e) a statement describing how an application may be made to the Board for the review of the determination, how it will be considered and the Board's powers on making a review decision;◀

“hybrid scheme” shall be construed in accordance with section 307(4);

“notification date” means the day on which the Board notifies the trustees or managers of the scheme ▶²in accordance with regulation 3(3)(b), (10)((b) or (d)◀ of the date on which the assessment period began;

“partially guaranteed scheme” shall be construed in accordance with section 307(3);

“relevant contract of insurance” shall be construed in accordance with section 161(8) (effect of Board assuming responsibility for a scheme);

“reviewable ill health pension” shall be construed in accordance with section 140 (reviewable ill health pensions);

“valuation” means a valuation, or further valuation(a), which has been—

- (a) obtained by the Board in respect of the scheme under—
 - (i) section ▶³143(2)(b)◀ (Board's obligation to obtain valuation of assets and protected liabilities); or
 - (ii) regulation 43 or 59 of the Pension Protection Fund (Multi-employer Schemes) (Modification) Regulations 2005; and
- (b) approved by the Board under section 144(2) (approval of valuation);

“valuation summary” means, in relation to each member of the scheme, a summary of the valuation which contains—

- (a) a summary of the overall assets and liabilities of the scheme;
- (b) details of how that member's entitlement to compensation would be calculated if the Board assumed responsibility for the scheme;
- (c) details of any information the Board holds on that member's pensionable service and accrued rights;
- (d) where there is a pension in payment to that member at the assessment date, the annual amount of that pension; and
- (e) a statement describing how an application may be made to the Board for the review of the Board's decision to approve the valuation under section 144(2), how it will be considered and the Board's powers on making a review decision; and

“withdrawal notice” means a notice issued under section 122(2)(b) (insolvency practitioner's duty to issue notices confirming status of scheme) or section 130(3) (Board's duty where application or notification received under section 129).

▶³(1A) A partially guaranteed scheme to which regulation 2A of the Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations 2005 (schemes to which paragraph (1) of regulation 2 does not apply) applies shall not be treated as a partially guaranteed scheme for the purposes of this Schedule.◀

(a) See section 160 of the Pensions Act 2004 as modified by regulation 10 of the Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations 2005.

¹Defns. of “determination” and “determination summary” inserted and words in defn. of “valuation” substituted by reg. 6(2) of S.I. 2012/3083 as from 24.1.13.

²Words substituted in defn. of “notification date” by reg. 4(2) of S.I. 2006/595 as from 6.4.06.

³Words in defn. of “valuation” substituted by reg. 6(2) of S.I. 2012/3083 as from 24.1.13.

³Para. (1A) inserted in Sch. 2 by reg. 5 of S.I. 2010/196 as from 8.3.10.

(2) Information to be provided to the Board and members by trustees or managers shall be determined in accordance with the table of information to be provided by trustees or managers set out below—

Table of information to be provided by trustees or managers

<i>Description of persons to whom information is to be provided</i>	<i>Description of information to be provided</i>	<i>Period during which information is to be provided</i>
The Board.	In respect of each member of that scheme entitled to a reviewable ill health pension— (a) his name; (b) a description of his position as an employee in relation to the employer in relation to that scheme; (c) the annual amount of his reviewable ill health pension; and (d) the date on which the award of that pension was made. ▶ ¹ (e) if applicable, the date he left the employment of the employer in relation to that scheme; and (f) a statement containing a brief description of his illness or injury. ◀	The period of 28 days beginning on the notification date.
▶ ¹ The Board.	The number of ill health pensions awarded each year for the previous six years immediately before the assessment date.	The period of 28 days beginning on the notification date. ◀
The Board.	1. Details of any legal proceedings by or against any of the trustees or managers of the scheme in their capacity as trustees or managers which are pending immediately before, or in existence on, the assessment date. 2. Details of any relevant contract of insurance which is in being on the assessment date.	The period of 28 days beginning on the notification date.
The Board.	The identity of the maker of any further contributions towards the scheme paid under section 133 (admission of new members, payment of contributions etc), together with the amount of any such contributions.	The period of 14 days being on the last day of the month in which the contribution was paid.

¹Paras. (e) & (f) added to col. 2 and row added to Sch. 2 by reg. 4(3) & (4) of S.I. 2006/595 as from 6.4.06.

<i>Description of persons to whom information is to be provided</i>	<i>Description of information the Board must provide</i>	<i>Period during which the Board must provide information</i>
The Board.	Details of any significant changes— (a) in the investment of the scheme’s assets; or (b) in the level of expenditure incurred by the scheme.	The period of 14 days beginning on the day the change took place.
The Board.	Details of any change in the address or telephone number of the trustees or managers.	Before the expiry of the period of five days beginning on the day the change took place.
The Board.	The identity of those individuals within the trustees’ or managers’ organisation who will have responsibility for providing information to the Board.	The period of 28 days beginning on the notification date.
The Board.	Any change in the identity of— (a) the individuals who have been notified to the Board as having responsibility for providing information to the Board; and (b) the insolvency practitioner.	The period of 14 days beginning on the day the change took place.
All members.	Notification that there is an assessment period in relation to the scheme, together with a description of the effect this will have on the rights and obligations of members of that scheme.	The period of 28 days beginning on the notification date.
All members.	An explanation of the provisions of Chapter 3 of Part 2 (pension protection) of the Act in so far as they will operate during the assessment period in relation to— (a) benefits payable under the scheme; and (b) contributions towards the scheme; together with an explanation of how, when a withdrawal notice becomes binding, contributions may become payable by or on behalf of the member.	The period of 28 days beginning on the notification date.

<i>Description of persons to whom information is to be provided</i>	<i>Description of information to be provided</i>	<i>Period during which information is to be provided</i>
Where the scheme is not a hybrid scheme, a multi-employer scheme or a partially guaranteed scheme, all members.	A copy of the valuation summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the valuation approved under section 144(2).
Where the scheme is a hybrid scheme, all members other than those who receive only money purchase benefits.	A copy of the valuation summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the valuation approved under section 144(2).
Where the scheme is a multi-employer scheme, all members who are in the section of the scheme to which the valuation relates.	A copy of the valuation summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the valuation or further valuation, approved under section 144(2).
Where the scheme is a partially guaranteed scheme, all members who are in the the unsecured part of the scheme.	A copy of the valuation summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the valuation, or further valuation, approved under section 144(2).
► ¹ Where the scheme is not a hybrid scheme, a multi-employer scheme or a partially guaranteed scheme, all members.	A copy of the determination summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the determination.
Where the scheme is a hybrid scheme, all members other than those who receive only money purchase benefits.	A copy of the determination summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the determination.

¹Rows 15-18 inserted in Sch. 2 by reg. 6(3) of S.I. 2012/3083 as from 24.1.13.

<i>Description of persons to whom information is to be provided</i>	<i>Description of information to be provided</i>	<i>Period during which information is to be provided</i>
Where the scheme is a multi-employer scheme, all members who are in the section of the scheme to which the determination relates.	A copy of the determination summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the determination.
Where the scheme is a partially guaranteed scheme, all members who are in the unsecured part of the scheme.	A copy of the determination summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the determination.◀
▶ ¹ Where the scheme is not a hybrid scheme, a multi-employer scheme or a partially guaranteed scheme, all members.	A copy of the determination summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the determination.
Where the scheme is a hybrid scheme, all members other than those who receive only money purchase benefits.	A copy of the determination summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the determination.
Where the scheme is a multi-employer scheme, all members who are in the section of the scheme to which the determination relates.	A copy of the determination summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the determination.
Where the scheme is a partially guaranteed scheme, all members who are in the unsecured part of the scheme.	A copy of the determination summary.	The period of 28 days beginning on the day on which the trustees or managers receive a copy of the determination.◀
Where the trustees or managers of a scheme make an application in respect of the scheme in accordance with section 151 (application for reconsideration), all members.	Notification of the application under section 151.	The period of 28 days beginning on the day the trustees or manager make that application.

¹Rows 19-22 inserted in Sch. 2 by reg. 6(3) of S.I. 2012/1688 as from 23.7.12.

SCHEDULE 3

Regulation 5

INFORMATION TO BE PROVIDED BY MEMBERS AND
BENEFICIARIES

1. Information to be provided by members and beneficiaries to the Board shall be determined in accordance with the provisions of the table of information to be provided by members and beneficiaries set out below—

Table of information to be provided by members and beneficiaries

<i>Description of persons to whom information is to be provided</i>	<i>Description of information to be provided</i>	<i>Period during which or time at which information is to be provided</i>
Any member or beneficiary whose address is changed.	Details of any changes in the address of that member or beneficiary.	The period of eight weeks beginning four weeks before the day on which the change will take place.
Any member whose marriage ends in divorce ► ¹ or whose civil partnership is dissolved◄.	Notification of the ► ¹ divorce or dissolution of the civil partnership and a copy of the decree of divorce or dissolution of civil partnership◄.	The period of 28 days beginning on the day which the decree became absolute ► ¹ or the civil partnership was dissolved◄.
Any member whose circumstances change in a way which— (a) is not otherwise notifiable to the Board under regulation 5; and (b) he has reasonable cause to believe may affect his present or future entitlement or the future entitlement of any person who may become entitled in respect of him.	Details of the change in his circumstances.	The period of three months beginning on the day on which the change took place.
Any member or beneficiary who wishes to make any change to the means by which compensation payments are made to him.	Details of the proposed change and the date on which it is to take effect (“the operative date”).	At least 28 days before the operative date.
Where the member or beneficiary terminates the appointment of his appointed representative, or where there is any change in the address of an appointed representative, the member or beneficiary who appointed that appointed representative.	Notification of the termination or of the change in the address of the appointed representative, and the date on which the termination or change became effective.	The period of 28 days beginning on the day which the termination or change became effective.

¹Words in cols. 1-3 of row 2 of Sch. 3 inserted and substituted by reg. 5(2)(a)-(c) of S.I. 2006/595 as from 6.4.06.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision relating to the information which the Board of the Pension Protection Fund (“the Board”), the members and beneficiaries of certain occupational pension schemes, the trustees and managers of such schemes and certain insolvency practitioners are required to provide where compensation is, or may become, payable by the Board.

The Board is established under section 107 of the Pensions Act 2004 to provide compensation for members of certain occupational pension schemes in the event of the insolvency of the scheme’s sponsoring employer and where the pension scheme is under-funded at a certain level.

Regulation 3 makes provision as to the information to be provided by the Board to insolvency practitioners in relation to insolvent employers who sponsored an occupational pension scheme, trustees or managers of such schemes where an insolvency event has occurred in relation to the sponsoring employer, such employers and the members and beneficiaries of such schemes.

Regulation 4 makes provision as to the information to be provided by the trustees or managers of such schemes to the Board and to the members and beneficiaries of such schemes.

Regulation 5 makes provision as to the information to be provided by members and beneficiaries of such schemes to the Board.

Regulation 6 makes provision as to the method of providing information and as to certain details to be included whenever information is provided by the Board to members or beneficiaries, or by members or beneficiaries to the Board.

As these Regulations are made before the expiry of the period of six months beginning with the coming into force of the provisions of the Pensions Act 2004 by virtue of which they are made, the requirement for the Secretary of State to consult such persons as he considers appropriate does not apply.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

