
STATUTORY INSTRUMENTS

2013 No. 2734

The Occupational and Personal Pension Schemes
(Disclosure of Information) Regulations 2013

PART 1

General

Citation, commencement, expiry, revocations and amendments

1.—(1) These Regulations may be cited as the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 and come into force on 6th April 2014.

(2) On 6th April 2015 the following provisions cease to have effect—

- (a) paragraphs 2 and 3 of Schedule 6, and
- (b) paragraph 11(1)(b) and (2) of Schedule 8.

(3) The following regulations are revoked—

- (a) the Personal Pension Schemes (Disclosure of Information) Regulations 1987⁽¹⁾, and
- (b) the Occupational Pension Schemes (Disclosure of Information) Regulations 1996⁽²⁾.

(4) The amendments made by Schedule 9 have effect.

Interpretation

2. In these Regulations—

“the 1993 Act” means the Pension Schemes Act 1993;

“the 1995 Act” means the Pensions Act 1995;

“the 1999 Act” means the Welfare Reform and Pensions Act 1999;

“the 2004 Act” means the Pensions Act 2004⁽³⁾;

“accrued rights”—

(a) in relation to an occupational pension scheme, has the meaning given in section 124(2) of the 1995 Act (interpretation of Part 1), and

(b) in relation to a personal pension scheme means rights that have accrued under the scheme;

“beneficiary” means a person, other than a member, who is entitled to the payment of benefits under the scheme;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000⁽⁴⁾ (general interpretation);

(1) [S.I. 1987/1110](#).

(2) [S.I. 1996/1655](#).

(3) [2004 c.35](#).

(4) [2000 c.7](#). The definition of “electronic communications” was amended by the Communications Act 2003 ([c.21](#)), section 406 and paragraph 158 of Schedule 7.

“excluded person” means a member or beneficiary—

- (a) whose present postal address and electronic address is not known to the trustees or managers of the scheme, and
- (b) in respect of whom the trustees or managers of the scheme have sent correspondence to their last known—
 - (i) postal address and that correspondence has been returned, or
 - (ii) electronic address and the trustees or managers of the scheme are satisfied that correspondence has not been delivered;

“funded” means setting aside resources (other than assets at the disposal of the employer of any person who is employed in relevant employment) for a benefit before the benefit becomes payable that are related to the intended rate or amount of the benefit;

“illustration date” means the date specified by the trustees or managers of the scheme as the date by reference to which amounts are calculated for the purpose of giving the information in Part 2 of Schedule 6;

“lifestyling” means an investment strategy that aims progressively to reduce the potential for significant variation caused by market conditions in the value of the member’s rights;

“member”—

- (a) in relation to an occupational pension scheme, has the meaning given in section 124(1) of the 1995 Act⁽⁵⁾, and
- (b) in relation to a personal pension scheme, means a member of the scheme;

“prospective member” means a person who, under the terms of their contract of service, the scheme rules or both—

- (a) can choose to become a member of the scheme,
- (b) will be able to choose to become a member of the scheme if they continue in the same employment for a certain period of time,
- (c) will become a member of the scheme automatically unless they choose not to become a member of the scheme, or
- (d) can become a member of the scheme if their employer consents;

“recipient” means the person, organisation or body to whom these Regulations require information or documents to be made available;

“recognised trade union” means an independent trade union (within the meaning given in section 235(1) of the Employment Rights Act 1996⁽⁶⁾ (other definitions)) that is recognised to any extent for the purposes of collective bargaining in relation to members and prospective members of a scheme;

“the Regulator” means the Pensions Regulator established under section 1 of the 2004 Act (the Pensions Regulator);

“relevant employment” means any employment to which the scheme relates;

“relevant guidance” means the document entitled “AS TM1: Statutory Money Purchase Illustrations” that is adopted or prepared, and from time to time revised, by the Financial Reporting Council Limited⁽⁷⁾;

“relevant person” means a—

(5) The definition of “member” in section 124(1) of the 1995 Act was amended by the 1999 Act, section 84(1) and Schedule 12, paragraphs 43 and 61(1).

(6) 1996 c.18.

(7) A company registered in England and Wales with number 02486368.

- (a) member or prospective member of the scheme,
- (b) spouse or civil partner of a member or prospective member,
- (c) beneficiary of the scheme,
- (d) recognised trade union;

“retirement date” has the meaning given in regulation 19(5);

“scheme year” means, in relation to an occupational pension scheme—

- (a) a year specified for the purposes of the scheme in any scheme document or, if there is no such year specified, a period of 12 months commencing on 1st April or on such other date as the trustees choose, or
- (b) a period between 6 and 18 months specified by the trustees in connection with—
 - (i) the commencement or termination of the scheme, or
 - (ii) a variation of the date on which the period referred to in paragraph (a) is to commence;

“tax registered scheme” means a scheme that—

- (a) is registered under section 153 of the Finance Act 2004⁽⁸⁾ (registration of pension schemes),
- (b) was formerly registered under that section,
- (c) is deemed to be registered under that section by virtue of paragraph 1 of Schedule 36 to that Act (pension schemes: transitional provisions and savings), or
- (d) has applied for registration under that section and the Commissioners for Her Majesty’s Revenue and Customs have not decided whether to register the scheme;

“wholly insured scheme” means a scheme under which all the benefits provided are secured by a policy or policies of insurance or annuity contract or contracts.

Recognised trade union

3. Where there is a question about whether an organisation is a recognised trade union, that question must be referred to an employment tribunal.

Application of these Regulations

4.—(1) Subject to paragraphs (2), (3) and (6) the trustees or managers of an occupational pension scheme that falls within paragraph 1 of Schedule 1 must give information in accordance with regulations 6, 8 to 22, 24 and 25.

(2) Regulations 9, 10, 12, 13 and 15 do not apply to a public service pension scheme if—

- (a) there are no requirements for assets related to the intended rate or amount of benefit under the scheme to be set aside in advance (disregarding requirements relating to additional voluntary contributions),
- (b) it is made under section 7 of the Superannuation Act 1972⁽⁹⁾ (superannuation of persons employed in local government service, etc.), or
- (c) it is made under section 2 of the Parliamentary and other Pensions Act 1987⁽¹⁰⁾ (power to provide for pensions).

⁽⁸⁾ 2004 c.12. Section 153 was amended by the Finance Act 2005 (c.7), section 101 and Schedule 10, paragraphs 1 to 3.

⁽⁹⁾ 1972 c.11.

⁽¹⁰⁾ 1987 c.45. Section 2 was amended by the Constitutional Reform and Governance Act 2010 (c.25), section 40 and Schedule 6, paragraph 43(b).

(3) Regulation 17 does not apply to a stakeholder pension scheme within the meaning of section 1 of the 1999 Act⁽¹¹⁾ (meaning of “stakeholder pension scheme”).

(4) Subject to paragraph (6), the trustees or managers of a pension scheme that is—

- (a) an occupational pension scheme that does not fall within paragraph 1 of Schedule 1, or
- (b) established under the Salvation Army Act 1963⁽¹²⁾,

must give information in accordance with regulation 7.

(5) Subject to paragraphs (3) and (6) the managers of a personal pension scheme that falls within paragraph 2 of Schedule 1 must give information in accordance with regulations 10, 17 to 19, 21 and 23.

(6) Paragraphs (1), (4) and (5) do not require the trustees or managers of a scheme to give information to—

- (a) a member or prospective member if no person who employs them in relevant employment has informed the trustees or managers of the scheme that they are a member or prospective member,
- (b) a recognised trade union if no person who employs a member or prospective member in relation to whom the trade union is a recognised trade union has informed the trustees or managers of the scheme that the trade union is a recognised trade union, or
- (c) a member of an occupational pension scheme where all the members are trustees or managers of the scheme.

(7) When any information is given in accordance with paragraph (1), (4) or (5), it must be accompanied by the postal and electronic address to which a person should send requests for further information or any other enquiry.

Civil penalties relating to occupational pension schemes

5. Where in relation to an occupational pension scheme a person fails without reasonable excuse to comply with any requirement imposed under these Regulations, the Regulator may, by notice in writing, require that person to pay, within 28 days, a penalty that must not—

- (a) in the case of an individual, exceed £5,000, and
- (b) in any other case exceed £50,000.

PART 2

Information for new and prospective members

Basic scheme information

6.—(1) The basic scheme information mentioned in paragraph (2) must be given in accordance with this regulation.

(2) The basic scheme information is the information listed in—

- (a) Part 1 of Schedule 2, and
- (b) Part 3 of that Schedule where the scheme contains provision for lifestyling (see regulation 18).

⁽¹¹⁾ Section 1 was amended by the 2004 Act, sections 285(1) to (4) and 319(1) and Schedule 12, paragraphs 71 and 72; the Pensions Act 2007, section 15(3)(a) and Schedule 4, paragraph 37(a) and Part 3 and [S.I. 2005/275](#) and [2006/745](#).

⁽¹²⁾ [1963 c.xxxii](#).

- (3) The information must be given to—
 - (a) prospective members, if it is practicable to do so, and
 - (b) members who have not already been given the information.
- (4) The information must also be given to a relevant person who—
 - (a) makes a request for the information, and
 - (b) has not been given that information in the previous 12 months.
- (5) Where the trustees or managers of the scheme have in relation to a member or prospective member received jobholder information, the information must be given within one month of the date that information was received.
- (6) Where the trustees or managers of the scheme have not received jobholder information in relation to a member or prospective member, the information must be given within two months of the date the person became an active member of the scheme.
- (7) Where the trustees or managers of the scheme have received a request for the information from a relevant person, the information must be given within two months of that request.
- (8) No information is required to be given under this regulation to—
 - (a) a relevant person, except a recognised trade union, unless it is relevant to the person’s rights or prospective rights under the scheme, and
 - (b) a recognised trade union unless it is relevant to the rights or prospective rights of persons who are in that recognised trade union.
- (9) In this regulation “jobholder information” means the information specified in regulation 3 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(13) (jobholder information).

Basic scheme information to be given by certain schemes

- 7.—(1) The basic scheme information mentioned in paragraph (2) must be given in accordance with this regulation.
- (2) The basic scheme information is the information listed in—
 - (a) Part 2 of Schedule 2, and
 - (b) Part 3 of that Schedule where the scheme contains provision for lifestyling (see regulation 18).
 - (3) The information must be given to—
 - (a) prospective members,
 - (b) members who have not already been given the information, and
 - (c) a recognised trade union on request.
 - (4) The information must be given to—
 - (a) a prospective member, if it is practicable to do so,
 - (b) a member within two months of membership beginning, and
 - (c) a recognised trade union within two months of the date the request is made.

PART 3

Changes to information

Material alterations to basic scheme information

8.—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where—

- (a) there is a change in relation to the scheme, and
 - (b) that change results in a material alteration in the information listed in Part 1 of Schedule 2.
- (2) The information is the information referred to in paragraph (1)(b) that has materially changed.
- (3) The information must be given to all members and beneficiaries of the scheme except for excluded persons and to a recognised trade union.
- (4) The information must be given before or as soon as possible after (and in any event within three months after) the change referred to in paragraph (1)(a) takes effect.
- (5) No information is required to be given under this regulation to—
- (a) relevant persons, except a recognised trade union, unless it is relevant to the person's rights or prospective rights under the scheme, and
 - (b) a recognised trade union unless—
 - (i) it is relevant to the rights or prospective rights of persons who are in that recognised trade union, and
 - (ii) basic scheme information has already been given to the recognised trade union under regulation 6.

Modification by the Regulator

9. Active members must be informed of any modification to the scheme by the Regulator under section 231(2)(a) of the 2004 Act (powers of the Regulator) within one month of the modification taking effect.

Former stakeholder pension schemes

10.—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where a scheme is removed from the register of stakeholder pension schemes kept under section 2 of the 1999 Act⁽¹⁴⁾ (registration of stakeholder pension schemes).

- (2) The information is a statement that the scheme—
- (a) has been removed from the register,
 - (b) is no longer a stakeholder pension scheme, and
 - (c) is required to begin winding up.
- (3) The information must be given to members except excluded persons.
- (4) The information must be given no more than two weeks of the trustees or managers of the scheme are notified that the scheme has been removed from the register.

⁽¹⁴⁾ Section 2 was amended by the 2004 Act, section 319(1) and Schedule 12, paragraphs 71 and 73 and the Pensions Act 2007, section 15(3)(a) and Schedule 4, paragraph 38.

PART 4

Information to be given on request

Constitution of the scheme

11.—(1) The information listed in Part 1 of Schedule 3 must be given to a relevant person in accordance with this regulation where the relevant person makes a request for the information.

(2) The information must be given within two months of the date the request is made.

(3) The information must be given in accordance with regulation 29.

(4) Any document that must be given under paragraph (1) which is not in the English language must be accompanied by a translation in that language.

(5) No information is required to be given under this regulation—

- (a) to relevant persons, except a recognised trade union, unless it is relevant to the person's rights or prospective rights under the scheme,
- (b) to a recognised trade union unless it is relevant to the rights or prospective rights of persons who are in that recognised trade union, and
- (c) where the information has been given to the relevant person in the previous 12 months unless there has been a change in the information.

Annual report

12.—(1) A document containing the information listed in Part 2 of Schedule 3 must be prepared within seven months of the end of each scheme year and given in accordance with this regulation.

(2) The document must be given to a relevant person where the relevant person—

- (a) makes a request for the document within five years of the end of the scheme year to which the information relates, and
- (b) has not been given the document before.

(3) The document must be given within two months of the date the request is made.

(4) The document must be given in accordance with—

- (a) regulation 26 or 29(3), where the document relates to the most recent scheme year, or
- (b) regulation 29, where the document does not relate to that year.

Other information to be given on request

13.—(1) The information listed in Part 3 of Schedule 3 must be given to a relevant person in accordance with this regulation where the relevant person makes a request for the information.

(2) The information must be given within two months of the date the request is made.

(3) The information must be given in accordance with regulation 29.

Transfer credits

14.—(1) The information listed in Part 4 of Schedule 3 must be given in accordance with this regulation.

(2) Subject to paragraph (3), the information must be given to any member or prospective member who makes a request for it.

(3) Paragraph (2) does not apply where the request mentioned in that paragraph is made less than 12 months after the last occasion on which such information was given.

(4) The information must be given within two months of the date the request is made.

PART 5

Funding statements, benefit statements and illustrations

Summary funding statements

15.—(1) The information listed in Schedule 4, in the form of a summary funding statement, must be given in accordance with this regulation where the trustees or managers of the scheme have obtained an actuarial valuation or report under section 224 of the 2004 Act (actuarial valuations and reports).

(2) The information must be given to all members and beneficiaries of the scheme except—

- (a) excluded persons, and
- (b) members or beneficiaries whose only entitlement to benefits under the scheme is, or will be, to money purchase benefits.

(3) The information must be given on, before or within a reasonable period after, the date by which the trustees or managers of the scheme are required under section 224 of the 2004 Act to ensure that the valuation or report is received by them.

Statements of benefits: non money purchase benefits

16.—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where—

- (a) the member has rights to benefits that are not money purchase benefits,
- (b) the member requests that information, and
- (c) information has not been given to that member under this regulation in the 12 months before that request.

(2) The information is—

- (a) for active members, the information listed in Parts 1 and 2 of Schedule 5,
- (b) for deferred members, the information listed in Parts 2 and 3 of that Schedule,
- (c) for pension credit members, the information listed in Part 4 of that Schedule.

(3) The information must be given as soon as practicable but no more than two months after the date the request is made.

(4) In this regulation “pension credit member” means a person who has rights under the scheme that are attributable (directly or indirectly) to a credit under section 29(1)(b) of the 1999 Act (creation of pension debits and credits) or under article 26(1)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(15).

Statements of benefits: money purchase benefits

17.—(1) Information relating to a member’s money purchase benefits must be given in accordance with this regulation to a member who—

- (a) has rights to money purchase benefits, and
 - (b) is not an excluded person.
- (2) The information listed in Part 1 of Schedule 6 must be given.
- (3) The information listed in paragraphs 6 to 8 of Schedule 6 must be given except where paragraph (6) applies.
- (4) Where paragraph (6) applies, the information listed in paragraphs 6 to 8 of Schedule 6 may be given.
- (5) Where the information listed in paragraphs 6 to 8 of Schedule 6 is given under paragraph (3) or (4), the information listed in—
- (a) paragraphs 9 to 14 of that Schedule must be given with that information, and
 - (b) Part 3 of that Schedule must be given.
- (6) This paragraph applies where—
- (a) the member is in receipt of benefits under the scheme,
 - (b) the date referred to in paragraph 4 of Schedule 6 is not more than two years before the member's retirement date for the purpose of Part 2 of Schedule 6,
 - (c) in relation to the member—
 - (i) the value, determined in accordance with the relevant guidance, of the member's accrued rights to money purchase benefits under the scheme was less than £5,000 on the last illustration date in respect of which the information listed in Part 2 of Schedule 6 was last given,
 - (ii) since that previous illustration date, no contributions (including transfers of pension rights and pension credits) have been made to the scheme by, or on behalf of, the member in respect of the member's money purchase benefits, and
 - (iii) the trustees or managers of the scheme have previously given notice to the member that the information listed in Part 2 of Schedule 6 will not be given to the member again unless further contributions referred to in paragraph (ii) have been made,
 - (d) in relation to the member—
 - (i) on the first illustration date after 5th April 2003, the value, determined in accordance with the relevant guidance, of the member's accrued rights to money purchase benefits under the scheme was less than £5,000,
 - (ii) no contributions, including transfers of pension rights and pension credits, have been made to the scheme by, or on behalf of, the member after 5th April 2003 in respect of the member's money purchase benefits, and
 - (iii) the trustees or managers of the scheme think that no further such contributions are likely to be made after that illustration date, or
 - (e) the member's benefit is calculated by reference to the greater of a money purchase formula and a defined benefit formula and the trustees or managers of the scheme think the benefit calculated using the money purchase formula is unlikely to affect the pension payable.
- (7) The information to be given under paragraphs (2) to (5) must be given within 12 months of—
- (a) in the case of an occupational pension scheme, the end of each scheme year, except where paragraph (9) applies, and
 - (b) in the case of a personal pension scheme—
 - (i) the date—
 - (aa) the person became a member of the scheme, or

- (bb) contributions were first credited to the scheme in respect of the person, and
 - (ii) each subsequent anniversary of that date.
- (8) Where paragraph (9) applies, the information mentioned in paragraphs (2) to (5) may be given.
- (9) This paragraph applies where—
- (a) the scheme year is the first to end on or after the date the person became a member of the scheme, and
 - (b) the end of that scheme year falls at a time when—
 - (i) no contributions have been credited to the scheme in respect of the person, or
 - (ii) the person has the right to opt out of the scheme under section 8 of the Pensions Act 2008 (jobholder’s right to opt out).
- (10) For the purposes of paragraph (6), a part of an occupational pension scheme that provides additional money purchase benefits where the member pays voluntary contributions to that part is to be treated as a separate scheme from any other part of that scheme.

PART 6

Lifestyling and accessing benefits

Lifestyling

- 18.**—(1) The information listed in Part 3 of Schedule 2 must be given to a member in accordance with this regulation where the scheme contains provision for lifestyling.
- (2) The information must, subject to paragraph (3), be given between 5 and 15 years before the member’s retirement date.
- (3) Information need not be given under paragraph (2) where it has been given in the previous 12 months under regulation 6.

First information on accessing benefits

- 19.**—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation to a member who has rights to money purchase benefits.
- (2) The information is—
- (a) a statement of the options available to the member under the scheme rules, and
 - (b) that listed in Part 1 of Schedule 7 where the member has an opportunity to select an annuity.
- (3) The information must be given at least four months before—
- (a) where there is a retirement date, that date, or
 - (b) where there is no retirement date, the date the member attains normal pension age⁽¹⁶⁾.
- (4) For the purposes of paragraph (3) where the interval between the date on which the retirement date is specified and the date that the benefits will become payable is less than four months, the information must be given within 10 days of the date on which the retirement date is specified.
- (5) In this regulation, “retirement date” means the date specified by—
- (a) the member to the trustees or managers of the scheme that is acceptable under the rules of the scheme, or

⁽¹⁶⁾ See section 180 of the 1993 Act.

- (b) the trustees or managers of the scheme where no acceptable date has been specified under sub-paragraph (a).

Second information on accessing benefits

20.—(1) The information mentioned in paragraph (2) must be given to a person in accordance with this regulation where benefit under the scheme has, or is about to, become payable to the person.

(2) The information is the information listed—

- (a) in paragraphs 6 to 9 of Schedule 7, and
- (b) in Part 1 of that Schedule where the person has an opportunity to select an annuity under any rights and options in relation to the death of the member.

(3) The information mentioned in paragraph (2)(a) must be given—

- (a) where benefit becomes payable on or after normal pension age before benefit becomes payable, if practicable and in any event within one month after benefit becomes payable, or
- (b) where benefit becomes payable on a date before normal pension age, within two months of that date.

(4) The information mentioned in paragraph (2)(b) must be given to the person having the opportunity mentioned in that paragraph before benefit becomes payable.

Accessing benefits on the death of the member or beneficiary

21.—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where the trustees or managers of the scheme are aware that—

- (a) a member or beneficiary of the scheme has died, and
- (b) a person may be entitled to exercise rights or options under the scheme as a result of that death.

(2) The information is the information listed in—

- (a) Part 1 and paragraphs 8 to 10 of Schedule 7 where the person referred to in paragraph (1)(b) has an opportunity to select an annuity, and
- (b) Part 2 of that Schedule in any other case.

(3) The information must be given to—

- (a) the person referred to in paragraph (1)(b), if that person is at least 18 years old and the trustees or managers of the scheme know their postal or electronic address, and
- (b) subject to paragraph (4), a person who is—
 - (i) a personal representative of the member or beneficiary of the scheme, or
 - (ii) authorised to act on behalf of the person referred to in paragraph (1)(b).

(4) For the purposes of paragraph (3), the information—

- (a) must be given only where the personal representative or the person authorised to act requests it, and
- (b) need not be given where a request is made within three years of the same information being given under this regulation to the same person in the same capacity.

(5) The information must be given as soon as possible and in any event within two months of—

- (a) the date on which the trustees or managers of the scheme become aware of the death, or
- (b) the request referred to in paragraph (4).

PART 7

Information about benefits in payment

Changes to benefits

22.—(1) The information listed in paragraphs 6, 8 and 9 of Schedule 7 must be given to a person in accordance with paragraph (2) where—

- (a) the amount of benefit payable to the person alters, and
- (b) that alteration is not made in accordance with the provisions referred to in paragraph 7(b) of Schedule 7.

(2) The information must be given before the date on which the decision to alter the benefit takes effect, where possible and in any event within one month of that date.

PART 8

Information about winding up

Personal pension schemes that have begun winding up

23.—(1) The information mentioned in paragraph (3) must be given to members, except excluded persons, in accordance with this regulation.

(2) The information must be given where a decision has been made to wind up the scheme or to cease accepting contributions or to cause it to cease to manage the contributions already paid to it (“the decision”).

(3) The information is—

- (a) notification of the decision,
- (b) the information listed in paragraphs 11 to 13 of Schedule 8,
- (c) the information listed in paragraph 14 of Schedule 8 where the scheme is unable to meet in full its liabilities to its members.

(4) The information must be given as soon as practicable after the decision and, in any event—

- (a) the notification referred to in paragraph (3)(a) must be given within one month, and
- (b) the information mentioned in paragraph (3)(b) and (c) must be given within four months,

of the decision.

Occupational pension schemes during winding up

24.—(1) The information mentioned in paragraph (2) must be given to members and beneficiaries of the scheme, except excluded persons, in accordance with this regulation where the trustees have begun to wind up the scheme.

(2) The information is the information listed in—

- (a) Part 1 of Schedule 8,
- (b) paragraphs 5, 6 and 7 of that Schedule, and
- (c) Part 4 of that Schedule.

(3) Where the trustees begin to wind up the scheme on a date on or after 6th April 2014—

- (a) the information mentioned in paragraph (2)(a) must be given as soon as practicable and in any event no more than one month of that date, and
 - (b) the information mentioned in paragraph (2)(b) must be given within every 12 months of the date information was given under sub-paragraph (a) until the trustees complete winding up the scheme.
- (4) Where the trustees began to wind up the scheme before 6th April 2014, the information mentioned in paragraph (2)(b) must be given within 12 months of 6th April 2014 and within every 12 months thereafter until the trustees complete winding up the scheme.
- (5) Where a request is made for the information mentioned in paragraph (2)(c), it must be given within two months of the date the request is made.
- (6) For the purposes of this regulation the date the trustees begin to wind up the scheme is to be determined—
- (a) in a case where regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations 1996⁽¹⁷⁾ (commencement of winding up) applies, in accordance with that regulation, and
 - (b) in any other case, in accordance with section 124(3A)⁽¹⁸⁾ and (3B) of the 1995 Act.
- (7) Where a scheme is a sectionalised scheme, this regulation applies as if—
- (a) each section of the scheme were a separate scheme, and
 - (b) the members of each section were the members of a separate scheme.
- (8) For the purposes of paragraph (6), a sectionalised scheme is a scheme where—
- (a) Part 3 of the 2004 Act (scheme funding) applies to the scheme as if a section of a scheme were a separate scheme by virtue of paragraph 1 of Schedule 2 to the Occupational Pension Schemes (Scheme Funding) Regulations 2005⁽¹⁹⁾ (sectionalised multi-employer schemes), or
 - (b) Part 3 of the 2004 Act does not apply to the scheme, but would apply in that way if it did.

Occupational pension schemes after winding up for individual members

- 25.—**(1) The information mentioned in paragraph (2) must be given in accordance with this regulation where—
- (a) the scheme is being wound up, and
 - (b) the trustees or managers of the scheme have done what they can to discharge the scheme's liabilities for a particular member or beneficiary of the scheme.
- (2) The information is—
- (a) the information listed in Part 2 of Schedule 8, and
 - (b) where the member or beneficiary of the scheme is, for the time being—
 - (i) entitled to payment of benefits, the information listed in paragraphs 6 and 7 of Schedule 7, or
 - (ii) except in relation to money purchase benefits, not entitled to payment of benefits, the information listed in paragraph 16 of Schedule 8.

⁽¹⁷⁾ [S.I. 1996/3126](#). Regulation 2 was amended by [S.I. 2005/706](#).

⁽¹⁸⁾ Subsections (3A) to (3E) were inserted by the Child Support, Pensions and Social Security Act 2000, section 49(2). Subsections (3A) and (3B) were amended by the 2004 Act, section 319(1) and Schedule 12, paragraphs 34 and 69(1), (3) and (4).

⁽¹⁹⁾ [S.I. 2005/3377](#).

(3) The information mentioned in paragraph (2) must be given to the member or beneficiary of the scheme except that an excluded person need not be given the information mentioned in paragraph (2)(b)(ii).

(4) The information must be given as soon as practicable after and in any event no more than three months of the date paragraph (1)(b) is satisfied.

PART 9

Giving information and documents

Giving information and documents

26.—(1) Except where these Regulations otherwise provide, the methods for giving information or documents that these Regulations require to be given include the methods set out in paragraph (2).

(2) The information may be given by—

- (a) sending it to the person's last known postal address, or
- (b) subject to paragraphs (3) to (5), using either or both of the following methods—
 - (i) sending it to the person's last known electronic address, or
 - (ii) making it available on a website (see regulation 27).

(3) Where a member or beneficiary of the scheme has requested in writing that—

- (a) any of the information, or
- (b) all of the information,

is not given in accordance with paragraph (2)(b), that information may not be given in accordance with paragraph (2)(b).

(4) Information may only be given by an electronic communication where the trustees or managers of the scheme are satisfied that the electronic communications have been designed—

- (a) so that the person will be able to—
 - (i) get access to, and
 - (ii) store or print,
 the information, and
- (b) taking into account the requirements of disabled persons.

(5) Where—

- (a) a member or beneficiary of the scheme was a member or beneficiary of the scheme on 1st December 2010, and
- (b) information was not given by the trustees or managers of the scheme before that date by the methods described in paragraph (2)(b),

information may not be given to that member or beneficiary of the scheme in accordance with paragraph (2)(b) unless the trustees or managers of the scheme have given them the written notice referred to in paragraph (6).

(6) The written notice mentioned in paragraph (5) must state that—

- (a) the trustees or managers of the scheme propose to give information to the member or beneficiary of the scheme by means of an electronic communication, and
- (b) the member or beneficiary of the scheme may request in writing that information is not given by means of an electronic communication.

(7) The written notice mentioned in paragraph (5) must not be given by the methods mentioned in paragraph (2)(b).

Provision of information on a website

27.—(1) Where a website is used for the first time to make available the information or document, a notification must be given to the recipient.

(2) The notification referred to in paragraph (1) must include—

- (a) a statement that the information or document is available on the website,
- (b) the website address,
- (c) details of the place on the website where the information or document may be read, and
- (d) an explanation of how the recipient may read the information or document on the website.

(3) Subject to regulation 28, each time a website is used at a subsequent time to make available information or documents, a notification must be given to the recipient.

(4) The notification referred to in paragraph (3) must state that the information or document is available on the website.

(5) The notifications mentioned in paragraphs (1) and (3) must not be given by making them available on a website.

Provision of information on a website: supplemental

28.—(1) The notification mentioned in regulation 27(3) need not be given where paragraphs (2) to (4) are satisfied.

(2) This paragraph is satisfied where—

- (a) the trustees or managers of the scheme have given the recipient at least two documents by either of the following methods—
 - (i) given by hand, or
 - (ii) sent to the recipient’s last known postal address, and
- (b) each of those documents—
 - (i) asks the recipient to give their electronic address to the trustees or managers of the scheme except where the trustees or managers of the scheme do not have the facility for sending information or documents to that address, and
 - (ii) states that the recipient may request in writing that information or documents are not given by means of an electronic communication.

(3) This paragraph is satisfied where—

- (a) paragraph (2) is satisfied, and
- (b) the trustees or managers of the scheme have given the recipient, by either of the methods mentioned in paragraph (2)(a), a further document that—
 - (i) meets the requirements of paragraph (2)(b), and
 - (ii) states that further information and documents will be available to read on the website and that no further notifications will be sent to the recipient.

(4) This paragraph is satisfied where—

- (a) paragraphs (2) and (3) are satisfied, and
- (b) the trustees or managers of the scheme—

- (i) do not know the recipient's electronic address or do not have the facility for sending information or documents to that address, and
- (ii) have not received a written request that information or documents are not given to the recipient by means of an electronic communication.

(5) Where the information to be made available is that required by paragraph (1) of regulation 17, the notification mentioned in regulation 27(3) need only be given as required by paragraph (7) of regulation 17.

Giving information and documents in certain cases

29.—(1) Information or documents to be given in accordance with this regulation are to be given as follows.

(2) Where the person or recognised trade union makes a request for the information in hard copy form, the trustees or managers of the scheme must, subject to paragraph (3) give the information in that form and if a charge is levied for giving the information in that form, it must not exceed the cost of producing and giving it.

(3) Where the information in hard copy form is publicly available, the trustees or managers of the scheme may give details of where it is publicly available instead of giving it under paragraph (2).

(4) Where the person or recognised trade union makes a request for the information other than in hard copy form, it may be made available free of charge—

- (a) for inspection at a place that is reasonable having regard to who made the request, or
- (b) on a website.

(5) For the purposes of paragraph (4)(b), the provisions of regulations 27 and 28 do not apply, except that the trustees or managers of the scheme must give the notification described in regulation 27(2) to the person or recognised trade union who requested the information.

(6) Information is in “hard copy form” if it is given in a paper copy or similar form capable of being read.

Responsibility for giving information and documents

30. The trustees or managers of a scheme are responsible for ensuring that information or documents are given in accordance with these Regulations whether they give the information or documents—

- (a) directly, or
- (b) indirectly, through a third party.

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

24th October 2013

Esther McVey
Minister of State,
Department for Work and Pensions