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STATUTORY INSTRUMENTS

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**2013 No. 2734**

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

**PART 6**

Lifestyling and accessing benefits

**[<sup>F1</sup>Requirement to refer members and survivors to guidance etc.**

**18C.**—(1) Where this regulation applies, the requirements in the following regulations to provide the information on pensions guidance in Part 1 of Schedule 10 do not apply—

- (a) regulation 18A(1) and (2)(b) (information to be given on request and on a member providing certain information); and
- (b) regulation 18B(1) and (2) (information to be given on communicating with a member about what the member may do with flexible benefits).

(2) Subject to paragraph (3), this regulation applies where the trustees or managers of an occupational pension scheme receive on or after 1st June 2022 from any person an application, or communication made in relation to an application, from a relevant beneficiary (“B”)—

- (a) to transfer any rights to flexible benefits accrued by B under the scheme; or
- (b) to start receiving flexible benefits provided by the scheme.

(3) This regulation does not apply where the trustees or managers of an occupational pension scheme receive on or after 1st June 2022 from any person an application, or communication made in relation to an application, from B to transfer rights in accordance with paragraph (2)(a) if—

- (a) B is under the age of 50;
- (b) receiving flexible benefits is not the purpose, or one of the purposes, of the application; or
- (c) the trustees or managers have received from B or a person authorised to act on behalf of B confirmation (given verbally or in writing) in relation to the application that—

(i) B—

(aa) has been referred by the trustees or managers of a different pension scheme to appropriate pensions guidance; and

(bb) has received or opted out of receiving that guidance,

in accordance with the requirements of this regulation; or

(ii) B is transferring rights to flexible benefits into a relevant pension scheme in respect of which the trustees or managers are required to comply with rules made under section 137FB of the Financial Services and Markets Act 2000 (FCA general rules: disclosure of information about the availability of pensions guidance).

(4) As part of the application process, the trustees or managers—

- (a) must offer to book a pensions guidance appointment on behalf of B on a date, at a time and of a kind suitable for B;
  - (b) where B accepts the offer mentioned in sub-paragraph (a), must take reasonable steps to book that appointment;
  - (c) where B does not accept that offer, or where the trustees or managers are unable to book such an appointment on a date, at a time and of a kind suitable for B despite having taken reasonable steps, must provide B with details of how to book a pensions guidance appointment;
  - (d) must explain to B that they cannot proceed with the application unless—
    - (i) B has received, and notified them of receipt of, appropriate pensions guidance; or
    - (ii) B opts out of receiving such guidance by giving them an opt-out notification; and
  - (e) must explain to B that B can only opt out of receiving appropriate pensions guidance by giving them an opt-out notification.
- (5) Where the trustees or managers receive an application, or communication made in relation to an application, as mentioned in paragraph (2), B may give an opt-out notification—
- (a) in a communication made solely for the purpose of opting out of receiving appropriate pensions guidance; or
  - (b) where paragraph (9) applies.
- (6) Paragraph (7) applies to any interaction subsequent to the interaction mentioned in paragraph (4) where B contacts the trustees or managers in connection with B's application unless—
- (a) B has confirmed to the trustees or managers that B has received appropriate pensions guidance in connection with the application; or
  - (b) B has provided to the trustees or managers an opt-out notification in a communication made solely for the purpose of opting out of receiving appropriate pensions guidance.
- (7) Where this paragraph applies, the trustees or managers must repeat the steps required by paragraph (4).
- (8) If, at any point while the trustees or managers are repeating the steps required by paragraph (4) by virtue of paragraph (7), B confirms to them that B has received appropriate pensions guidance in connection with the application, the trustees or managers may treat the requirements of paragraph (4) as having been satisfied.
- (9) This paragraph applies where the trustees or managers have received from B or a person authorised to act on behalf of B confirmation (given verbally or in writing) that—
- (a) B has received—
    - (i) appropriate pensions guidance; or
    - (ii) regulated financial advice in connection with the application, provided by a financial adviser regulated and authorised by the Financial Conduct Authority to provide such advice,  
  
in the 12-month period (excluding the date of receipt) before the trustees or managers received an application, or communication made in relation to an application, as mentioned in paragraph (2);
  - (b) B qualifies for a serious ill-health lump sum within the meaning of paragraph 4(1) of Schedule 29 to the Finance Act 2004; or
  - (c) B's application is solely to transfer any of their rights to flexible benefits accrued under the scheme.
- (10) In this regulation—

“appropriate pensions guidance” means pensions guidance accessible by B during a pensions guidance appointment which includes the facility for real-time human interaction between the parties during the appointment (whether face to face, by telephone or through another electronic medium);

“opt-out notification” means a notification (given verbally or in writing) given to the trustees or managers of an occupational pension scheme for the purpose of confirming that B is opting out of receiving appropriate pensions guidance in connection with an application or communication made in relation to an application;

“pensions guidance appointment” means an appointment of B with the provider of appropriate pensions guidance;

“regulated financial advice” means advice of a kind mentioned in article 53 of the Financial Services and Markets Act (Regulated Activities) Order 2001 (advising on investments);

“relevant beneficiary” has the meaning given by the definition in section 113B(6) of the 1993 Act and for the purposes of paragraph (b) of that definition another person of a prescribed description is a survivor of a member.]

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**Textual Amendments**

- F1** Regs. 18C-18E inserted (1.6.2022) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Requirements to Refer Members to Guidance etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/30\)](#), regs. 1(2), **2(6)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013, Section 18C.