
STATUTORY INSTRUMENTS

2013 No. 2734

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

PART 1

General

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⁽¹⁾;

“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⁽²⁾ (general interpretation);

“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;

⁽¹⁾ 2004 c.35.

⁽²⁾ 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.

“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⁽³⁾, 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⁽⁴⁾ (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⁽⁵⁾;

“relevant person” means a—

- (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

(3) 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).

(4) 1996 c.18.

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

(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⁽⁶⁾ (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.

⁽⁶⁾ 2004 c.12. Section 153 was amended by the Finance Act 2005 (c.7), section 101 and Schedule 10, paragraphs 1 to 3.