
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the ninth commencement regulations made under the Financial Guidance and Claims Act 2018 (c. 10) (“the Act”).

Regulation 2 brings into force certain provisions of the Act on 1st June 2022 relating to requirements to refer individuals to pensions guidance in certain circumstances.

Section 18(2) of the Act (requirements to refer members to appropriate guidance by trustees or managers of personal or stakeholder pension schemes) was commenced for the purpose only of making rules on 5th July 2021 and is commenced for all remaining purposes by these Regulations, as is section 18(1) of the Act. In particular, section 18(2) of the Act amends section 137FB of the Financial Services and Markets Act 2000 (FCA general rules: disclosure of information about the availability of pensions guidance) (c. 8) to (among other things) confer powers on the Financial Conduct Authority to make rules requiring the trustees or managers of personal or stakeholder pension schemes to refer members and survivors to appropriate pensions guidance in certain circumstances.

Section 19(2) and (3) of the Act (requirement to refer relevant beneficiaries to appropriate guidance by trustees or managers of occupational pension schemes) was commenced for the purpose only of making regulations on 5th July 2021 and is commenced for all remaining purposes by these Regulations.

Section 19(2) of the Act inserts new section 113B into the Pension Schemes Act 1993 (occupational pension schemes: requirements to refer members to guidance etc.) (c. 48) (“the 1993 Act”). New section 113B of the 1993 Act, among other things, requires the Secretary of State to make regulations requiring the trustees or managers of occupational pension schemes to refer relevant beneficiaries to appropriate pensions guidance in certain circumstances.

Section 19(3) of the Act amends section 115 of the 1993 Act (powers as respects failure to comply with information requirements) to add a reference to regulations made under section 113B of the 1993 Act. This is to enable specified persons, where the trustees or managers of an occupational pension scheme make default in complying with requirements of regulations made under section 113B of the 1993 Act, to make an application to a county court in England and Wales or the sheriff in Scotland for an order directing the trustees or managers to make good the default in complying with those requirements.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

A full impact assessment has been produced in relation to the provisions of the Act and a copy is available at <http://www.legislation.gov.uk/ukpga/2018/10/resources>. A hard copy of this impact assessment can be obtained from Private Pensions, Projects and Guidance, Department for Work and Pensions, Floor 1, Caxton House, 6 – 12 Tothill Street, London, SW1H 9NA.