STATUTORY INSTRUMENTS

2018 No. 233

PENSIONS

The Occupational Pension Schemes (Administration and Disclosure) (Amendment) Regulations 2018

Made - - - - 22nd February 2018

Laid before Parliament 26th February 2018

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 113(1), (2A), (3) and (5) to (7), 181(1), 182(2) and (3) and 183(1) of the Pension Schemes Act 1993(**1**).

In accordance with section 113(9) of the Pension Schemes Act 1993(**2**), the Secretary of State has consulted the Financial Conduct Authority and the Treasury and, in accordance with section 185(1) of that Act, has consulted such persons as the Secretary of State considers appropriate(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Administration and Disclosure) (Amendment) Regulations 2018 and, except as provided for below, come into force on 6th April 2018.

(2) The amendments made by regulation 3(3), (7) and (8), in so far as this inserts paragraph 5A in Schedule 6 to the Disclosure Regulations 2013, come into force on 6th April 2019.

(3) Where the most recent scheme year for a relevant scheme ends before 6th April 2018, the amendments made by regulations 2, 3(2), 3(4) to (6) and (8), in so far as they insert paragraph 5B in Schedule 6 to the Disclosure Regulations 2013, come into force for such a scheme on the last day of the first scheme year for that scheme to end on or after 6th April 2018.

(4) For the purposes of this regulation, "relevant scheme" and "scheme year" have t6e same meaning as in regulation 1 (interpretation) of the Scheme Administration Regulations 1996.

(**1**) 1993 c.48. Section 113(1) was amended by section 52(1) of the Child Support, Pensions and Social Security Act 2000 (c.19) and is amended by section 38(1) and (2) of the Pension Schemes Act 2015 (c.8) ("the 2015 Act") from a date to be appointed; section 113(2A) was inserted by section 38(1) and (4) of the 2015 Act; section 113(5) to (7) was inserted by section 44(1) of the Pensions Act 2014 (c.19) ("the 2014 Act"); section 181(1) is cited for the meaning given to "prescribe" and "regulations"; section 183(1) was amended by Parts 3 and 4 of Schedule 7 to the Pensions Act 1995 (c.26) ("the 1995 Act").

(**2**) Section 113(9) was inserted by section 44(1) of the 2014 Act.

(**3**) Section 185(1) was amended by section 122 of, and paragraph 46 of Schedule 3 to, the 1995 Act and by paragraph 80(a) of Schedule 5 to that Act.

(5) In these Regulations—

"the Disclosure Regulations 2013" means the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013(**4**); and

"the Scheme Administration Regulations 1996" means the Occupational Pension Schemes (Scheme Administration) Regulations 1996(**5**).

Amendment of the Scheme Administration Regulations 1996

2.—(1) Regulation 23 (annual statement regarding governance)(**6**) of the Scheme Administration Regulations 1996 is amended as follows.

(2) For sub-paragraph (1)(c)(i), substitute—

"(i) state the level of charges and transaction costs applicable to each default arrangement during the scheme year;".

(3) For sub-paragraph (1)(c)(ii), substitute—

"(ii) state the levels of charges and transaction costs applicable to each fund which members are able to select and in which assets relating to members are invested during the scheme year;".

(4) After sub-paragraph (1)(c), insert—

"(ca) include, in relation to the charges and transaction costs which trustees or managers are required to calculate in accordance with regulation 25(1)(a) of these Regulations, an illustrative example of the cumulative effect over time of the application of those charges and costs on the value of a member's accrued rights to money purchase benefits;".

(5) After paragraph (1), insert—

"(1A) In complying with the requirements imposed by paragraph (1)(c)(i), (ii) and (ca), the trustees or managers must have regard to guidance prepared from time to time by the Secretary of State.".

Amendment of the Disclosure Regulations 2013

3.—(1) The Disclosure Regulations 2013 are amended as follows.

(2) In regulation 4(1) (application of these Regulations)(**7**), for "and 25" substitute ", 25 and, where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, regulation 29A.(**8**)".

(3) After regulation 12 (annual report), insert—

"**Additional information available on request: pooled funds**

12A.—(1) Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, a statement containing the information listed in paragraph 35 of Schedule 3(**9**) must be given on request to a member, or to a recognised trade union on behalf of the member, in accordance with this regulation.

(2) The statement must be given within two months of the date the request is made and it must be given in accordance with regulation 26 (giving information and documents).

(3) A statement is not required to be given where the request is made—

(**4**) S.I. 2013/2734.
(**5**) S.I. 1996/1715. The definition of "relevant scheme" was inserted by S.I.2015/879.
(**6**) Regulation 23 was inserted by S.I. 2015/879 and was amended by S.I. 2016/427.
(**7**) Regulation 4 was amended by S.I. 2015/482.
(**8**) Regulation 29A is inserted by regulation 3(6) of these Regulations.
(**9**) Paragraph 35 of Schedule 3 is inserted by regulation 3(7) of these Regulations.

(a) less than 6 months after the last occasion on which information was given to or in respect of the member under this regulation; or

(b) by a recognised trade union unless it is relevant to the rights of a member who is in that recognised trade union.".

(4) In regulation 26 (giving information and documents), after paragraph (4), insert—

"(4A) The provisions of paragraph (4) do not apply where regulation 29A applies to the information.".

(5) In regulation 27(1) (provision of information on a website), at the beginning insert "Except where regulation 29A provides otherwise,".

(6) After regulation 29 (giving information and documents in certain cases), insert—

"**Publishing charges and transaction costs**

29A.—(1) Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, the information specified in paragraph (2) must be made publicly available free of charge on a website in accordance with this regulation.

(2) The specified information is the information which must be included in the most recent statement prepared under regulation 23 (annual statement regarding governance) of those Regulations in accordance with the following paragraphs of that regulation—

(a) paragraph (1)(a);

(b) paragraph (1)(c); and

(c) paragraph (1)(ca)(**10**).

(3) Where this regulation applies—

(a) a notification need not be given under regulation 27 in relation to the information on the website where information is given to the person in accordance with paragraph 5B(a) of Schedule 6 (statements of benefits: money purchase and cash balance benefits)(**11**); and

(b) the trustees or managers of the scheme must have regard to guidance prepared from time to time by the Secretary of State concerning the publication of the information.

(4) Where a person requests the trustees or managers of the scheme to provide the information referred to in paragraph (2) in hard copy form, the trustees or managers of the scheme must give that information to the person in hard copy form only where the trustees or managers are satisfied that it would be unreasonable for that person to obtain it from the website on which it is published.

(5) Where information is required to be given in hard copy form in accordance with paragraph (4), it must be given within two months of the date the request is made.".

(7) After Part 5 (information that applies to the scheme)(**12**) of Schedule 3 (information to be given on request), insert—

(**10**) Sub-paragraph (ca) is inserted by regulation 2(4) of these Regulations.
(**11**) Paragraph 5B of Schedule 6 is inserted by regulation 3(8) of these Regulations.
(**12**) Part 5 was amended by S.I.s 2015/482 and 2015/879.