STATUTORY INSTRUMENTS

2015 No. 482

PENSIONS

The Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations 2015

Made - - - -	*3rd March 2015*
Laid before Parliament	*9th March 2015*
Coming into force - -	*6th April 2015*

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

In relation to regulations 3(2)(a) and (e), 4(2) and (5), 5, 6 and 11(9), in accordance with section 185(1) of the Pension Schemes Act 1993(**2**), the Secretary of State has consulted with such persons as the Secretary of State considers appropriate. In accordance with section 185(2)(d) of the Pension Schemes Act 1993(**3**), all other regulations were not subject to consultation because the Secretary of State considered consultation inexpedient because of urgency.

Citation and commencement

1. These Regulations may be cited as the Occupational and Personal Pension Schemes (Disclosure of Information) (Amendment) Regulations 2015 and come into force on 6th April 2015.

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

2. The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013(**4**) are amended as follows.

(**1**) 1993 c. 48. Paragraph (ca) of section 113(1) was inserted by section 52(1) of the Child Support, Pensions and Social Security Act 2000 (c. 19). There are amendments to section 181(1) not relevant to these Regulations. Section 181(1) is cited for the meaning given to "prescribed" and "regulations". Section 183(1) was amended by paragraph 79 of Schedule 5, paragraph 15(a) of Schedule 6 and Parts III and IV of Schedule 7 to the Pensions Act 1995 (c. 26) ("the 1995 Act").
(**2**) Section 185(1) was amended by paragraph 46 of Schedule 3 and paragraph 80(a) of Schedule 5 to the 1995 Act.
(**3**) Paragraph (d) of section 185(2) was inserted by paragraph 80(b) of Schedule 5 to the 1995 Act.
(**4**) S.I. 2013/2734, amended by S.I. 2014/1711.

Amendment of regulation 2

3.—(1) Regulation 2 (interpretation)(**5**) becomes paragraph (1) of that regulation.

(2) In paragraph (1)—

(a) after the definition of "the 2004 Act" insert—

""the 2013 Act" means the Public Service Pensions Act 2013(**6**);";

(b) insert in the appropriate alphabetical places—

""drawdown pension" has the meaning given in paragraph 4 of Schedule 28 to the Finance Act 2004 (drawdown pension)(**7**);";

""flexible benefit" has the meaning given in section 74 of the Pension Schemes Act 2015 (meaning of "flexible benefit")(**8**);";

""normal minimum pension age" has the meaning given in section 279(1) of the Finance Act 2004 (other definitions)(**9**);";

""pensions guidance" means guidance given by a designated guidance provider (which has the meaning given in section 333E(1) of the Financial Services and Markets Act 2000 (designation ofproviders)(**10**)) for the purpose of helping a member of a pension scheme, or a survivor of a member of a pension scheme, to make decisions about what to do with the flexible benefits that may be provided to the member or survivor;";

""survivor" has the meaning given in section 76(1) of the Pension Schemes Act 2015 (interpretation of Part 4);";

""transferrable rights" has the meaning given in section 93(11)(b) of the 1993 Act (scope of Chapter 1)(**11**);";

(c) for the definition of "cash balance benefit"(**12**) substitute—

""cash balance benefit" has the meaning given in section 75 of the Pension Schemes Act 2015 (meaning of "cash balance benefit");";

(d) before the definition of "illustration date" insert—

""ill-health condition" has the meaning given in paragraph 1 of Schedule 28 to the Finance Act 2004 (ill-health condition);";

(e) omit the definition of "funded".

(3) After paragraph (1) insert—

"(2) In these Regulations—

(a) a member has an opportunity to transfer flexible benefits where the member—

(i) has transferrable rights in relation to flexible benefits;

(ii) would have transferrable rights in relation to flexible benefits if the member stopped accruing rights to some or all of the flexible benefits (see sub-paragraph (b)); or

(iii) has an opportunity to transfer accrued rights to flexible benefits out of the scheme under the scheme rules;

(**5**) Regulation 2 was amended by S.I. 2014/1711.
(**6**) 2013 c. 25 ("the 2013 Act").
(**7**) 2004 c. 12; paragraph 4 of Schedule 28 was amended by paragraphs 2 and 3 of Schedule 16 to the Finance Act 2011 (c. 11).
(**8**) 2015 c. 8.
(**9**) There are amendments to section 279(1) not relevant to these Regulations.
(**10**) 2000 c. 8. Section 333E was inserted by paragraphs 1 and 2 of Schedule 3 to the Pension Schemes Act 2015 ("the 2015 Act").
(**11**) Section 93 was substituted by paragraph 8 of Schedule 4 to the 2015 Act.
(**12**) The definition of "cash balance benefit" was inserted by S.I. 2014/1711.

(b) a member stops accruing rights to flexible benefits when there are no longer arrangements in place for the accrual of rights to those flexible benefits for or in respect of the member.".

Amendment of regulation 4

4.—(1) Regulation 4 (application of these regulations) is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (b), after the words in parentheses insert "or it is a defined benefits scheme under section 1 (schemes for persons in public service) of the 2013 Act in relation to persons specified in subsection (2)(c) of that section";

(b) for sub-paragraph (c) substitute—

"(c) it is provided for by section 40 of, and Schedule 6 to, the Constitutional Reform and Governance Act 2010 (Parliamentary and other pensions)(**13**).".

(3) In paragraph (5) for "to 19" substitute ", 18".

(4) In paragraph (7) for "When" substitute "Except when information is given verbally in accordance with regulation 18B(3), when".

(5) After paragraph (7) insert—

"(8) In this regulation "defined benefits scheme" has the meaning given in section 37 of the 2013 Act.".

Amendment of regulation 10

5. In regulation 10(4) (former stakeholder pension schemes) for "two weeks of" substitute "two weeks after".

Amendment of regulation 16

6. In regulation 16(1) (statements of benefits: non money purchase benefits)—

(a) omit "and" at the end of sub-paragraph (b);

(b) in sub-paragraph (c) for "request." substitute "request, and";

(c) after sub-paragraph (c) insert—

"(d) in relation to active members, a benefit information statement has not been provided pursuant to section 14(1) (information about benefits) of the 2013 Act in the 12 months before the request in sub-paragraph (b).".

New regulations 18A and 18B

7. After regulation 18 (lifestyling) insert—

"**Information to be given on request and on a member providing certain information**

18A.—(1) The information mentioned in paragraph (2) must be given in accordance with this regulation to a member who—

(a) has an opportunity to transfer flexible benefits;

(**13**) 2010 c. 25. Paragraph 12(2) to (5) of Schedule 6 was repealed by section 33, Schedule 11, paragraph 1(1) and (2) of the 2013 Act. Paragraph 16(2)(ba) and (bb) of Schedule 6 was inserted by section 33, Schedule 11, paragraph 1(1) and (3)(a) of the 2013 Act. Paragraph 16(3) of Schedule 6 was repealed by section 33, Schedule 11, paragraph 1(1) and (3)(b) of the 2013 Act.

(b) (i) requests information about what the member may do with the flexible benefits; or

(ii) informs the trustees or managers of the scheme that the member is considering, or has made a decision in relation to, what to do with the flexible benefits;

(c) (i) will reach normal minimum pension age within four months of making a request, or informing the trustees or managers of the scheme, in accordance with sub-paragraph (b);

(ii) has reached normal minimum pension age; or

(iii) meets the ill-health condition; and

(d) has not been given information under this regulation or regulation 19(2)(b)(ii) (first information on accessing benefits) in the previous 12 months.

(2) The information is—

(a) a statement of the options available to the member under the scheme rules; and

(b) that listed in Part 3 of Schedule 7 (information to be given to members having an opportunity to transfer flexible benefits) and in Schedule 10 (information to be given on the pensions guidance and members' benefits).

(3) The information must be given within two months of the member making a request, or informing the trustees or managers of the scheme, in accordance with paragraph (1)(b).

Information to be given on communicating with a member about what the member may do with flexible benefits

18B.—(1) Subject to paragraph (5), the information mentioned in paragraph (2) must be given to a member in accordance with this regulation where—

(a) the member has an opportunity to transfer flexible benefits;

(b) the trustees or managers of the scheme contact the member, or the member contacts the trustees or managers of the scheme, in connection with what the member may do with the flexible benefits; and

(c) the member—

(i) will reach normal minimum pension age within four months of the date on which the contact mentioned in sub-paragraph (b) is made;

(ii) has reached normal minimum pension age; or

(iii) meets the ill-health condition.

(2) The information is—

(a) that listed in paragraphs 1, 4 and 5 of Schedule 10;

(b) that listed in paragraphs 2 and 3 of Schedule 10, unless the trustees or managers of the scheme—

(i) give information under this regulation verbally; and

(ii) offer to give the member information about how the member may access the pensions guidance and the offer is declined by the member; and

(c) where information has not been given to the member under regulation 18A (information to be given on request and on a member providing certain information) in the previous 12 months, a statement that—

(i) the member may request information about—

(aa) the flexible benefits that may be provided to the member;

(bb) the member's opportunity to transfer those benefits; and

(cc) the options available to the member under the scheme rules; and

(ii) the information may help the member to decide what to do with the flexible benefits.

(3) The information may be given verbally unless the member requests that the information is given in writing.

(4) The information must be given within 20 days of the contact mentioned in paragraph (1)(b) or the request mentioned in paragraph (3), whichever is later.

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

(a) the member informs the trustees or managers of the scheme that the member has accessed the pensions guidance in the previous 12 months;

(b) the member informs the trustees or managers of the scheme that the member has received independent financial advice in the previous 12 months about what the member may do with the flexible benefits; or

(c) the trustees or managers of the scheme—

(i) have given information to the member under regulation 18A in the two months immediately preceding the date on which the contact mentioned in paragraph (1)(b) is made; or

(ii) are required to give information to the member under regulation 18A within two months of the date on which the contact mentioned in paragraph (1)(b) is made.".

Amendment of regulation 19

8.—(1) Regulation 19 (first information on accessing benefits)(**14**) is amended as follows.

(2) In paragraph (1) for "rights to money purchase benefits or cash balance benefits" substitute "a right or entitlement to flexible benefits".

(3) For paragraph (2) substitute—

"(2) The information is—

(a) where the member has been given information in accordance with regulation 18A in the 12 months before the date on which the trustees or managers of the scheme give information under this regulation—

(i) a statement that the member has been given information about—

(aa) the flexible benefits that may be provided to the member;

(bb) the member's opportunity to transfer those benefits; and

(cc) the options available to the member under the scheme rules; and

(ii) that listed in paragraphs 1 to 9 of Schedule 10; and

(b) in any other case—

(i) a statement of the options available to the member under the scheme rules; and

(ii) where the member has an opportunity to transfer flexible benefits, that listed in Part 3 of Schedule 7 and in Schedule 10.".

(**14**) Regulation 19 was amended by S.I. 2014/1711.