

## 2010 No. 2659

### PENSIONS

# The Occupational, Personal and Stakeholder Pension Schemes (Disclosure of Information) (Amendment) Regulations 2010

|                               |                          |
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| <i>Made</i> - - - -           | <i>1st November 2010</i> |
| <i>Laid before Parliament</i> | <i>8th November 2010</i> |
| <i>Coming into force</i> -    | <i>1st December 2010</i> |

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 113(1), (2)(e), (3) and (3A), 181(1), 182(2) and (3) and 183(1) of the Pension Schemes Act 1993(a), sections 41(1)(b), 124(1) and 174(2) and (3) of the Pensions Act 1995(b) and sections 1(1)(b), 8(1) and 83(4) and (6) of the Welfare Reform and Pensions Act 1999(c).

In accordance with section 185(1) of the Pension Schemes Act 1993(d) and section 120(1) of the Pensions Act 1995, the Secretary of State has consulted such persons as the Secretary of State considers appropriate before making these Regulations.

#### Citation and commencement

1.—(1) These Regulations may be cited as the Occupational, Personal and Stakeholder Pension Schemes (Disclosure of Information) (Amendment) Regulations 2010.

(2) These Regulations come into force on 1st December 2010.

[Regulation 2 amends regulations 1, 3, 5 - 7 & Schedule 2 of S.I.1987/1110.]

[Regulation 3 amends regulations 1, 3 - 8 & 10 and Schedule 2 of S.I.1996/1655.]

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- (a) 1993 c. 48. Section 113(1) was amended by section 52(1) of the Child Support, Pensions and Social Security Act 2000 (c. 19), section 113(2)(e) was inserted by paragraph 17 of Schedule 12 to the Pensions Act 2004 (c. 35), section 113(3A) was inserted by section 52(2) of the Child Support, Pensions and Social Security Act 2000 and amended by paragraph 6 of Schedule 5 to the Pensions Act 2007 (c. 22). Section 181(1) is cited for the meaning it gives to “prescribed” and “regulations”. Section 183(1) was amended by paragraph 79 of Schedule 5 and paragraph 15(a) of Schedule 6 to the Pensions Act 1995 (c. 26).
- (b) 1995 c. 26. Section 124(1) is cited for the meaning it gives to “regulations”.
- (c) 1999 c. 30. Section 8(1) is cited for the meaning it gives to “prescribed”.
- (d) Section 185(1) was amended by paragraph 46 of Schedule 3 and paragraph 80(a) of Schedule 5 to the Pensions Act 1995.

**SI 2010/2659**

**Reg. 4**

PENSIONS OCCUPATIONAL, PERSONAL AND STAKEHOLDER PENSION SCHEMES  
**(DISCLOSURE OF INFORMATION) (AMENDMENT) REGULATIONS**  
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[Regulation 4 amends regulations 1, 6, 7, 12 & 18 and inserts regulations 18A - 18E & Schedule 3 into S.I. 2000/1403.]

Signed by authority of the Secretary of State for Work and Pensions.

1st November 2010

*Steve Webb*  
Minister of State,  
Department for Work and Pensions

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend—

- the Personal Pension Schemes (Disclosure of Information) Regulations 1987 (S.I. 1987/1110) (“the Personals Regulations”),
- the Occupational Pension Schemes (Disclosure of Information) Regulations 1996 (S.I. 1996/1655) (“the Occupationals Regulations”), and
- the Stakeholder Pension Schemes Regulations 2000 (S.I. 2000/1403) (“the Stakeholders Regulations”).

These Regulations make amendments to the circumstances in which information is disclosed by pension schemes to persons such as members of the schemes and vice versa. The amendments relate to occupational, personal and stakeholder pension schemes.

The Personals Regulations, the Occupationals Regulations and the Stakeholders Regulations are amended to allow certain information to be disclosed by electronic means, in particular by email and websites. These amendments do not prevent information from being disclosed by post. Similar changes are made for each of these three sets of Regulations.

Regulation 2(2)(c) makes an amendment to provisions in the Personals Regulations which allow pension schemes not to provide certain information to a certain group of members. The amendment adds to that group of members. It makes the addition where the scheme has sent certain information to a member’s email address (or other electronic address) which has not been delivered. Regulation 3(2)(c) makes a similar amendment to the Occupationals Regulations, regulation 4(4) makes a similar amendment to the Stakeholders Regulations and there is a similar change in new regulation 18(7) of the Stakeholders Regulations.

Regulation 2(3) and (5) amends provisions in the Personals Regulations which allow persons to inspect certain documents relating to a pension scheme. The amendment allows the scheme to make those documents available on a website for inspection. Regulation 3(3) makes a similar amendment to the Occupationals Regulations.

Regulation 2(4) makes amendments to the Personals Regulations to allow schemes to provide certain information electronically. Regulation 3(5) makes similar amendments to the Occupationals Regulations and there are similar changes in new regulations 18(6) and 18A(1), (2), (3), (5), (6), (7) and (8) of the Stakeholders Regulations.

Regulation 2(6) inserts new regulations 7 to 9 into the Personals Regulations. New regulation 7 sets out how schemes can provide information. Electronic communications can only be used if specified conditions are met. In particular, a person can choose to prevent a scheme from using electronic communications. New regulation 8 sets out how information can be provided to schemes. New regulation 9 sets out how a scheme must act if it provides information on a website. In particular, a scheme cannot start providing information on a website unless it tells the person that information is on the website and explains how that information can be accessed. Regulation 3(7) makes similar amendments to the Occupationals Regulations and there are similar changes in new regulations 18C to 18E of the Stakeholders Regulations.

Regulation 2(7) amends the information that schemes have to make available to persons under the Personals Regulations. Some information no longer has to be made available. Regulation 3(8) makes similar amendments to the Occupationals Regulations and there are similar changes in new paragraphs 1 and 5 of Schedule 3 to the Stakeholders Regulations.

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Regulation 3(6) removes a provision from the Occupations Regulations that no longer has any effect.

In addition to the amendments referred to above, regulation 4(6) also amends the ways in which certain information has to be provided under the Stakeholders Regulations. Some information is now provided on request rather than automatically.

Regulation 4(6) also consolidates the main regulation relating to disclosure of information in the Stakeholders Regulations. The provisions which were in regulation 18 of the Stakeholders Regulations are consolidated into new regulations 18 to 18B of, and Schedule 3 to, those Regulations.

An assessment of the impact these Regulations have on business, charities and the voluntary sector has been made. Copies of that Impact Assessment are available from the libraries of both Houses of Parliament, the Better Regulation Unit of the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA and the Department's website at: <http://www.dwp.gov.uk/publications/impact-assessments>.