

2012 No. 1811

PENSIONS

**The Occupational Pension Schemes (Disclosure of Information)
(Amendment) Regulations 2012**

<i>Made</i>	- - - -	<i>11th July 2012</i>
<i>Laid before Parliament</i>		<i>12th July 2012</i>
<i>Coming into force</i>	- -	<i>1st October 2012</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) and (3), 181(1) and 182(2) and (3) of the Pension Schemes Act 1993(a).

In accordance with section 185(1)(b) of that Act, 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 Pension Schemes (Disclosure of Information) (Amendment) Regulations 2012.

(2) These Regulations come into force on 1st October 2012.

Amendment of the Occupational Pension Schemes (Disclosure of Information) Regulations 1996

2.—(1) The Occupational Pension Schemes (Disclosure of Information) Regulations 1996(c) are amended as follows.

(2) In regulation 1(2) (interpretation), after the definition of “independent trade union” insert—
““jobholder information” means the information specified in regulation 3 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(d).”

(3) For regulation 4(2)(e) (basic information about the scheme), substitute —

“(2) The information specified in Schedule 1 shall be given as of course, where practicable, to every prospective member, and where such information has not already been given to a person, it shall be given—

(a) 1993 c.48. Section 181(1) is cited for the meaning it gives to “prescribed” and “regulations”.
(b) Section 185(1) was amended by paragraph 46 of Schedule 3 to, and paragraph 80(a) of Schedule 5 to, the Pensions Act 1995 (c.26).
(c) S.I. 1996/1655.
(d) S.I. 2010/772.
(e) The relevant amending instruments are S.I. 1997/3038 and S.I. 2010/2659.

- (a) where the trustees of the scheme have received jobholder information in relation to that person, to that person within 1 month of the scheme receiving that information, or
- (b) where no jobholder information has been received, to that person within 2 months of his becoming a member of the scheme.

(2A) To the extent that any information specified in Schedule 1 has not previously been given to a member who was a deferred member of the scheme on 5th April 1997, such information shall be given to that member within 2 months of his becoming a pensioner member.”

(4) For paragraph 2 of Schedule 1, substitute—

“(2) How persons who are eligible to be members of the scheme are admitted to it”.

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

Steve Webb

Minister of State

Department for Work and Pensions

11th July 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations make amendments to the Occupational Pension Schemes (Disclosure of Information) Regulations 1996 (S.I. 1996/1655) to take account of the introduction of automatic enrolment of employees in a pension scheme by employers, which is provided for in Part 1 of the Pensions Act 2008 (c.30).

The requirement for the trustees of the scheme to provide basic scheme information to all prospective members, or new members within 2 months of their becoming a member is amended in the case of individuals in relation to whom the trustees have received jobholder information from the employer. The basic scheme information, if not already provided to an individual, must be given to that individual within one month of the scheme receiving the jobholder information.

The list of what information must be provided to individuals as part of the basic scheme information is amended, so that the scheme must set out how persons who are eligible to be members of the scheme are admitted to it, which will include whether they are automatically enrolled.

An assessment of the impact of these regulations has been made. A copy of the impact assessment is available in the libraries of both Houses of Parliament, and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk. Copies may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, 2D Caxton House, Tothill Street, London SW1H 9NA, or from the DWP website: <http://www.dwp.gov.uk/resourcecentre/ris.asp>.

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£4.00

E3920 07/2012 123920T 19585

ISBN 978-0-11-152678-1



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