STATUTORY INSTRUMENTS

2014 No. 3138

PENSIONS

The Public Service Pensions (Record Keeping and Miscellaneous Amendments) Regulations 2014

Made - - - -	*26th November 2014*
Laid before Parliament	*3rd December 2014*
Coming into force - -	*1st April 2015*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 49(9)(b), 124(1) and 174(2) of the Pensions Act 1995(**a**) and section 16(1) of the Public Service Pensions Act 2013(**b**).

In accordance with section 120(1) of the Pensions Act 1995, the Secretary of State has consulted such persons as the Secretary of State considers appropriate.

Citation and commencement

1. These Regulations may be cited as the Public Service Pensions (Record Keeping and Miscellaneous Amendments) Regulations 2014 and come into force on 1st April 2015.

Interpretation

2. In these Regulations—

"the 2013 Act" means the Public Service Pensions Act 2013;

"active member", "deferred member", "member" and "pensioner member" have the meanings given in section 124(1) of the Pensions Act 1995(**c**) (interpretation);

"beneficiary" means a person, other than a member, who is entitled to the present payment of benefits under a public service pension scheme;

"money purchase benefits" has the meaning given in section 181(1) of the Pension Schemes Act 1993(**d**) (general interpretation);

"public service pension scheme" means—

(**a**) 1995 c. 26; section 49(9)(b) was substituted by section 269(1) of the Pensions Act 2004 (c. 35). Section 124(1) is cited because of the meaning it gives to "prescribed" and "regulations".
(**b**) 2013 c. 25.
(**c**) The definition of "member" was amended by section 84(1) of, and paragraphs 43 and 61(2) of Schedule 12 to, the Welfare Reform and Pensions Act 1999 (c. 30). The definition of "pensioner member" was amended by section 56 of, and paragraph 8(3) of Schedule 5 to, the Child Support, Pensions and Social Security Act 2000 (c. 19) and article 10(7) of S.I. 2006/745. *See also* the definition of "pension credit member" as inserted by section 84(1) of, and paragraphs 43 and 61(3) of Schedule 12 to, the Welfare Reform and Pensions Act 1999.
(**d**) 1993 c. 48. The definition of "money purchase benefits" was amended by section 29(1) of the Pensions Act 2011 (c. 19) and article 2 of, and paragraph 18 of the Schedule to, S.I. 2005/2053.

(a) a scheme established under section 1 of the 2013 Act (schemes for persons in public service) and any statutory pension scheme that is connected with it;

(b) a new public body pension scheme and any statutory pension scheme that is connected with it.

Records

3. For the purposes of section 16 of the 2013 Act, the scheme manager for a public service pension scheme(**a**) must keep the records which are specified in regulations 4 to 6.

Records of member and beneficiary information

4.—(1) In respect of member and beneficiary information, the records which are specified are—

(a) the name of each member and of each beneficiary;

(b) the date of birth of each member and of each beneficiary;

(c) the gender of each member and of each beneficiary;

(d) the last known postal address of each member and of each beneficiary;

(e) each member's identification number in respect of the scheme;

(f) the national insurance number of each member who has been allocated such a number; and

(g) in respect of each active member, deferred member and pensioner member—

(i) the dates on which such member joins and leaves the scheme;

(ii) details of such member's employment with any employer participating in the scheme including—

(aa) the period of pensionable service in that employment; and

(bb) the amount of pensionable earnings in each year of that employment.

(2) In respect of each member's rights and, where applicable, of each beneficiary's entitlement, to any benefits which are not money purchase benefits, injury benefits or compensation benefits under the scheme, the records which are specified are—

(a) any formula or formulas used for calculating the member's or beneficiary's pension or benefit;

(b) the percentage to be applied in respect of revaluation for each year to the member's accrued rights to benefits under the scheme; and

(c) any increase to be applied to the pensioner member's or beneficiary's pension or benefit in payment in each year.

(3) In respect of each member's rights to any money purchase benefits under the scheme, the records which are specified are—

(a) any investment decisions taken by, or in relation to, the member;

(b) any investments held on behalf of the member; and

(c) any anticipated date of retirement notified by the member.

(4) In respect of pension credits under section 29(1)(b) of the Welfare Reform and Pensions Act 1999(**b**) (creation of pension debits and credits) or under article 26(1)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**c**) (creation of pension debits and credits), the records which are specified are records of any information relevant to calculating each member's rights under the scheme which are attributable (directly or indirectly) to a pension credit.

(**a**) *See* section 30 of the 2013 Act which provides that section 16 applies to a new public body pension scheme and any statutory pension scheme that is connected with it.

(**b**) 1999 c. 30.

(**c**) S.I. 1999/3147 (N.I. 11).

(5) In respect of pension debits under section 29(1)(a) of the Welfare Reform and Pensions Act 1999 or under article 26(1)(a) of the Welfare Reform and Pensions (Northern Ireland) Order 1999, the records which are specified are records of any information relevant to calculating any reduction in each member's rights under the scheme which are attributable to a pension debit.

Records of transactions

5. In respect of transactions, the records which are specified are—

(a) any employer contribution or member contribution paid in relation to each active member;

(b) payments of pensions and benefits including the date of the payment;

(c) except where the payment is a payment under paragraph (b) or (f), payments made by, or on behalf of, the scheme manager to any person including—

(i) the name and address of the person to whom payment was made; and

(ii) the reason for that payment;

(d) any movement or transfer of assets from the scheme to any person including—

(i) the name and address of the person to whom the assets were moved or transferred; and

(ii) the reason for that transaction;

(e) the receipt or payment of money or assets in respect of the transfer of members into or out of the scheme including—

(i) the name of that member;

(ii) the terms of the transfer;

(iii) the name of the scheme into or out of which the member has been transferred;

(iv) the date of the transfer; and

(v) the date of receipt or payment of money or assets;

(f) payments made to any member who leaves the scheme, other than on a transfer, including—

(i) the name of that member;

(ii) the date of leaving;

(iii) the member's entitlement at that date;

(iv) the method used for calculating any entitlement under the scheme; and

(v) how that entitlement was discharged;

(g) payments made to any employer participating in the scheme;

(h) any amount due to the scheme which has been written off in the scheme's accounts; and

(i) any other payment to the scheme including the name and address of the person from whom it is received and, where a payment is made in respect of a member, the name of the member in respect of whom it is made.

Records of pension board meetings and decisions

6.—(1) In relation to any pension board meetings, the records which are specified are records relating to any such meeting including—

(a) the date, time and place of the meeting;

(b) the names of all the members of the pension board invited to the meeting;

(c) the name of any person who attended the meeting and the capacity in which each attended; and

(d) any decisions made at the meeting.

(2) In relation to any other decision made by the members of the pension board in the exercise of their functions as members of the pension board, the records which are specified are records relating to any such decision including—

(a) the date, time and place of the decision; and

(b) the names of the members of the pension board who participated in making the decision.

(3) In relation to any decision made by a committee or sub-committee of the pension board which has not been ratified by the pension board, the records which are specified are records relating to any such decision including—

(a) the date, time and place of the decision; and

(b) the names of the members of the committee or sub-committee who participated in making the decision.

Amendment of the Occupational Pension Schemes (Scheme Administration) Regulations 1996

7. For regulation 16A of the Occupational Pension Schemes (Scheme Administration) Regulations 1996(**a**) (exemptions from the requirement to notify the Authority or the member of a late contribution payment) substitute—

"Exemptions from the requirement to notify the Authority or the member of a late contribution payment

16A.—(1) Subject to paragraph (3), where an amount corresponding to any contribution payable on behalf of an active member of an occupational pension scheme—

(a) is deducted from that member's earnings in respect of any employment; and

(b) is not paid to the trustees or managers of the scheme within the period of 19 days beginning on the first day of the month after which the deduction is made,

the trustees or managers do not need to give notice of the failure to pay that amount within that period to the Authority or member in the circumstances specified in paragraph (2).

(2) The specified circumstances are where the trustees or managers of the scheme are exempt from the requirement—

(a) to secure the preparation, maintenance and revision of a payment schedule for the purposes of section 87(1) of the 1995 Act (schedules of payments to money purchase schemes), by virtue of regulation 17(**b**); or

(b) to prepare, review and if necessary revise a schedule of contributions under section 227 of the 2004 Act (schedule of contributions), by virtue of any of sub-paragraphs (a) to (i) and (k) to (m) of regulation 17(1) of the Occupational Pension Schemes (Scheme Funding) Regulations 2005(**c**).

(3) Paragraph (1) does not apply in circumstances where the scheme is a public service pension scheme.

(4) For the purposes of this regulation—

"the 2013 Act" means the Public Service Pensions Act 2013;

"connected", "new public body pension scheme" and "statutory pension scheme" have the meanings given in section 37 of the 2013 Act (general interpretation);

"public service pension scheme" means—

(**a**) S.I. 1996/1715. Regulation 16A was inserted by regulation 2(3) of S.I. 2000/679 and substituted by regulation 4(5) of S.I. 2005/2426 as amended by regulation 20(1) of, and paragraph 14 of Schedule 3 to, S.I. 2005/3377.

(**b**) Regulation 17 was substituted by regulation 3(10), and amended by regulation 4(6), of S.I. 2005/2426.

(**c**) S.I. 2005/3377. Relevant amending instruments are S.I. 2006/1733, 2007/814, 2007/3014, 2009/615 and 2009/1906.

(a) a scheme established under section 1 of the 2013 Act (schemes for persons in public service);

(b) a new public body pension scheme;

(c) any statutory pension scheme which is connected with a scheme referred to in paragraph (a) or (b).".

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

Steve Webb
Minister of State,
26th November 2014 Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for certain records to be kept under section 16 of the Public Service Pensions Act 2013 (c. 25) ("the 2013 Act") by the scheme manager of—

1) a scheme established under section 1 of the 2013 Act;

2) a new public body pension scheme under section 30 of the 2013 Act; and

3) any statutory pension scheme which is connected with a scheme referred to in paragraph 1) or 2).

Regulation 4 contains provision concerning the information relating to members and beneficiaries which must be retained.

Regulation 5 contains provision concerning the information on transactions which must be retained.

Regulation 6 contains provision concerning the records of pension board meetings and decisions, and decisions of any committees or sub-committees of the pension board, which must be retained.

Regulation 7 replaces regulation 16A of the Occupational Pension Schemes (Scheme Administration) Regulations 1996 (S.I. 1996/1715) ("the Scheme Administration Regulations"). Under section 49 of the Pensions Act 1995 (c. 26) trustees or managers must notify the Pensions Regulator and the member where there is a late payment of a contribution where such late payment is likely to be of material significance to the Pensions Regulator's functions. Regulation 16A of the Scheme Administration Regulations sets out exceptions to that duty. The amendments mean that managers of public service pension schemes under the 2013 Act cannot benefit from the exception and will now be subject to the duty to notify.

An assessment of the impact of these Regulations formed part of the assessment of the impact of the Public Service Pensions Bill. A copy of that assessment is available in the libraries of both Houses of Parliament and may be obtained from the Workforce, Pay and Pensions Team at HM Treasury, 1 Horse Guards Road, London SW1A 2HQ or from the GOV.UK website: https://www.gov.uk/government/publications/public-service-pensions-good-pensions-that-last--2.

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