

**2004 No.**

**INCOME TAX**

**The Pensions Schemes (Provision of Information) Regulations  
2004**

<i>Made</i> - - - -	<i>2004</i>
<i>Laid before the House of Commons</i>	<i>2004</i>
<i>Coming into force</i> - -	<i>2006</i>

The Commissioners of Inland Revenue, in exercise of the powers conferred upon them by section [238(1)(a) and (4)(a)] of the Finance Act 2004(a) hereby make the following Regulations:

**Citation, commencement and effect**

1. These Regulations may be cited as the Pensions Schemes (Provision of Information) Regulations 2004, shall come into force on [ ] 2004, and have effect in relation to any reportable event which takes place on or after 6th April 2006.

**Interpretation**

2. In these Regulations—

“the Act” means the Finance Act 2004;

“associate” has the meaning given by section 417 of ICTA(b);

“associated company” has the meaning given by section 416 of ICTA;

“director” has the meaning given by section 417 of ICTA;

“participator” has the meaning given by section 417 of ICTA;

“relevant lump sum death benefit” means a defined benefits lump sum death benefit or an uncrystallised funds lump sum death benefit;

“reportable event” means an event in relation to which information is required to be provided by virtue of these regulations;

. “Participator”, “director”, and “associate” have the meanings given by section 417 of that Act.

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(a) (c. [ ])

(b) I.e. the Income and Corporation Taxes Act 1998 (c. 1): *see* section 266(1) of the Finance Act 2004.

### **Provision of information by scheme administrator to Inland Revenue**

3.—(1) In relation to a pension scheme, the scheme administrator shall provide to the Board of Inland Revenue in a form approved by the Board and, within the time prescribed by regulation [4], the information prescribed by regulations [5 to 21].

(2) Where the pension scheme is a public service pension scheme or a centralised pension scheme for non-associated employers, in place of the scheme administrator the information shall be provided by.... [to be completed following consultation].

### **Time at which event to be reported**

4.—(1) The time prescribed is any time no later than the 31st January following the tax year in which [the reportable event] takes place.

This is subject to the following qualifications.

(2) Where a pension scheme is wound up, the time prescribed is any time no later than the last day of the period of 3 months beginning with the day on which the pension scheme is wound up.

(3) The information specified in regulation [7] shall be provided no later than the last day of the period of 2 months beginning with the day on which the request was received.

### **Unauthorised payments**

5.—(1) Where a registered pension scheme makes —

- (a) an unauthorised member payment<sup>(a)</sup>; or
- (b) an unauthorised employer payment<sup>(b)</sup>,

the scheme administrator shall provide the information specified in paragraph (2).

(2) The information required is —

- (a) the name of the person to whom the payment was made;
- (b) his address;
- (c) his national insurance or company registration number;
- (d) the nature of the payment;
- (e) the amount of the payment; and
- (f) the date on which the payment was made.

### **Payments made on death of member**

6.—(1) Where —

- (a) a registered pension scheme makes a payment to a person in respect of the death of a member of that scheme, and
- (b) the amount of the payment is more than 50% of the standard lifetime allowance for the tax year in which the payment was made,

the scheme administrator shall provide the information specified in paragraph (2).

(2) The information required is —

- (a) the name of the deceased member;
- (b) his last known address;
- (c) his national insurance number;
- (d) the name of the person to whom the payment was made;

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<sup>(a)</sup> this is defined in section 150(2) and includes payments treated as unauthorised payments  
<sup>(b)</sup> this is defined in s150(4) and includes anything treated as an unauthorised payment

- (e) his address;
- (f) the amount of the payment; and
- (g) the date on which the payment was made.

### **Relevant lump sum death benefits**

7.—(1) Where a registered pension scheme makes a payment to a person of a relevant lump sum death benefit, the scheme administrator shall on request by the Board of Inland Revenue provide the information specified in paragraph (2).

(2) The information required is—

- (a) the name of the person to whom the payment was made;
- (b) his national insurance number;
- (c) the amount of the payment; and
- (d) the date on which the payment was made.

### **Early provision of benefits**

8.—(1) Where a registered pension scheme provides benefits to a member of the scheme who is under the normal minimum pension age<sup>(a)</sup>, and the requirements of paragraph (3) are satisfied, the scheme administrator shall provide the information specified in paragraph (2).

(2) The information required is —

- (a) the name of the member;
- (b) his address;
- (c) his national insurance number;
- (d) the amount of the payment;
- (e) the date the benefits were provided; and
- (f) the reason they were provided before the minimum age.

(3) The requirements are —

- (a) the pension scheme is an occupational pension scheme and the sponsoring employer is a company; and
- (b) the member is or was, in relation to the company, or an associated company of the company, a participator, a director or an associate of any participator or director.

(4)

9.—(1) Where, in the case of a pension scheme which has been paying a pension to a member in respect of whom the ill-health condition is met, the scheme ceases to pay the pension because the ill-health condition is no longer met, the scheme administrator shall provide the information specified in paragraph (2).

(2) The information required is —

- (a) the name of the member;
- (b) his address;
- (c) his national insurance number;
- (d) the date the pension ceased to be paid;
- (e) as at the date the pension ceased to be paid, the value of the remaining pension to which the member is entitled under the scheme **(b)**;

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**(a)** See section 265(1) of the Finance Act

**(b)** A member's entitlement to a pension under a scheme is determined by section 155(3) of the Act.

### **Serious ill-health lump sum**

**10.**—(1) Where a registered pension scheme pays to a member of the scheme a serious ill-health lump sum<sup>(a)</sup>, and the requirements of paragraph (3) are satisfied, the scheme administrator shall provide the information specified in paragraph (2).

(2) The information required is —

- (a) the name of the member;
- (b) his address;
- (c) his national insurance number;
- (d) the amount of the lump sum; and
- (e) the date it was paid.

(3) The requirements are —

- (a) the pension scheme is an occupational pension scheme and the sponsoring employer is a company; and
- (b) the member is or was, in relation to the company, or an associated company of the company, a participant, a director or an associate of any participant or director.

### **Payments in relation to standard lifetime allowance**

**11.**—(1) Where —

- (a) a benefit crystallisation event<sup>(b)</sup> occurs in relation to a member of a registered pension scheme, and
- (b) the amount crystallised by the event —
  - (i) exceeds the standard lifetime allowance for the tax year in which the event occurs, or
  - (ii) together with amounts crystallised by other events in relation to that member and that scheme, exceed the standard lifetime allowance for the tax year in which the event occurs,

the scheme administrator shall provide the information specified in paragraph (2).

(2) The information required is —

- (a) the name of the member;
- (b) his address;
- (c) his national insurance number;
- (d) the amount crystallised by the event; and
- (e) the date of the event.

### **Pension commencement lump sum**

**12.**—(1) Where a registered pension scheme makes a pension commencement lump sum payment to a member which is —

- (a) in excess of 25% of the member's pension rights;
- (b) less than 25% of the standard lifetime allowance for the tax year in which the sum is paid; and
- (c) exceeds £100,000,

the scheme administrator shall provide the information specified in paragraph (2).

(2) The information required is —

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<sup>(a)</sup> this is defined by paragraph 4 of Schedule 29 to the Act  
<sup>(b)</sup> defined by section 205

- (a) the name of the member;
- (b) his address;
- (c) his national insurance number;
- (d) the amount of his pension rights;
- (e) the amount of the lump sum; and
- (f) the date it was paid.

### **Lump sums**

**13.**—(1) Where a registered pension scheme makes a lump sum payment to a member of the scheme and the amount of the payment is over £375,000, the scheme administrator shall provide the information specified in paragraph (2).

(2) The information required is —

- (a) the name of the member;
- (b) his address;
- (c) his national insurance number;
- (d) the amount of the payment; and
- (e) the date it was paid.

### **Transfers to recognised overseas pension schemes**

**14.**—(1) Where a registered pension scheme makes a recognised transfer in respect of a recognised overseas pension scheme which is not a registered pension scheme<sup>(a)</sup>, the scheme administrator shall provide the information specified in paragraph (2).

(2) The information required is —

- (a) the name of the member;
- (b) his address;
- (c) his national insurance number;
- (d) the amount of the sums or assets transferred;
- (e) the date the sums or assets were transferred;
- (f) the name of the recognised overseas pension scheme; and
- (g) the country in which that scheme is established and regulated.

### **Winding-up of scheme**

**15.**—(1) Where a registered pension scheme has been wound-up, the scheme administrator shall provide the date the scheme was wound-up.

(2) If the scheme paid to or in respect of a member of the scheme any trivial commutation lump sums or trivial commutation lump sum death benefits before the scheme was wound-up, the scheme administrator shall provide the additional information specified in paragraph (3).

(3) The information required is —

- (a) the name of the member;
- (b) his last known address;
- (c) his national insurance number;
- (d) the amount of the lump sum; and

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<sup>(a)</sup> “Recognised transfer” is defined by section 159 of the Act. “Recognised overseas pension scheme” is defined by section 140(7) of the Act.

- (e) the date it was paid.

### **Scheme administration**

**16.**—(1) The scheme administrator must notify the Inland Revenue—

- (a) of his appointment, and
- (b) of the termination of his appointment,

together with the date on which the event being notified took place.

(2) Where the person or any of the persons who established a registered pension scheme ceases to control the management of that scheme, the scheme administrator must inform the Inland Revenue first occasion this takes place and the date on which it occurred.

### **Discharge of scheme functions by member**

**17.** Where, in relation to a registered pension scheme, a member of the scheme is able to control its management, the scheme administrator shall forthwith inform the Inland Revenue—

- (a) the first occasion a member has such control, and
- (b) the scheme ceasing to have any such member.

### **Scheme rules**

**18.** Where a registered pension scheme changes its rules to allow the making of unauthorised member payments or unauthorised employer payments, the scheme administrator shall inform the Inland Revenue of this and the date the rules were changed.

**19.** Where a registered pension scheme falling within paragraph [1(2)] of Schedule [34] changes its rules, the scheme administrator shall inform the Inland Revenue of this.

**20.** Where the structure of a registered pension scheme changes as between a contract and a trust, the scheme administrator shall inform the Inland Revenue of this.

### **Scheme membership**

**21.**—(1) Where, in relation to a registered pension scheme, the number of members as at the end of a tax year changes as between bands as compared with the end of the tax year immediately previous to the one in question, the scheme administrator shall report the number of members of the scheme.

(2) The bands are —

- (a) 0 to 5 members;
- (b) 6 to 50 members;
- (c) 51 to 100 members;
- (d) 101 to 1000 members;
- (e) 1001 to 10,000 members; and
- (f) over 10,000 members.

### **Provision of information by employer company to Inland Revenue**

**22.**—(1) Where a registered pension scheme makes an unauthorised employer payment to a company, the company shall provide the information specified in paragraph (2).

(2) The information required is —

- (a) details of the scheme that made the payment;
- (b) the nature of the payment;

- (c) the amount of the payment; and
- (d) the date on which the payment was made.

(3) This information shall be provided no later than the 31st January following the tax year in which the payment is made.

#### **Provision of information by scheme administrator to personal representatives of member**

**23.**—(1) In relation to a registered pension scheme, the scheme administrator shall provide to the personal representatives<sup>(a)</sup> of a member of the scheme, the information specified in paragraphs (2) and (3).

(2) The information required under this paragraph is —

- (a) the payment of a relevant lump sum death benefit in relation to the member; and
- (b) the amount of any such payments; and
- (c) the dates any such payments were made.

(3) The information required under this paragraph is —

- (a) The date of any other benefit crystallisation events in relation to the member; and
- (b) the amount crystallised by each of those events expressed as a percentage of the standard lifetime allowance for the tax year in which the event occurred.

(4) The information specified in paragraph (2) shall be provided no later than the last day of the period of 2 months beginning with the day on which the final such payment is made.

(5) The information specified in paragraph (3) shall be provided no later than the last day of the period of 2 months beginning with the day on which the request was received.

(6) The scheme administrator shall not be required to provide the information specified in paragraph (3) unless a request is made by the personal representatives.

#### **Provision of information by insurance company etc. to personal representatives of member**

**24.**—(1) Where an insurance company or other person has paid to a member of a registered pension scheme an annuity purchased with sums or assets held for the purposes of that scheme, the insurance company or other person shall on request provide to the personal representatives of the member the information specified in paragraph (2).

(2) The information required is —

- (a) the date the annuity was purchased; and
- (b) the amount of the sums and the market value of the assets applied to purchase the annuity.

(3) The information shall be provided no later than the last day of the period of 2 months beginning with the day on which the request was received.

#### **Provision of information by personal representatives of member to Inland Revenue**

**25.**—(1) Where —

- (a) a relevant lump sum death benefit is paid in respect of a member of a registered pension scheme, and
- (b) that payment, of itself or together with any other relevant lump sum death benefit, results in a lifetime allowance charge,

the personal representatives of the member shall provide to the Board of Inland Revenue the information specified in paragraph (2).

(2) The information required is —

- (a) details of the pension schemes from which the benefits were paid;

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<sup>(a)</sup> This expression has the meaning given by section 265(1) of the Finance Act 2004.

- (b) the amount of the benefits; and
- (c) the chargeable amount in respect of which a lifetime allowance charge is payable by virtue of the payments.

(3) The information required shall be provided no later than the last day of the period of 13 months beginning with the death of the member.

(4) Where a requirement to provide information under this regulation arises after the period specified in paragraph (3) has expired, the information shall be provided no later than the last day of the period of 30 months beginning with the death of the member.

(5) If the personal representatives discover after the latest date for providing information under paragraph (4) any information required to be provided under paragraph (1), that information shall be provided no later than the last day of the period of 3 months beginning with the discovery of that information.

### **Provision of information as between scheme administrator and member in respect of a proposed payment**

**26.**—(1) Where, at any time after the coming into force of these Regulations, a registered pension scheme anticipates that, within the following six months, a benefit crystallisation event will occur in respect of a member of that scheme, the scheme administrator shall provide the member with the following information—

- (a) the amount that will be crystallised by that benefit crystallisation event; and
- (b) that amount expressed as a percentage of the standard lifetime allowance for the tax year in which it is anticipated that the benefit crystallisation event will occur.

(2) Where the amount in paragraph (1)(a) depends upon uncertain future events, it shall be determined on the basis of a reasonable estimate.

(3) The information specified in paragraph (1) shall be provided—

- (a) where the date on which the benefit crystallisation event is anticipated to occur, at least 3 months in advance, at least 3 months before that date ; and
- (b) in any other case as soon as reasonably practicable.

(4) On receipt of the information specified in paragraph (1) the member must, within 1 month, provide a statement to the scheme administrator that the member's available lifetime allowance—

- (a) is equal to, or exceeds, the amount that will be crystallised by the anticipated benefit crystallisation event, or
- (b) is less than that amount.

(5) If the member makes a statement as mentioned in paragraph (4)(b) the member must, in addition, make a declaration to the scheme administrator as to the extent of the member's available lifetime allowance expressed as a percentage of the standard lifetime allowance for the tax year in which it is anticipated that the benefit crystallisation event will occur.

(6) If the scheme administrator has received a statement as mentioned in paragraph (5), the scheme administrator shall within 3 months after the benefit crystallisation event provide the member with a notice giving details of—

- (a) the chargeable amount in respect of the benefit crystallisation event;
- (b) how that chargeable amount has been calculated;
- (c) the amount of the resulting charge to tax; and
- (d) how it is proposed that that amount of tax should be paid.

### **Provision of information by scheme administrator to member**

**27.** Where a scheme administrator of a registered pension scheme makes a return under section [241](accounting for tax by scheme administrators), he shall provide a copy of that return to the

member of the scheme to whom it relates no later than the 7 July following the tax year to which the report relates.

**28.**—(1) Where a registered pension scheme has made to a member of the scheme an unauthorised payment under section [162(1)] (provision of benefits), the scheme administrator shall provide to the member no later than the 7 July following the tax year in which the payment is made the information specified in paragraph (2).

(2) The information is —

- (a) the name of the person to whom the payment was made;
- (b) his address;
- (c) his national insurance or company registration number;
- (d) the nature of the payment;
- (e) the amount of the payment; and
- (f) the date on which the payment was made.

### **Retention of records**

**29.**—(1) The persons prescribed by paragraph (2) shall preserve any documents in their possession or under their control in relation to a registered pension scheme and relating to —

- (a) any monies received by or owing to the scheme;
- (b) any investments or assets held by the scheme;
- (c) any payments made by the scheme;
- (d) any contracts to purchase a lifetime annuity in respect of a member of the scheme; and
- (e) the administration of the scheme.

(2) In relation to a registered pension scheme the persons prescribed are—

- (a) any person who is or has been the scheme administrator;
- (b) any person who is or has been a trustee of the scheme;
- (c) any person who provides or has provided administrative services to the scheme; and

if the scheme is an occupational pension scheme, any person who is or has been a sponsoring employer<sup>(a)</sup> or a director of an employer company.

This is subject to the following qualification.

(3) Any person who has ceased to act in relation to the scheme or ceased to provide administrative services to the scheme shall not be required to preserve documents where he has transferred all the documents to another person who has succeeded him in acting in relation to the scheme or providing administrative services to the scheme..

(4) Documents must be preserved for the tax year to which they relate and for a period of 6 years following that year.

Date *Name*  
Two of the Commissioners of Inland Revenue

### **EXPLANATORY NOTE**

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

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(a) ‘Sponsoring employer’ has the meaning given by section [140(6)] of the Finance Act 2004.