Sackers 60

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# Quarterly briefing

## September 2026

Highlighting significant developments in pensions law, covering key areas such as pensions reform, regulatory developments, new legislation and cases

# Q3

## September 2026

On the front cover this quarter:
Michael Jones (partner) and
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## Abbreviations

**AE:** Automatic enrolment
**AI:** Artificial intelligence
**AVCs:** Additional voluntary contributions
**CDC:** Collective DC
**DB:** Defined benefit
**DC:** Defined contribution
**DWP:** Department for Work and Pensions
**ESG:** Environmental, social and corporate governance
**FAA:** Flexible apportionment arrangement
**FCA:** Financial Conduct Authority
**GMP:** Guaranteed Minimum Pension
**GPP:** Group personal pension
**HMRC:** HM Revenue & Customs
**IHT:** Inheritance tax
**LGPS:** Local Government Pension Scheme
**LTA:** Lifetime allowance
**MaPS:** Money and Pension Service
**MSDA:** Main scale default arrangement
**NMPA:** Normal minimum pension age
**PASA:** Pensions Administration Standards Association
**PDP:** Pensions Dashboards Programme
**PPF:** Pension Protection Fund
**PSA26:** Pension Schemes Act 2026
**SPP:** Society of Pension Professionals
**TCFD:** Taskforce on Climate-related Financial Disclosures
**TNFD:** Taskforce on Nature-related Financial Disclosures
**TPR:** The Pensions Regulator
**VAT:** Value added tax
**VFM:** Value for money

## In this issue



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# Current legal agenda

| Topic | Summary | Timing |
|---|---|---|
| **PSA26**[1] | Introduces significant changes for DB and DC schemes | All changes expected to be in force by 2030 (see pages 4 and 5) |
| **CDC**[2] | CDC expansion to unconnected multi-employer schemes and TPR's revised CDC code of practice now in force | Consultation on draft regulations for retirement CDC schemes is expected later in 2026 (see page 11) |
| **Pensions dashboards**[3] | Schemes are connecting to the dashboards ecosystem and preparing for when it "goes live" to the public | Connection deadline is 31 October 2026 (see page 11) |
| **IHT changes**[4] | Most unused pension funds and death benefits to come within scope of IHT | Changes to take effect in respect of deaths on and from 6 April 2027 (see page 9) |
| **DB surplus** | DB trustees will be given greater flexibility over the use of DB surpluses | DWP aiming to bring the powers into force in April 2027 (see page 4) |
| **Pension transfers** | Consultation on regulations to change various flags following the DWP's review of the transfer conditions | Consultation closed 21 July 2026 (see page 10) |
| **VFM** | Joint consultation on "detailed proposed approach" for new VFM framework | Consultation closes 1 September 2026. Framework to be implemented in stages (see pages 4 and 5) |
| **Salary sacrifice**[5] | Pensions salary sacrifice contributions to be capped at £2,000 | From 6 April 2029 |
| **Virgin Media** | Separate from the PSA26 remedy, a case was heard in early 2025 considering various ancillary issues | Timing of judgment currently unknown |

1 See our Alert: The Pension Schemes Act 2026 receives Royal Assent (29 April 2026)
2 See our Hot Topic: CDC schemes – the future of pensions? (May 2026)
3 See our Hot Topic: Dashboards are here! Are you ready? (April 2025)
4 See our Alert: Finance Act 2026 paves the way for IHT changes (19 March 2026)
5 See our Alert: Bill to cap pensions salary sacrifice tax concessions receives Royal Assent (29 April 2026)

# PSA26: latest developments

## Updated roadmap

The DWP has published an updated workplace pensions roadmap setting out detail on some of the expected steps to develop the various policies as well as a revised timeline. Key changes include:

| | |
|---|---|
| **Surplus** | The new DB surplus flexibilities will come into force on 6 April 2027 (see below). |
| **VFM** | A phased approach to implementing the VFM framework (see below). |
| **Guided retirement** | Implementation of the guided retirement framework has been pushed back to better align with the introduction of retirement CDC. The guided retirement rules will apply to master trusts and in-scope FCA-regulated schemes by the third quarter of 2029, with the deadline for single-employer schemes and schemes using retirement CDC defaults pushed back to the third quarter of 2030. |
| **Superfunds** | The DWP is allowing more time before consulting on the draft regulations for the DB superfunds regime. The consultation is expected to be published in early 2027, although the full regime is still scheduled to come into force in 2028. |

## DB surplus

The DWP has published a consultation on draft legislation to enable surplus release, which closes on 2 September 2026.[6] It sets out the conditions and "clear safeguards" that will need to be satisfied before surplus can be released from a DB scheme on an ongoing basis.

**Surplus release to be made easier**

HMRC has also published draft legislation (together with a policy paper) designed to introduce new "authorised member surplus payments", which would enable direct surplus payments to members to be treated as authorised payments where certain conditions are met.[7] These include the need for the scheme to meet the required (low dependency) funding threshold and that payments can only be made to members who have reached NMPA. Trustees will also be able to award authorised member surplus payments to younger members, but payment must be deferred until NMPA. The deadline for providing feedback on the draft legislation is 7 September 2026.

TPR intends to consult later this year on guidance outlining the factors trustees should consider when releasing surplus. In the interim, it has published a statement designed to support discussions between trustees and employers.

The draft DWP regulations and tax changes introducing the new authorised member surplus payments are expected to come into force on 6 April 2027.

## VFM

The DWP has published a consultation setting out a "detailed proposed approach" to VFM, along with draft regulations and draft FCA rules.[8] This is the latest step in joint work by the FCA, the DWP and TPR towards the new market-wide VFM framework.

**VFM framework to be implemented in stages**

The consultation provides responses to the joint consultation held earlier this year.[9] It seeks views on the policy in respect of FCA-regulated schemes, and sets out and seeks views on the policy in respect of TPR-regulated schemes. The deadline for responses is 1 September 2026, with final regulations and FCA rules promised in early 2027.

6 See our Alert: DWP consults on conditions for surplus release (11 June 2026)
7 See our Alert: Making sharing surplus easier – new authorised member payments (14 July 2026)
8 See our Alert: Joint consultation on detailed VFM proposals published (13 July 2026)
9 See our Alert: Joint consultation on detailed rules for new VFM Framework (9 January 2026)

# PSA26: latest developments cont.

The VFM framework will be implemented in phases, with all in-scope schemes having to submit data in 2028, but only master trusts, larger single employer schemes (50,000 or more members) and multi-employer contract-based default arrangements being required to undertake a full assessment and ratings in that year.

## Guided retirement

The DWP has published a policy paper setting out principles for default pensions under the new guided retirement requirements, a "central part" of the Government's reform agenda. The paper outlines the outcomes default pensions should achieve, including:

- no requirement for complex decision-making by the member
- protection against longevity risk
- freedom of choice, so that members can choose alternative options if they wish
- consent, with members needing to agree to start receiving payment via the default pension.

The principles will help shape the detailed framework for guided retirement, including regulations, guidance and industry engagement. The FCA is required to introduce rules which so far as possible achieve the same outcomes, and so the principles are intended to apply across the whole of the market.

## Scale requirements

The DWP has published a discussion paper on key elements of the DC default arrangements scale policy. The scale threshold is set to be introduced in April 2030 and will require authorised master trusts and GPPs which are used by employers to meet their AE obligations to have assets of at least £25 billion in a single MSDA.

**DWP seeks industry views on DC scale requirements**

A scheme with an MSDA of £10 billion may be approved to be on the "transition pathway" if it is on track to meet the £25 billion requirement by 2035. An alternative pathway for new entrants to the market meeting certain requirements aims to help promote competition and innovation. A scheme that is not on one of these pathways or approved as having an MSDA of £25 billion will no longer be able to be used to receive new AE contributions.

The discussion paper, which runs until 7 September 2026, seeks views on how the key elements of scale will be structured. Responses will help inform the DWP's development of detailed regulations, which are expected to be consulted on in 2027.

## PPF levy

The PPF levy provisions in the PSA26 are now in force. These provisions give the PPF greater flexibility to set the PPF levy, including the ability to reduce it to zero when not required and to increase it again in future if needed. It also introduces a safeguard which caps annual increases in the levy by no more than the sum of the previous financial year's levy and 25% of the previous financial year's levy ceiling.

### TPR campaign to help schemes prepare

TPR has launched a multi-year campaign to help DC schemes prepare for the changes being introduced by the PSA26. TPR is planning a direct communications programme to set clear expectations, as well as providing practical guidance. It has also set up a PSA26 webpage, and a pensions reform roadmap to help the industry prepare.

# Spotlight: risk transfer for small schemes

Small DB schemes are a core part of the bulk annuity market. While large transactions may dominate headline volumes, smaller buy-ins and buy-outs account for a significant proportion of deals. Market commentary earlier this year referred to around £38 billion of total transaction volume in 2025, with around 85% of transactions involving schemes under £100 million.

The fundamentals of a smaller, say £20 million, transaction are not radically different from those of a much larger transaction. However, the budget, governance bandwidth and negotiating leverage often are. The challenge is to make smaller transactions quicker, more predictable and more cost-effective without compromising the accuracy of the benefits insured or the protections trustees need before moving to buy in or buy out.

## Small does not mean simple

Some smaller schemes will have straightforward benefit structures and well-maintained records. Others may be beset by complexity with atypical benefits, incomplete documentation and/or historic administration inconsistencies. A small scheme may sit behind a small employer with limited covenant, or it may be a legacy liability of a much larger employer that simply wants to tidy up its balance sheet. The level of complexity does not always correlate with size.

**Careful scoping is essential**

Smaller schemes may struggle to secure administrator time for data cleansing, member tracing, GMP reconciliation or equalisation projects. Trustees may also have less experience of insurance transactions and less leverage when seeking bespoke terms.

Careful scoping at the outset is essential – a scheme must be operationally and legally ready to transact, not just financially ready.

## Streamlined (not simplified)

Consultants and insurers have responded to the shift in the market with dedicated small scheme propositions. *Consultant-led* offerings typically focus on standardised project management and data cleansing, predictable fees, dedicated teams and, in some cases, pre-negotiated contract terms. *Insurer-led* models tend to rely on standardised data templates, automated pricing and standard contract terms.

These developments have helped smaller schemes access the market and reduce the risk of spending time and money on a process that may fail to attract insurer engagement. They also reflect a commercial reality: if the market is to process hundreds of smaller transactions each year, every deal cannot be treated as a bespoke mega transaction.

But standardisation is not the same as simplification. The challenge is to identify where the process can sensibly be streamlined and where proper scrutiny remains unavoidable.

## Contract negotiation

Contract negotiation was at one time a significant element of a buy-in project. With material variations in insurer terms, consultants and lawyers developed lists of “requested terms” when inviting quotations as means of bringing different insurers into line. At the same time, some insurers were prepared to agree “pre-negotiated terms” that would apply to small scheme clients of some consultants in an effort to avoid disproportionate time and cost being spent on contract negotiation.

**Focus on key issues in contract discussions**

Over time, however, the market has moved in a number of ways. As new insurers have entered the market, insurer’s standard terms have evolved to meet demand. Many have revised their standard terms to be more closely aligned to trustee expectations from the outset in an attempt to reduce the time taken negotiating the same points again and again on each new transaction. The trade-off is that insurers are often less willing to depart from their standard terms other than to deal with transaction-specific issues. And for smaller transactions, some insurers will have a largely non-negotiable set of standard terms.

# Spotlight: risk transfer for small schemes cont.

In practice, this evolution means that the contract process is now usually more a question of understanding key differences between insurer terms, identifying deal-specific issues and ensuring trustees receive joined-up advice on benefits, warranties, disclosures, member options and residual risks.

A focused requested contractual terms process will often be more valuable than a lengthy wish list. On smaller transactions, the better approach is to concentrate on the points that genuinely matter to trustee decision-making.

## Data still drives the timetable

**Build data improvement work into the timetable early**

Data remains a practical barrier. Insurers need sufficient confidence in the membership data to price the transaction and proceed with certainty. Trustees therefore need to address missing or inconsistent data, member existence tracing, marital and dependant information, GMP reconciliation and any non-standard features such as pension sharing orders, transfers-in or AVC-derived benefits.

For small schemes, the difficulty is often getting the work done. Administrative capacity can be constrained, therefore trustees should build data work into the timetable early. In a competitive market, better data can improve both insurer engagement and transaction certainty.

## Benefit specifications

Benefit specifications (ben specs) are equally important. Trustees need confidence that the benefits being insured reflect members' legal entitlements. Therefore a legal review of the scheme rules will be necessary, together with a reconciliation of those rules against administration practice. The scope of review may be tailored, but there is no real substitute for a legally verified ben spec. And a smaller scheme does not necessarily mean a simpler ben spec. In fact, in many cases documentation may be less attended to due to the history of the scheme, which might increase the complexity of legal review and the likelihood of any skeletons being discovered.

Whilst there are no real shortcuts to the process, there are still things that can be done to make the process more efficient. The first question will always be the scope of legal review required – how far back should lawyers dig into historic documentation and for what purposes?

The format of the ben spec can also create friction. Advisers and administrators often have their own templates, insurers may replay the information into their own house style, and some small scheme pathways require information in strict insurer-specific formats. Whilst some scheme benefits might fit neatly into these formats, others may be more difficult to align. Trustees cannot simply change members' entitlements because a standard product would be easier to insure. They may be able to insure a broader or more generous benefit, but that can increase cost and may have knock-on consequences.

### What next?

The small scheme market is already more efficient, but further progress is possible. Contract processes should focus on the issues that matter, while data readiness, operational preparation, governance and endgame planning remain critical. Ben spec work may also benefit from closer alignment between adviser templates, administrator records and insurer requirements.

DB consolidators, evolving superfund models and technology, including AI, may support data review, benefit mapping and process management. However, they will not remove trustees' responsibility to understand the benefits due, what is being insured and any residual risks.

For small schemes, the aim is not to cut corners, but to focus time and cost where they add most value. Standardised processes can help, provided they reflect the scheme's particular features. The strongest transactions will combine early preparation, proportionate scrutiny and a realistic view of where the market can, and cannot, be streamlined.

# Finance & investment update

## New Sackers ESG Hub

We have launched our new ESG Hub, bringing together the firm's extensive library of ESG guidance, commentary and insights into a single, easy-to-navigate resource.

**Everything ESG**

The Hub organises information by theme, enabling users to quickly access the latest position on key topics, understand the background and policy context, and see what developments are expected next.

Covering areas such as climate-related disclosures, stewardship, fiduciary duties, TNFD and wider ESG regulation, each topic follows a consistent format designed to make information easy to find, understand and revisit as requirements evolve.

The Hub will continue to evolve as the ESG landscape develops, with content updated to reflect new regulatory requirements, guidance and market practice.

## Government to consult on strengthening FAA legislation

The Pensions Minister, Torsten Bell, has confirmed in a written statement that the Government will consult "in due course" on whether, and how, the existing regulations governing FAAs could be "strengthened".

**Strengthening regulations to be considered**

The statement follows a December 2025 transaction in which a "novel use" of the existing FAA mechanism resulted in an asset manager assuming responsibility for the assets and liabilities of another employer's DB scheme. Although the transaction complied with the FAA legislation, the Government considers that the mechanism was used "in a way not anticipated" when it was introduced in 2012. It therefore intends to take action to ensure the strong regulatory framework for DB pensions remains effective as innovation develops, to manage future risks and protect member benefits.

## FCA consults on simpler climate reporting rules

**Simpler, more targeted information**

The FCA has held a consultation on proposals to simplify its climate reporting rules for asset managers, life insurers and FCA-regulated pension providers. It proposed replacing detailed product-level reports based on the TCFD recommendations with simpler, more targeted information, in line with the consumer duty. The proposals form part of the FCA's wider work to streamline sustainability reporting requirements and follow a review of how the current rules are working. The FCA found that while the rules have improved firms' awareness of climate risks, product-level reports are often seen as too complex by investors and are not widely used. The FCA aims to finalise and implement the rule change in autumn 2026.

## Investment and governance changes to the LGPS

Two sets of LGPS regulations came into force on 30 June 2026, which follow the Government's May 2026 response to its "Fit for the Future" consultation, and build on provisions in the PSA26. Changes made by the regulations relate to:

**Regulations and guidance in force**

- investment pooling, including introducing statutory requirements for all LGPS administering authorities to participate in asset pools, and
- governance requirements, including requiring administering authorities to publish a governance strategy, training strategy and a conflicts of interest policy, and to carry out governance reviews at least once in each valuation period.

A suite of accompanying statutory guidance has also been published, including on LGPS asset pooling and fund governance.

# HMRC update

## Inheritance tax

**Trustees should prepare for IHT changes**

Most unused pension funds and death benefits payable from a pension scheme will fall within a person's estate for IHT purposes in respect of deaths on or after 6 April 2027.[10] HMRC has published a technical note providing further detail about the changes, explaining how the legislation will operate in practice, including how pension benefits in scope will be identified, valued and allocated to beneficiaries.

Following a short technical consultation, HMRC has made regulations setting out further the information-sharing requirements needed to facilitate the IHT changes. The regulations will come into force on 6 April 2027, at the same time as the tax changes take effect.

HMRC aims to provide further tools and guidance on the changes ahead of implementation in April 2027, including a further technical note "later this summer".

## NMPA

HMRC has published a technical consultation on draft regulations to introduce transitional measures for the increase to NMPA from age 55 to age 57 from 6 April 2028. Some individuals aged 55 or 56 immediately before the NMPA increase may have already become entitled to pension benefits or have taken steps to access those benefits. Without further provision, payments made to these individuals after 5 April 2028 could be unauthorised, despite them having satisfied the rules in force prior to the increase. The draft regulations are intended to address this issue so that, in specified circumstances, the relevant payments continue to qualify as authorised payments. The consultation closes on 28 September 2026.

## VAT deductions for DB schemes

Following updates to its VAT Manual in June 2026, HMRC has revised its guidance about how and when employers and trustees can claim input tax in relation to funded DB pension schemes in VAT Notice 700/17. It sets out the types of services for which input tax could be recovered and the evidence needed.

As action may be needed to help preserve and/or optimise VAT recovery, DB trustees and employers should liaise with their tax advisers about the impact of this policy change.

## GMP conversion

HMRC has consulted on draft legislation to change how the annual allowance is calculated where schemes use the statutory facility to convert GMPs into ordinary benefits. This is intended to prevent unexpected annual allowance tax charges arising when schemes use GMP conversion to carry out GMP equalisation, and to help ensure that members do not "face a worse tax outcome simply because of the method chosen to equalise benefits".

The changes are expected to take effect from the start of the 2027/28 tax year.

## LTA regulations

**Final LTA regulations are in force**

Regulations containing the "final set of technical amendments which are necessary to ensure the correct operation of the pensions tax regime" in connection with the abolition of the LTA are now in force. Many of the changes have retrospective effect from 6 April 2024, the date the LTA was abolished.

## Net pay arrangements

Regulations have come into force which require HMRC to make a top-up payment directly to any individuals who contribute to "net pay" arrangements, to reduce disparities with "Relief at Source" pension arrangements. HMRC's pension schemes newsletter 182 contains guidance for employers on the related reporting requirements.

10 See our Hot Topic: Inheritance tax changes – getting prepared for April 2027 (August 2026)

# In other news

## Pension transfers

The DWP has recently consulted on proposals to amend the legislation setting out the transfer conditions.[11] Following the Government's review in 2023, the proposed changes are intended to "target genuine risks more precisely" by "removing unnecessary friction without weakening safeguards". They include:

**Conditions for transfers to be amended**

- removing the current amber flag in relation to overseas investments, and
- enabling trustees to make a transfer without engaging an additional level of due diligence where they are satisfied that the receiving scheme is "reputable".

Later in 2026, the Government intends to explore wider pension transfer issues, such as how processes can be modernised.

## Pensions Commission

The second Pensions Commission was asked to consider how to finish the job the first Pensions Commission began, to deliver an adequate, fair and sustainable pensions system for the future. Its interim report has been published, setting out the key challenges facing the UK's current pensions system and where it will focus its work next. Broadly, it concludes that responsibility for long-term retirement adequacy must be balanced between the state, employers and individuals and the "key role" for its next report is to "get this balance right and consider the details of potential policy changes". The final report with recommendations is planned for spring 2027.

## AI

TPR has published its AI plan, setting out its initial expectations for how trustees should govern the use of AI.[12] TPR expects trustees to:

- ✓ establish clear governance for AI use
- ✓ carry out rigorous testing and identify and evaluate risks
- ✓ have a clear data strategy
- ✓ seek professional advice

More detailed guidance on the responsible adoption of AI for schemes is expected later this year, following engagement with the pensions industry. In the meantime, trustees can refer to the SPP's practical framework, aimed at guiding pension scheme trustees, advisers and administrators in navigating their use of AI.

### Trustee actions

Initial steps include:

- **trustee training** – arrange training on AI, including on trust law requirements and wider trustee obligations
- **service providers** – engage with current providers to understand whether, where and how AI is used, including any processing of personal data
- **governance** – develop an AI governance framework and consider whether to adopt an AI policy.

11 See our Alert: DWP consults on changes to the Conditions for Transfers Regulations (10 June 2026)
12 See our Hot Topic: AI in pensions – do you know how your scheme is using AI? (June 2026)

# In other news cont.

## Pensions dashboards

With only a few months to go until the final connection deadline of 31 October 2026, there have been various dashboards developments:

- **"go live" date** – MaPS expects the MoneyHelper dashboard to be available to the public in financial year 2027/28. An update on launch plans is expected around the 31 October 2026 connection deadline. The "go live" date will be decided by the Secretary of State, informed by the findings from ongoing consumer testing, among other things
- **reporting** – the PDP has published its response to its consultation on the reporting standards. The consultation sought views on replacing current ad-hoc reporting with mandatory daily reporting. The intention is for all parties to be able to voluntarily implement daily reporting by the end of November 2026, but the implementation deadline for mandatory daily reporting will be 1 March 2027 (the date the updated reporting standards are expected to come into force)
- **industry guidance** – PASA has published guidance to help schemes, providers and administrators monitor ongoing compliance with dashboard requirements, together with a new Dashboards Toolkit on the treatment of survivor benefits
- **private dashboards** – the PDP has published an overview of the feedback received on how best to support the delivery of private sector dashboards, which will operate alongside the MoneyHelper dashboard, and is setting up a working group with industry to progress plans.

**Dashboards to "go live" to the public in 2027/28**

## CDC

The expanded CDC regime for unconnected multi-employer CDC schemes came into force on 31 July 2026, alongside TPR's updated code of practice. TPR has also published new and updated guidance on the authorisation of CDC schemes to provide additional detail on the authorisation process and requirements for the expanded regime. The application process for unconnected multi-employer CDC schemes is now open, with providers expected to start submitting proposals later in the year.

Meanwhile, the DWP published its response to part of its December 2025 consultation on expanding CDC schemes, confirming that transfers of DC benefits can be made to authorised CDC schemes without consent in certain circumstances, in the same way that such transfers can be made to master trusts. A response to the rest of the consultation is expected later this year, along with a consultation on draft regulations for retirement CDC schemes.

## Consumer duty

The FCA has published a consultation on changes to the scope and proportionality of the consumer duty. These changes are intended to clarify when the duty applies, to give firms greater confidence in its scope and to promote a more proportionate approach based on a firm's role, "helping reduce unnecessary cost and complexity while preserving strong protections for retail customers". The consultation closes on 18 September 2026.

### Retirement risks warning – member communications

In our previous briefing, we flagged that a new MoneyHelper guide had been published, "How to take your pension: a step-by-step guide", aimed at helping people approaching retirement make more informed decisions about their future. TPR has now confirmed that this has been approved for the purposes of giving retirement risk warnings, and replaces the previous guide, "Your pension: your choices".

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## Upcoming webinars and seminars

We offer an extensive programme of client workshops and seminars. In addition to the quarterly legal updates, our seminars, which are led by our experts, offer clients the opportunity to ask questions and to share experiences on topics.

| | | |
|---|---|---|
| Quarterly legal update | 12/11/2026 | Online webinar<br>This session will provide an essential overview of significant developments affecting occupational pension provision in the UK for employers and trustees. |

If you would like to attend any of our events, please contact our marketing team at marketing@sackers.com.

A selection of short videos, webinars and podcasts on topical pensions-related issues and aspects of our firm is available on our website: www.sackers.com/knowledge/multimedia

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These include our weekly round-up, 7 Days, Alerts where topical issues are covered in depth, and Briefings which give practical commentary and perspectives on essential issues.

## New digital content

"A slice of Sackers" is our new podcast series, tackling four to five key questions – delivering accessible, bite-sized insights into topical issues.

In episode 1 we discuss the Virgin Media remedy, and in episode 2 we explore the growing momentum behind CDC pensions.

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