



# Income Tax (Earnings and Pensions) Act 2003

## 2003 CHAPTER 1

### PART 9

#### PENSION INCOME

#### CHAPTER 8

##### APPROVED PERSONAL PENSION SCHEMES

##### *Unauthorised personal pension payments*

#### **601 Unauthorised personal pension payments**

- (1) This section applies to any unauthorised personal pension payment.
- (2) In this section “personal pension payment” means a payment which—
  - (a) is made out of funds which are or have been held for the purposes of a personal pension scheme (“the paying scheme”), and
  - (b) is made to or for the benefit of an individual who has made personal pension arrangements in accordance with the paying scheme (“the individual’s arrangements”).
- (3) For the purposes of this section a personal pension payment is unauthorised if any of conditions A, B and C are met.
- (4) Condition A is that—
  - (a) the paying scheme and the individual’s arrangements are both approved at the time the payment is made, but
  - (b) the payment is not expressly authorised by the rules of the paying scheme.
- (5) Condition B is that—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the paying scheme is not approved at the time the payment is made, and
  - (b) at the time the scheme was last approved, the payment would not have been expressly authorised under the scheme's rules.
- (6) Condition C is that—
- (a) the individual's arrangements are not approved at the time the payment is made, and
  - (b) at the time the arrangements were last approved, the payment would not have been expressly authorised under the arrangements.
- (7) In this section "payment" includes—
- (a) a transfer of assets, and
  - (b) any other transfer of money's worth.