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STATUTORY INSTRUMENTS

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**1998 No. 1397**

**PENSIONS**

**The Occupational Pension Schemes (Contracting-out)  
(Amount Required for Restoring State Scheme Rights  
and Miscellaneous Amendment) Regulations 1998**

|                               |         |                       |
|-------------------------------|---------|-----------------------|
| <i>Made</i>                   | - - - - | <i>4th June 1998</i>  |
| <i>Laid before Parliament</i> |         | <i>11th June 1998</i> |
| <i>Coming into force</i>      | - -     | <i>6th July 1998</i>  |

The Secretary of State for Social Security, in exercise of the powers conferred by section 181(1) and (4) of, and paragraph 5(3C)(c) of Schedule 2 to, the Pension Schemes Act 1993(1), and of all other powers enabling her in that behalf, having consulted such persons as she considers appropriate(2), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Contracting-out) (Amount Required for Restoring State Scheme Rights and Miscellaneous Amendment) Regulations 1998 and shall come into force on 6th July 1998.

(2) In these Regulations—

“the 1993 Act” means the Pension Schemes Act 1993;

“additional pension” means the additional pension in a Category A retirement pension or in any other benefit under Part II of the Social Security Contributions and Benefits Act 1992(3) which is payable by virtue of section 44(3)(b) of that Act;

“earner” means—

- (a) in the case of a surviving spouse member, the deceased spouse from whose employment that member’s rights under the scheme are derived; and
- (b) in any other case, the member;

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(1) 1993 c. 48; paragraph 5(3C) of Schedule 2 was inserted by section 141(2) of the Pensions Act 1995 (c. 26); section 181(1) is cited for the meaning it gives to “prescribe” and “regulations”.

(2) See section 185(1) of the Pension Schemes Act 1993, as amended by paragraph 46 of Schedule 3 and paragraph 80 of Schedule 5 to the Pensions Act 1995.

(3) 1992 c. 4.

“effective date” means the date on which the Secretary of State determines, for the purposes of paragraph 5(3A) to (3E) of Schedule 2 to the 1993 Act<sup>(4)</sup>, the extent to which the resources of the scheme are insufficient to meet the liability for the cash equivalent of the member’s rights under the scheme;

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

“relevant employment” means any employment of the earner to which any of his section 9(2B) rights, rights to a guaranteed minimum pension or protected rights under the scheme are directly or indirectly attributable;

“relevant tax year” means the tax year in which the effective date falls;

“section 9(2B) rights” has the same meaning as in regulation 1(2) of the Occupational Pension Schemes (Contracting-out) Regulations 1996<sup>(5)</sup>;

“the scheme” means an occupational pension scheme referred to in regulation 2 below;

“surviving spouse member” means a person who has a right to the payment of a widow’s or widower’s pension under the scheme.

### **Determination of the amount required for restoring State scheme rights**

2. For the purposes of paragraph 5(3A) to (3E) of Schedule 2 to the 1993 Act the amount required for restoring State scheme rights in relation to a member of a contracted-out occupational pension scheme which is being wound up shall be—

- (a) in a case where the prescribed person may elect under section 55(2) of that Act<sup>(6)</sup> to pay a contributions equivalent premium, the amount of that premium calculated in accordance with section 58(4) of that Act; and
- (b) in any other case, the amount calculated in accordance with regulation 3.

### **Method of calculation where no election to pay a contributions equivalent premium may be made**

3.—(1) In a case to which regulation 2(b) applies, the amount required for restoring a member’s State scheme rights shall be—

- (a) in the case of a man (other than a surviving spouse member) who has not attained pensionable age on the effective date—

$X \times \text{Factor A} \times 52 \times \text{market level indicator}$

plus

$(y_1 \times \text{Factor B1} + y_2 \times \text{Factor B2}) \times 52 \times \text{market level indicator}$

plus

$(z_1 \times \text{Factor C1} + z_2 \times \text{Factor C2}) \times 52 \times \text{market level indicator};$

- (b) in the case of a woman (other than a surviving spouse member) who has not attained pensionable age on the effective date—

$X \times \text{Factor D} \times 52 \times \text{market level indicator}$

plus

$(y_1 \times \text{Factor E1} + y_2 \times \text{Factor E2}) \times 52 \times \text{market level indicator}$

<sup>(4)</sup> Sub-paragraphs (3A) to (3E) were inserted in paragraph 5 of Schedule 2 by section 141(2) of the Pensions Act 1995.

<sup>(5)</sup> S.I. 1996/1172; a relevant amending instrument is S.I. 1997/786.

<sup>(6)</sup> Section 55(2) was substituted by section 141(1) of the Pensions Act 1995.

- plus  
 $(z_1 \times \text{Factor F1} + z_2 \times \text{Factor F2}) \times 52 \times \text{market level indicator};$
- (c) in the case of a man (other than a surviving spouse member) who has attained pensionable age on the effective date—  
 $X \times \text{Factor G} \times 52 \times \text{market level indicator}$   
plus  
 $(y_1 + y_2) \times \text{Factor H} \times 52 \times \text{market level indicator}$   
plus  
 $(z_1 + z_2) \times \text{Factor I} \times 52 \times \text{market level indicator};$
- (d) in the case of a woman (other than a surviving spouse member) who has attained pensionable age on the effective date—  
 $X \times \text{Factor J} \times 52 \times \text{market level indicator}$   
plus  
 $(y_1 + y_2) \times \text{Factor K} \times 52 \times \text{market level indicator}$   
plus  
 $(z_1 + z_2) \times \text{Factor L} \times 52 \times \text{market level indicator};$
- (e) in the case of a man who is a surviving spouse member—  
 $X \times \text{Factor M} \times 52 \times \text{market level indicator}$   
plus  
 $(z_1 + z_2) \times \text{Factor N} \times 52 \times \text{market level indicator};$
- (f) in the case of a woman who is a surviving spouse member—  
 $X \times \text{Factor O} \times 52 \times \text{market level indicator}$   
plus  
 $(y_1 + y_2) \times \text{Factor P} \times 52 \times \text{market level indicator}$   
plus  
 $(z_1 + z_2) \times \text{Factor Q} \times 52 \times \text{market level indicator};$

where—

X is the relevant weekly amount relating to any relevant employment after 5th April 1997;

$y_1$  is the relevant weekly amount relating to any relevant employment before 6th April 1988 in a case where limited revaluation applies;

$y_2$  is the relevant weekly amount relating to any relevant employment before 6th April 1988 in a case where full or fixed revaluation applies;

$z_1$  is the relevant weekly amount relating to any relevant employment after 5th April 1988 and before 6th April 1997 in a case where limited revaluation applies;

$z_2$  is the relevant weekly amount relating to any relevant employment after 5th April 1988 and before 6th April 1997 in a case where full or fixed revaluation applies.

(2) For the purposes of paragraph (1)—

(a) the amount of each factor (that is Factor A, B1, B2 and so on) shall be—

(i) in the case of a woman (other than a surviving spouse member) who has a pensionable age of between 60 and 65 and has not attained that age on the effective date, the amount derived from Table 4 in Schedule 1, being the amount shown for

the relevant factor in the column below the relevant tax year, in relation to the tax year in which the member was born, as specified in the first column of that Table;

- (ii) in any other case, the amount shown in the column below the relevant factor, in whichever of Tables 1, 2, 3, 5 or 6 in Schedule 1 is applicable, in relation to the age attained by the member in the relevant tax year as specified in the first column of that Table;
- (b) “the relevant weekly amount” is the weekly amount, determined by the Secretary of State, representing—
- (i) as regards any relevant employment after 5th April 1997, the weekly amount of additional pension to which the member would be entitled, or would have become entitled at pensionable age, in respect of that employment, if the scheme had not been a contracted-out scheme (whether by virtue of his own contributions or, in the case of a surviving spouse member, by virtue of the earner’s contributions); and
  - (ii) as regards any relevant employment before 6th April 1997, the member’s guaranteed minimum pension or any guaranteed minimum pension to which the member is, or would on attaining pensionable age be, treated as entitled by virtue of section 48 of the 1993 Act<sup>(7)</sup> (reduced benefits where minimum payments or minimum contributions paid) in respect of that employment,
- and, for the purposes of determining those weekly amounts, except where such provision made by the scheme as is mentioned in section 16(2) of the 1993 Act (revaluation of earnings factors: early leavers) applies, the earner’s earnings factors shall be taken to have been increased by reference to the last order under section 148 of the Social Security Administration Act 1992<sup>(8)</sup> to come into force before the end of the tax year preceding the relevant tax year;
- (c) full revaluation applies where, for the purposes of determining the relevant weekly amount, the earner’s earnings factors are taken to have been increased in accordance with sub-paragraph (b);
  - (d) limited revaluation applies where the relevant weekly amount has been determined in accordance with any provision made by the scheme under subsection (3) of section 16 of the 1993 Act<sup>(9)</sup> (as in force immediately before 6th April 1997) not conforming with the additional requirements referred to in that subsection;
  - (e) fixed revaluation applies where the relevant weekly amount has been determined in accordance with such provision as is mentioned in that subsection as in force immediately after 5th April 1997; and
  - (f) the market level indicator is the amount calculated in accordance with regulation 4 below.

### **Market Level Indicator**

- 4.** For the purposes of regulation 3 the market level indicator is—
- (a) in the case of a member who has attained pensionable age or who attains that age in the relevant tax year or who is a surviving spouse member, the index number shown in the second column of the Table in Schedule 2 opposite the range of yields shown in the first column of that Table in which falls the gross redemption yield compiled, on the effective date, by the Financial Times and the Faculty of Actuaries and Institute of Actuaries, applicable to 15-year British Government Stocks with medium coupons;

(7) Section 48 was amended by paragraph 58 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 and section 140(2) and (3) of the Pensions Act 1995.

(8) 1992 c. 5. Section 148 was amended by paragraph 27 of Schedule 8 to the Pension Schemes Act 1993.

(9) Section 16(3) was amended by paragraph 28 of Schedule 5 to the Pensions Act 1995 but is saved for transitional purposes by Article 3 of the Pensions Act 1995 (Commencement No. 10) Order 1997 (S.I. 1997/664) (c.23).

- (b) in the case of a member (other than a surviving spouse member) who attains an age in the relevant tax year which is 10 or more years below pensionable age, 3.5 per cent. divided by x per cent. where x per cent. is the net dividend yield, applicable on the effective date, to the All Share Index compiled by the Financial Times and the Faculty of Actuaries and Institute of Actuaries;
- (c) in the case of a member (other than a surviving spouse member) who attains an age in the relevant tax year which is less than 10 years below pensionable age, an average of the numbers derived from paragraphs (a) and (b) respectively, weighted according to the number of whole years remaining before the member attains that age, so that, for example—
  - (i) where the age attained in the relevant tax year is 5 years less than pensionable age, the market level indicator is the sum of one half of the number derived from paragraph (a) and one half of the number derived from paragraph (b); and
  - (ii) where the age attained in that tax year is one year less than pensionable age, the market level indicator is the sum of nine tenths of the number derived from paragraph (a) and one tenth of the number derived from paragraph (b).

#### **Amendment of the Occupational Pension Schemes (Contracting-out) Regulations 1996**

5. After regulation 50 of the Occupational Pension Schemes (Contracting-out) Regulations 1996<sup>(10)</sup> there shall be inserted—

##### **“Persons to be regarded as members**

**50A.** For the purposes of paragraph 5(3A) to (3E) of Schedule 2 to the 1993 Act and regulations 49 and 50 the persons to be regarded as members of an occupational pension scheme shall include a person who has the right to payment of a widow’s or widower’s pension under the scheme.”

Signed by authority of the Secretary of State for Social Security.

4th June 1998

*John Y. Denham*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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

## SCHEDULE 1

Regulation 3

**TABLE 1**MEN (EXCLUDING SURVIVING SPOUSE  
MEMBERS) WHO ARE UNDER PENSIONABLE AGE

| <i>Age attained<br/>in relevant<br/>tax year</i> | <i>FACTOR A</i> | <i>FACTOR B1</i> | <i>FACTOR B2</i> | <i>FACTOR C1</i> | <i>FACTOR C2</i> |
|--|-----------------|------------------|------------------|------------------|------------------|
| 16   | 4.14            | 2.17             | 2.87             | 2.75             | 3.64             |
| 17   | 4.24            | 2.24             | 2.94             | 2.83             | 3.73             |
| 18   | 4.33            | 2.30             | 3.01             | 2.92             | 3.81             |
| 19   | 4.43            | 2.37             | 3.07             | 3.00             | 3.90             |
| 20   | 4.53            | 2.43             | 3.14             | 3.09             | 3.99             |
| 21   | 4.63            | 2.50             | 3.22             | 3.17             | 4.08             |
| 22   | 4.74            | 2.58             | 3.29             | 3.27             | 4.17             |
| 23   | 4.85            | 2.65             | 3.36             | 3.36             | 4.26             |
| 24   | 4.96            | 2.73             | 3.44             | 3.46             | 4.36             |
| 25   | 5.07            | 2.81             | 3.52             | 3.56             | 4.46             |
| 26   | 5.19            | 2.89             | 3.60             | 3.66             | 4.56             |
| 27   | 5.31            | 2.97             | 3.68             | 3.77             | 4.67             |
| 28   | 5.43            | 3.06             | 3.77             | 3.88             | 4.77             |
| 29   | 5.55            | 3.14             | 3.85             | 3.99             | 4.88             |
| 30   | 5.68            | 3.23             | 3.94             | 4.10             | 4.99             |
| 31   | 5.81            | 3.33             | 4.03             | 4.22             | 5.11             |
| 32   | 5.94            | 3.42             | 4.12             | 4.34             | 5.22             |
| 33   | 6.07            | 3.52             | 4.21             | 4.46             | 5.34             |
| 34   | 6.20            | 3.62             | 4.30             | 4.59             | 5.46             |
| 35   | 6.34            | 3.72             | 4.40             | 4.72             | 5.58             |
| 36   | 6.48            | 3.83             | 4.50             | 4.85             | 5.70             |

| <i>Age attained<br/>in relevant<br/>tax year</i> | <i>FACTOR A</i> | <i>FACTOR B1</i> | <i>FACTOR B2</i> | <i>FACTOR C1</i> | <i>FACTOR C2</i> |
|--|-----------------|------------------|------------------|------------------|------------------|
| 37   | 6.63            | 3.93             | 4.60             | 4.99             | 5.83             |
| 38   | 6.77            | 4.04             | 4.70             | 5.13             | 5.96             |
| 39   | 6.92            | 4.16             | 4.81             | 5.27             | 6.09             |
| 40   | 7.08            | 4.28             | 4.91             | 5.42             | 6.23             |
| 41   | 7.23            | 4.40             | 5.02             | 5.57             | 6.36             |
| 42   | 7.40            | 4.52             | 5.14             | 5.73             | 6.51             |
| 43   | 7.56            | 4.65             | 5.25             | 5.89             | 6.65             |
| 44   | 7.73            | 4.78             | 5.37             | 6.06             | 6.80             |
| 45   | 7.90            | 4.92             | 5.49             | 6.23             | 6.95             |
| 46   | 8.07            | 5.06             | 5.61             | 6.41             | 7.11             |
| 47   | 8.25            | 5.20             | 5.74             | 6.59             | 7.27             |
| 48   | 8.44            | 5.35             | 5.87             | 6.77             | 7.43             |
| 49   | 8.63            | 5.50             | 6.00             | 6.96             | 7.59             |
| 50   | 8.82            | 5.66             | 6.14             | 7.16             | 7.77             |
| 51   | 9.02            | 5.82             | 6.28             | 7.37             | 7.94             |
| 52   | 9.22            | 5.99             | 6.42             | 7.58             | 8.12             |
| 53   | 9.43            | 6.16             | 6.57             | 7.79             | 8.31             |
| 54   | 9.64            | 6.34             | 6.72             | 8.02             | 8.50             |
| 55   | 9.86            | 6.53             | 6.88             | 8.25             | 8.69             |
| 56   | 10.09           | 6.72             | 7.04             | 8.49             | 8.89             |
| 57   | 10.32           | 6.91             | 7.20             | 8.73             | 9.10             |
| 58   | 10.56           | 7.12             | 7.38             | 8.99             | 9.31             |
| 59   | 10.82           | 7.34             | 7.56             | 9.27             | 9.54             |
| 60   | 11.09           | 7.58             | 7.76             | 9.56             | 9.79             |
| 61   | 11.37           | 7.82             | 7.96             | 9.86             | 10.04            |

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

| <i>Age attained<br/>in relevant<br/>tax year</i> | <i>FACTOR A</i> | <i>FACTOR B1</i> | <i>FACTOR B2</i> | <i>FACTOR C1</i> | <i>FACTOR C2</i> |
|--|-----------------|------------------|------------------|------------------|------------------|
| 62   | 11.67           | 8.08             | 8.17             | 10.18            | 10.30            |
| 63   | 11.99           | 8.35             | 8.40             | 10.53            | 10.59            |
| 64   | 12.33           | 8.64             | 8.64             | 10.89            | 10.89            |
| 65   | 13.45           | 9.44             | 9.44             | 11.88            | 11.88            |

**TABLE 2**

WOMEN (EXCLUDING SURVIVING SPOUSE MEMBERS) WHO  
HAVE A PENSIONABLE AGE OF 65 AND ARE UNDER THAT AGE

| <i>Age attained<br/>in relevant<br/>tax year</i> | <i>FACTOR D</i> | <i>FACTOR E1</i> | <i>FACTOR E2</i> | <i>FACTOR F1</i> | <i>FACTOR F2</i> |
|--|-----------------|------------------|------------------|------------------|------------------|
| 16   | 4.32            | 2.21             | 2.94             | 2.86             | 3.79             |
| 17   | 4.42            | 2.27             | 3.00             | 2.94             | 3.88             |
| 18   | 4.52            | 2.34             | 3.07             | 3.02             | 3.97             |
| 19   | 4.62            | 2.40             | 3.14             | 3.11             | 4.05             |
| 20   | 4.72            | 2.47             | 3.21             | 3.19             | 4.14             |
| 21   | 4.82            | 2.54             | 3.28             | 3.28             | 4.24             |
| 22   | 4.93            | 2.62             | 3.35             | 3.38             | 4.33             |
| 23   | 5.04            | 2.69             | 3.43             | 3.47             | 4.43             |
| 24   | 5.15            | 2.77             | 3.50             | 3.57             | 4.53             |
| 25   | 5.27            | 2.84             | 3.58             | 3.67             | 4.63             |
| 26   | 5.39            | 2.92             | 3.66             | 3.78             | 4.73             |
| 27   | 5.51            | 3.01             | 3.74             | 3.88             | 4.84             |
| 28   | 5.63            | 3.09             | 3.83             | 3.99             | 4.94             |
| 29   | 5.75            | 3.18             | 3.91             | 4.11             | 5.05             |
| 30   | 5.88            | 3.27             | 4.00             | 4.22             | 5.17             |
| 31   | 6.01            | 3.36             | 4.08             | 4.34             | 5.28             |
| 32   | 6.14            | 3.45             | 4.17             | 4.47             | 5.40             |



| <i>Age attained<br/>in relevant<br/>tax year</i> | <i>FACTOR D</i> | <i>FACTOR E1</i> | <i>FACTOR E2</i> | <i>FACTOR F1</i> | <i>FACTOR F2</i> |
|--|-----------------|------------------|------------------|------------------|------------------|
| 33   | 6.28            | 3.55             | 4.26             | 4.59             | 5.52             |
| 34   | 6.42            | 3.65             | 4.36             | 4.72             | 5.64             |
| 35   | 6.56            | 3.75             | 4.45             | 4.85             | 5.76             |
| 36   | 6.70            | 3.86             | 4.55             | 4.99             | 5.89             |
| 37   | 6.85            | 3.96             | 4.65             | 5.13             | 6.02             |
| 38   | 7.00            | 4.07             | 4.75             | 5.27             | 6.15             |
| 39   | 7.15            | 4.19             | 4.86             | 5.42             | 6.29             |
| 40   | 7.31            | 4.30             | 4.96             | 5.57             | 6.42             |
| 41   | 7.47            | 4.42             | 5.07             | 5.73             | 6.57             |
| 42   | 7.64            | 4.55             | 5.18             | 5.89             | 6.71             |
| 43   | 7.80            | 4.68             | 5.29             | 6.06             | 6.86             |
| 44   | 7.98            | 4.81             | 5.41             | 6.23             | 7.01             |
| 45   | 8.15            | 4.94             | 5.53             | 6.40             | 7.17             |
| 46   | 8.33            | 5.08             | 5.65             | 6.58             | 7.33             |
| 47   | 8.52            | 5.22             | 5.78             | 6.77             | 7.49             |
| 48   | 8.71            | 5.37             | 5.91             | 6.96             | 7.66             |
| 49   | 8.91            | 5.53             | 6.04             | 7.17             | 7.83             |
| 50   | 9.11            | 5.68             | 6.18             | 7.37             | 8.01             |
| 51   | 9.32            | 5.85             | 6.32             | 7.59             | 8.19             |
| 52   | 9.53            | 6.02             | 6.46             | 7.81             | 8.39             |
| 53   | 9.75            | 6.20             | 6.61             | 8.04             | 8.58             |
| 54   | 9.98            | 6.38             | 6.77             | 8.27             | 8.78             |
| 55   | 10.21           | 6.57             | 6.92             | 8.52             | 8.98             |
| 56   | 10.45           | 6.76             | 7.09             | 8.77             | 9.20             |
| 57   | 10.70           | 6.97             | 7.26             | 9.04             | 9.42             |

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

| <i>Age attained<br/>in relevant<br/>tax year</i> | <i>FACTOR D</i> | <i>FACTOR E1</i> | <i>FACTOR E2</i> | <i>FACTOR F1</i> | <i>FACTOR F2</i> |
|--|-----------------|------------------|------------------|------------------|------------------|
| 58   | 10.96           | 7.18             | 7.44             | 9.32             | 9.65             |
| 59   | 11.23           | 7.41             | 7.63             | 9.61             | 9.90             |
| 60   | 11.52           | 7.64             | 7.82             | 9.91             | 10.15            |
| 61   | 11.82           | 7.89             | 8.03             | 10.24            | 10.42            |
| 62   | 12.14           | 8.15             | 8.25             | 10.57            | 10.70            |
| 63   | 12.47           | 8.42             | 8.47             | 10.93            | 10.99            |
| 64   | 12.82           | 8.71             | 8.71             | 11.30            | 11.30            |
| 65   | 13.93           | 9.47             | 9.47             | 12.29            | 12.29            |

**TABLE 3**

WOMEN (EXCLUDING SURVIVING SPOUSE MEMBERS) WHO  
HAVE A PENSIONABLE AGE OF 60 AND ARE UNDER THAT AGE

| <i>Age attained<br/>in relevant<br/>tax year</i> | <i>FACTOR D</i> | <i>FACTOR E1</i> | <i>FACTOR E2</i> | <i>FACTOR F1</i> | <i>FACTOR F2</i> |
|--|-----------------|------------------|------------------|------------------|------------------|
| 48   | 11.31           | 6.89             | 7.35             | 9.16             | 9.78             |
| 49   | 11.57           | 7.09             | 7.52             | 9.43             | 10.00            |
| 50   | 11.84           | 7.30             | 7.70             | 9.71             | 10.24            |
| 51   | 12.12           | 7.51             | 7.88             | 9.99             | 10.48            |
| 52   | 12.40           | 7.73             | 8.06             | 10.29            | 10.73            |
| 53   | 12.69           | 7.96             | 8.25             | 10.60            | 10.98            |
| 54   | 13.00           | 8.20             | 8.45             | 10.92            | 11.25            |
| 55   | 13.31           | 8.45             | 8.65             | 11.25            | 11.52            |
| 56   | 13.64           | 8.71             | 8.87             | 11.59            | 11.80            |
| 57   | 13.97           | 8.98             | 9.09             | 11.95            | 12.10            |
| 58   | 14.33           | 9.27             | 9.32             | 12.33            | 12.41            |
| 59   | 14.69           | 9.56             | 9.56             | 12.73            | 12.73            |
| 60   | 15.93           | 10.37            | 10.37            | 13.80            | 13.80            |

**TABLE 4****WOMEN (EXCLUDING SURVIVING SPOUSE MEMBERS) WHO HAVE A PENSIONABLE AGE BETWEEN 60 AND 65 AND ARE UNDER THAT AGE**

|                   | <i>Relevant<br/>tax year</i> | <i>1997/98</i> | <i>1998/99</i> | <i>1999/2000</i> | <i>2000/01</i> | <i>2001/02</i> |
|-------------------|------------------------------|----------------|----------------|------------------|----------------|----------------|
| Tax year of birth | Factor D                     |                |                |                  |                |                |
| 1950/51           |                              | 10.76          | 11.01          | 11.26            | 11.52          | 11.79          |
| 1951/52           |                              | 10.03          | 10.25          | 10.49            | 10.73          | 10.97          |
| 1952/53           |                              | 9.32           | 9.53           | 9.75             | 9.97           | 10.19          |
| 1953/54           |                              | 8.65           | 8.84           | 9.04             | 9.24           | 9.45           |
| 1954/55           |                              | 8.00           | 8.17           | 8.35             | 8.54           | 8.73           |
| Tax year of birth | Factor E1                    |                |                |                  |                |                |
| 1950/51           |                              | 6.53           | 6.71           | 6.91             | 7.11           | 7.32           |
| 1951/52           |                              | 6.06           | 6.23           | 6.41             | 6.59           | 6.79           |
| 1952/53           |                              | 5.61           | 5.77           | 5.94             | 6.11           | 6.28           |
| 1953/54           |                              | 5.19           | 5.34           | 5.49             | 5.64           | 5.80           |
| 1954/55           |                              | 4.78           | 4.92           | 5.06             | 5.20           | 5.35           |
| Tax year of birth | Factor E2                    |                |                |                  |                |                |
| 1950/51           |                              | 7.03           | 7.19           | 7.35             | 7.52           | 7.69           |
| 1951/52           |                              | 6.59           | 6.74           | 6.90             | 7.05           | 7.21           |
| 1952/53           |                              | 6.18           | 6.32           | 6.46             | 6.61           | 6.76           |
| 1953/54           |                              | 5.78           | 5.91           | 6.04             | 6.18           | 6.32           |
| 1954/55           |                              | 5.40           | 5.52           | 5.64             | 5.77           | 5.90           |
| Tax year of birth | Factor F1                    |                |                |                  |                |                |
| 1950/51           |                              | 8.65           | 8.91           | 9.17             | 9.43           | 9.71           |
| 1951/52           |                              | 8.00           | 8.23           | 8.47             | 8.71           | 8.97           |
| 1952/53           |                              | 7.37           | 7.58           | 7.80             | 8.03           | 8.26           |
| 1953/54           |                              | 6.78           | 6.97           | 7.17             | 7.38           | 7.59           |

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

| <i>Relevant tax year</i> | <i>1997/98</i> | <i>1998/99</i> | <i>1999/2000</i> | <i>2000/01</i> | <i>2001/02</i> |
|--------------------------|----------------|----------------|------------------|----------------|----------------|
| 1954/55                  | 6.21           | 6.39           | 6.57             | 6.76           | 6.95           |
| Tax year of birth        | Factor F2      |                |                  |                |                |
| 1950/51                  | 9.32           | 9.53           | 9.75             | 9.98           | 10.21          |
| 1951/52                  | 8.71           | 8.90           | 9.11             | 9.32           | 9.53           |
| 1952/53                  | 8.12           | 8.30           | 8.49             | 8.68           | 8.88           |
| 1953/54                  | 7.56           | 7.73           | 7.90             | 8.08           | 8.26           |
| 1954/55                  | 7.02           | 7.17           | 7.33             | 7.49           | 7.66           |

**TABLE 5**

MEN AND WOMEN (EXCLUDING SURVIVING SPOUSE MEMBERS) WHO HAVE ATTAINED PENSIONABLE AGE

| <i>Age attained in relevant tax year</i> | <i>MEN</i>      |                 |                 | <i>WOMEN</i>    |                 |                 |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|  | <i>FACTOR G</i> | <i>FACTOR H</i> | <i>FACTOR I</i> | <i>FACTOR J</i> | <i>FACTOR K</i> | <i>FACTOR L</i> |
| 60                                       | —               | —               | —               | 15.93           | 10.37           | 13.80           |
| 61                                       | —               | —               | —               | 15.56           | 10.21           | 13.53           |
| 62                                       | —               | —               | —               | 15.17           | 10.04           | 13.23           |
| 63                                       | —               | —               | —               | 14.76           | 9.86            | 12.93           |
| 64                                       | —               | —               | —               | 14.35           | 9.67            | 12.62           |
| 65                                       | 13.45           | 9.44            | 11.88           | 13.93           | 9.47            | 12.29           |
| 66                                       | 13.03           | 9.23            | 11.55           | 13.50           | 9.27            | 11.96           |
| 67                                       | 12.61           | 9.02            | 11.22           | 13.06           | 9.05            | 11.61           |
| 68                                       | 12.18           | 8.80            | 10.88           | 12.61           | 8.83            | 11.26           |
| 69                                       | 11.75           | 8.57            | 10.53           | 12.16           | 8.60            | 10.89           |
| 70                                       | 11.32           | 8.34            | 10.19           | 11.71           | 8.36            | 10.53           |
| 71                                       | 10.89           | 8.11            | 9.84            | 11.26           | 8.12            | 10.16           |
| 72                                       | 10.47           | 7.87            | 9.49            | 10.81           | 7.88            | 9.79            |

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

| <i>Age attained in relevant tax year</i> | <i>MEN</i>      |                 |                 | <i>WOMEN</i>    |                 |                 |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|  | <i>FACTOR G</i> | <i>FACTOR H</i> | <i>FACTOR I</i> | <i>FACTOR J</i> | <i>FACTOR K</i> | <i>FACTOR L</i> |
| 73                                       | 10.05           | 7.63            | 9.14            | 10.36           | 7.63            | 9.42            |
| 74                                       | 9.63            | 7.38            | 8.79            | 9.93            | 7.39            | 9.06            |
| 75                                       | 9.22            | 7.14            | 8.44            | 9.50            | 7.15            | 8.70            |
| 76                                       | 8.81            | 6.89            | 8.10            | 9.08            | 6.90            | 8.34            |
| 77                                       | 8.41            | 6.64            | 7.75            | 8.67            | 6.66            | 7.99            |
| 78                                       | 8.01            | 6.38            | 7.41            | 8.26            | 6.41            | 7.64            |
| 79                                       | 7.61            | 6.12            | 7.06            | 7.86            | 6.16            | 7.29            |
| 80                                       | 7.22            | 5.86            | 6.72            | 7.47            | 5.92            | 6.95            |
| 81                                       | 6.83            | 5.60            | 6.38            | 7.09            | 5.68            | 6.62            |
| 82                                       | 6.45            | 5.34            | 6.05            | 6.72            | 5.44            | 6.29            |
| 83                                       | 6.07            | 5.07            | 5.71            | 6.36            | 5.20            | 5.97            |
| 84                                       | 5.70            | 4.80            | 5.38            | 6.01            | 4.96            | 5.66            |
| 85                                       | 5.33            | 4.53            | 5.04            | 5.67            | 4.74            | 5.36            |
| 86                                       | 5.00            | 4.29            | 4.75            | 5.36            | 4.51            | 5.08            |
| 87                                       | 4.69            | 4.06            | 4.47            | 5.06            | 4.30            | 4.81            |
| 88                                       | 4.39            | 3.83            | 4.19            | 4.78            | 4.09            | 4.55            |
| 89                                       | 4.10            | 3.60            | 3.93            | 4.52            | 3.90            | 4.31            |

**TABLE 6**

**SURVIVING SPOUSE MEMBERS**

| <i>Age attained in relevant tax year</i> | <i>WIDOWERS</i> |                 |                 | <i>WIDOWS</i>   |                 |  |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|--|
|  | <i>FACTOR M</i> | <i>FACTOR N</i> | <i>FACTOR O</i> | <i>FACTOR P</i> | <i>FACTOR Q</i> |  |
| 25 and below                             | 5.95            | 5.42            | 10.56           | 6.85            | 8.96            |  |
| 26                                       | 6.07            | 5.51            | 11.04           | 7.09            | 9.33            |  |

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

| <i>Age attained<br/>in relevant<br/>tax year</i> | <i>WIDOWERS</i> |                 | <i>WIDOWS</i>   |                 |                 |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|
|  | <i>FACTOR M</i> | <i>FACTOR N</i> | <i>FACTOR O</i> | <i>FACTOR P</i> | <i>FACTOR Q</i> |
| 27   | 6.28            | 5.68            | 11.53           | 7.33            | 9.71            |
| 28   | 6.51            | 5.86            | 12.04           | 7.59            | 10.11           |
| 29   | 6.77            | 6.08            | 12.54           | 7.85            | 10.51           |
| 30   | 7.08            | 6.33            | 13.04           | 8.11            | 10.91           |
| 31   | 7.43            | 6.62            | 13.53           | 8.36            | 11.29           |
| 32   | 7.82            | 6.93            | 13.99           | 8.61            | 11.67           |
| 33   | 8.19            | 7.24            | 14.43           | 8.85            | 12.02           |
| 34   | 8.56            | 7.55            | 14.83           | 9.07            | 12.34           |
| 35   | 8.91            | 7.84            | 15.18           | 9.27            | 12.64           |
| 36   | 9.24            | 8.11            | 15.47           | 9.44            | 12.88           |
| 37   | 9.53            | 8.35            | 15.69           | 9.58            | 13.07           |
| 38   | 9.81            | 8.58            | 15.83           | 9.67            | 13.20           |
| 39   | 10.08           | 8.80            | 15.95           | 9.76            | 13.31           |
| 40   | 10.29           | 8.98            | 16.05           | 9.83            | 13.40           |
| 41   | 10.47           | 9.12            | 16.13           | 9.90            | 13.48           |
| 42   | 10.61           | 9.24            | 16.18           | 9.96            | 13.54           |
| 43   | 10.73           | 9.34            | 16.20           | 10.00           | 13.58           |
| 44   | 10.84           | 9.44            | 16.21           | 10.04           | 13.62           |
| 45   | 10.94           | 9.52            | 16.22           | 10.08           | 13.65           |
| 46   | 11.01           | 9.59            | 16.23           | 10.13           | 13.68           |
| 47   | 11.06           | 9.64            | 16.24           | 10.17           | 13.71           |
| 48   | 11.10           | 9.67            | 16.22           | 10.21           | 13.72           |
| 49   | 11.14           | 9.71            | 16.20           | 10.24           | 13.74           |
| 50   | 11.18           | 9.76            | 16.18           | 10.28           | 13.74           |
| 51   | 11.22           | 9.80            | 16.14           | 10.31           | 13.75           |

| <i>Age attained<br/>in relevant<br/>tax year</i> | <i>WIDOWERS</i> |                 | <i>WIDOWS</i>   |                 |                 |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|
|  | <i>FACTOR M</i> | <i>FACTOR N</i> | <i>FACTOR O</i> | <i>FACTOR P</i> | <i>FACTOR Q</i> |
| 52   | 11.27           | 9.86            | 16.10           | 10.34           | 13.74           |
| 53   | 11.32           | 9.91            | 16.09           | 10.40           | 13.77           |
| 54   | 11.36           | 9.95            | 16.13           | 10.48           | 13.83           |
| 55   | 11.39           | 10.00           | 16.15           | 10.56           | 13.89           |
| 56   | 11.42           | 10.03           | 16.07           | 10.59           | 13.86           |
| 57   | 11.44           | 10.07           | 15.90           | 10.56           | 13.76           |
| 58   | 11.45           | 10.09           | 15.56           | 10.42           | 13.51           |
| 59   | 11.44           | 10.10           | 15.21           | 10.28           | 13.25           |
| 60   | 11.43           | 10.11           | 14.86           | 10.12           | 12.98           |
| 61   | 11.41           | 10.11           | 14.49           | 9.96            | 12.71           |
| 62   | 11.46           | 10.18           | 14.13           | 9.80            | 12.43           |
| 63   | 11.59           | 10.31           | 13.75           | 9.62            | 12.14           |
| 64   | 11.78           | 10.50           | 13.38           | 9.45            | 11.85           |
| 65   | 11.82           | 10.56           | 13.00           | 9.26            | 11.55           |
| 66   | 11.70           | 10.49           | 12.62           | 9.07            | 11.25           |
| 67   | 11.33           | 10.19           | 12.23           | 8.87            | 10.94           |
| 68   | 10.96           | 9.89            | 11.84           | 8.67            | 10.63           |
| 69   | 10.60           | 9.59            | 11.44           | 8.46            | 10.31           |
| 70   | 10.24           | 9.30            | 11.05           | 8.24            | 9.98            |
| 71   | 9.89            | 9.00            | 10.65           | 8.02            | 9.66            |
| 72   | 9.54            | 8.71            | 10.25           | 7.79            | 9.33            |
| 73   | 9.19            | 8.41            | 9.86            | 7.56            | 9.00            |
| 74   | 8.84            | 8.12            | 9.46            | 7.32            | 8.66            |
| 75   | 8.49            | 7.83            | 9.07            | 7.08            | 8.33            |
| 76   | 8.15            | 7.53            | 8.67            | 6.83            | 7.99            |

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

| <i>Age attained<br/>in relevant<br/>tax year</i> | <i>WIDOWERS</i> |                 | <i>WIDOWS</i>   |                 |                 |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|
|  | <i>FACTOR M</i> | <i>FACTOR N</i> | <i>FACTOR O</i> | <i>FACTOR P</i> | <i>FACTOR Q</i> |
| 77   | 7.81            | 7.24            | 8.28            | 6.58            | 7.66            |
| 78   | 7.48            | 6.95            | 7.90            | 6.33            | 7.33            |
| 79   | 7.15            | 6.66            | 7.52            | 6.09            | 7.00            |
| 80   | 6.82            | 6.38            | 7.15            | 5.84            | 6.67            |
| 81   | 6.50            | 6.10            | 6.79            | 5.59            | 6.36            |
| 82   | 6.19            | 5.82            | 6.44            | 5.34            | 6.05            |
| 83   | 5.89            | 5.55            | 6.10            | 5.10            | 5.74            |
| 84   | 5.60            | 5.29            | 5.77            | 4.87            | 5.45            |
| 85   | 5.31            | 5.03            | 5.46            | 4.64            | 5.17            |
| 86   | 5.04            | 4.79            | 5.17            | 4.43            | 4.91            |
| 87   | 4.78            | 4.55            | 4.90            | 4.22            | 4.66            |
| 88   | 4.53            | 4.32            | 4.64            | 4.02            | 4.42            |
| 89   | 4.29            | 4.10            | 4.39            | 3.83            | 4.19            |
| 90   | 4.06            | 3.89            | 4.15            | 3.65            | 3.98            |
| 91   | 3.84            | 3.69            | 3.93            | 3.48            | 3.77            |
| 92   | 3.64            | 3.50            | 3.71            | 3.31            | 3.57            |
| 93   | 3.44            | 3.31            | 3.51            | 3.15            | 3.38            |
| 94   | 3.26            | 3.14            | 3.31            | 2.99            | 3.20            |
| 95 and over                                      | 3.09            | 2.98            | 3.11            | 2.83            | 3.01            |

## SCHEDULE 2

Regulation 4

TABLE FOR DERIVING THE INDEX NUMBER  
FROM 15 YEAR GROSS REDEMPTION YIELD

| <i>Yield per cent</i> |   |       | <i>Index number</i> |
|-----------------------|---|-------|---------------------|
| 5.00%                 | – | 5.06% | 1.30                |



| <i>Yield per cent</i> |   |       | <i>Index number</i> |
|-----------------------|---|-------|---------------------|
| 5.07%                 | – | 5.14% | 1.29                |
| 5.15%                 | – | 5.22% | 1.28                |
| 5.23%                 | – | 5.30% | 1.27                |
| 5.31%                 | – | 5.39% | 1.26                |
| 5.40%                 | – | 5.47% | 1.25                |
| 5.48%                 | – | 5.56% | 1.24                |
| 5.57%                 | – | 5.64% | 1.23                |
| 5.65%                 | – | 5.73% | 1.22                |
| 5.74%                 | – | 5.82% | 1.21                |
| 5.83%                 | – | 5.91% | 1.20                |
| 5.92%                 | – | 6.00% | 1.19                |
| 6.01%                 | – | 6.08% | 1.18                |
| 6.09%                 | – | 6.17% | 1.17                |
| 6.18%                 | – | 6.26% | 1.16                |
| 6.27%                 | – | 6.36% | 1.15                |
| 6.37%                 | – | 6.45% | 1.14                |
| 6.46%                 | – | 6.55% | 1.13                |
| 6.56%                 | – | 6.64% | 1.12                |
| 6.65%                 | – | 6.73% | 1.11                |
| 6.74%                 | – | 6.84% | 1.10                |
| 6.85%                 | – | 6.94% | 1.09                |
| 6.95%                 | – | 7.04% | 1.08                |
| 7.05%                 | – | 7.14% | 1.07                |
| 7.15%                 | – | 7.24% | 1.06                |
| 7.25%                 | – | 7.35% | 1.05                |
| 7.36%                 | – | 7.45% | 1.04                |

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

| <i>Yield per cent</i> |   |        | <i>Index number</i> |
|-----------------------|---|--------|---------------------|
| 7.46%                 | – | 7.56%  | 1.03                |
| 7.57%                 | – | 7.67%  | 1.02                |
| 7.68%                 | – | 7.78%  | 1.01                |
| 7.79%                 | – | 7.90%  | 1.00                |
| 7.91%                 | – | 8.01%  | 0.99                |
| 8.02%                 | – | 8.12%  | 0.98                |
| 8.13%                 | – | 8.24%  | 0.97                |
| 8.25%                 | – | 8.36%  | 0.96                |
| 8.37%                 | – | 8.48%  | 0.95                |
| 8.49%                 | – | 8.60%  | 0.94                |
| 8.61%                 | – | 8.73%  | 0.93                |
| 8.74%                 | – | 8.86%  | 0.92                |
| 8.87%                 | – | 8.98%  | 0.91                |
| 8.99%                 | – | 9.11%  | 0.90                |
| 9.12%                 | – | 9.24%  | 0.89                |
| 9.25%                 | – | 9.38%  | 0.88                |
| 9.39%                 | – | 9.51%  | 0.87                |
| 9.52%                 | – | 9.65%  | 0.86                |
| 9.66%                 | – | 9.79%  | 0.85                |
| 9.80%                 | – | 9.94%  | 0.84                |
| 9.95%                 | – | 10.09% | 0.83                |
| 10.10%                | – | 10.23% | 0.82                |
| 10.24%                | – | 10.39% | 0.81                |
| 10.40%                | – | 10.54% | 0.80                |

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## EXPLANATORY NOTE

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

These Regulations are made under provisions of the Pensions Act 1995 which relate to the restoration of members' State scheme rights in cases where an occupational pension scheme winds up insolvent.

Regulation 1 provides for citation, commencement and interpretation.

Regulations 2 to 4 provide for the determination by the Secretary of State of the amount required for restoring a member's State scheme rights. Regulation 2 provides for this to be the amount of a contributions equivalent premium where such a premium is payable. Regulations 3 and 4 provide the method of calculation in other cases. This requires the application of actuarial tables to weekly amounts representing the state benefits which the member would have foregone by reason of being contracted-out and adjustment of the amount obtained to reflect prevailing market conditions.

Regulation 5 amends the Occupational Pension Schemes (Contracting-out) Regulations 1996 by providing for persons with a right to a widow's or widower's pension under an occupational pension scheme to be regarded as members for the purpose of the provisions relating to restoration of State scheme rights.

Schedule 1 sets out the actuarial factors to be applied for the purposes of regulation 3.

Schedule 2 sets out a table for deriving an index number for the purposes of the market value adjustment in regulation 4.

An assessment of the compliance cost to business of the measures arising from the Pensions Act 1995, including these Regulations, has been placed in the libraries of both Houses of Parliament. Copies can be obtained by post from the Department of Social Security, The Adelphi, 1-11 John Adam Street, London WC2N 6HT.