
STATUTORY INSTRUMENTS

2009 No. 1171

**The Registered Pension Schemes
(Authorised Payments) Regulations 2009**

PART 3

PENSION ERRORS

Pensions paid in error

13.—(1) A payment made in error which is intended to represent a payment permitted by the pension rules or the pension death benefit rules⁽¹⁾ to or in respect of a member, if the scheme administrator or insurance company making the payment (in either case, “the payer”) believed that—

- (a) the recipient was entitled to the payment, and
- (b) the recipient was entitled to it in that amount.

(2) A payment is not within paragraph (1) if the error is that the recipient is no longer alive (as to which see regulation 15).

(3) Regulation 4 applies to—

- (a) the whole of the payment; or
- (b) if the recipient was entitled to an authorised payment apart from under this regulation, the amount by which the payment exceeds the amount of the authorised payment.

(1) Sections 165 and 167 of the Finance Act 2004 set out the pension rules and pension death benefit rules respectively.