

SCHEDULE 11

ALLOCATION OF PART OF RETIREMENT PENSION

PART II

PROCEDURE

2.—(1) A person who, with a view to making an allocation, gives the Secretary of State at least 4 months' notice of his intended retirement is referred to in this Schedule as a “retiring employee”.

(2) For the purposes of this Schedule a person’s relevant birthday is—

- (a) where retirement benefits become payable by virtue of regulation E4(5) (redundancy, etc.), his 50th, and
- (b) in any other case, his 60th.

3.—(1) Before delivering a declaration a person must have given the Secretary of State written notice of his intention to make an allocation.

(2) The notice is to be given—

- (a) in the case of a retiring employee, no later than his application for payment of retirement benefits, and
- (b) in any other case, no earlier than 4 months before the later of—
 - (i) the date on which the person becomes qualified for retirement benefits, and
 - (ii) his relevant birthday.

4.—(1) Before delivering a declaration a person must also at his own expense—

- (a) have satisfied the Secretary of State as to his health, and
- (b) have provided the Secretary of State with such information about the person for whose benefit the allocation is to be made, and verified it in such manner, as the Secretary of State may reasonably require.

(2) In order to satisfy the Secretary of State as to his health the person must have been examined by a medical practitioner nominated by the Secretary of State; he may if he wishes be examined by a second such practitioner if the Secretary of State is not satisfied as a result of the first examination.

5.—(1) On receiving a notice under paragraph 3 the Secretary of State is to notify the person in writing of—

- (a) the amount or estimated amount of his retirement pension,
- (b) if paragraph (3) of regulation E5 applies, the amount or estimated amount of the retirement pension to which he would be entitled if that paragraph did not apply,
- (c) the name and address of the nominated medical practitioner, and
- (d) the time within which any declaration is to be delivered.

(2) A declaration is to be delivered—

- (a) if the person is resident outside the United Kingdom, within 4 months, and
- (b) in any other case, within 3 months,

after receipt of the Secretary of State’s notification under sub-paragraph (1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) If he is satisfied as to the person's health, and with the information provided in accordance with paragraph 4(1)(b), the Secretary of State is to send the person a suitable form on which to make the declaration.

(4) On the delivery to him of a declaration, the Secretary of State is to provide the person making it with written particulars of the alternative benefit.

6. A declaration, and any notice or other communication under this Part, may be sent by post.