

Status: Point in time view as at 12/02/2001.

Changes to legislation: Child Support, Pensions and Social Security Act 2000, Cross Heading: Relationship between alternative rules and other rules is up to date with all changes known to be in force on or before 01 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 5

PENSIONS: MISCELLANEOUS AMENDMENTS AND ALTERNATIVE TO ANTI-FRANKING RULES

PART II

ALTERNATIVE TO ANTI-FRANKING RULES

Relationship between alternative rules and other rules

- 16 (1) Paragraph 15 shall not apply to benefits consisting in an alternative to a short service benefit provided for under section 73(2)(b) of the 1993 Act, except to the extent that—
- (a) that paragraph would apply for the computation of the short service benefit to which those benefits are an alternative; and
 - (b) the amount of any of the alternative benefits falls to be computed wholly or partly by reference to the value of what would have been the short service benefit.
- (2) Section 94 of the 1993 Act (right to cash equivalent) shall have effect as if the provisions of this Part of this Schedule were included for the purposes of that section in the applicable rules.
- (3) Subject to sub-paragraph (4), the preceding provisions of this Part of this Schedule override any provision of an occupational pension scheme with which they are inconsistent except a provision which, under subsection (3) of section 129 of the 1993 Act, is a protected provision for the purposes of subsection (2) of that section.
- (4) The preceding provisions of this Part of this Schedule shall be without prejudice to any person's entitlement to exercise—
- (a) any right of commutation, forfeiture or surrender of the whole or any part of any benefits computed in accordance with this Part of this Schedule;
 - (b) any charge or lien on the whole or any part of any such benefits; or
 - (c) any right of set-off against the whole or any part of any such benefits;
- and, accordingly, the computations to be done under paragraph 15 shall be done disregarding anything falling within any of paragraphs (a) to (c).

Commencement Information

- II** Sch. 5 Pt. II partly in force at 12.2.2001; Sch. 5 Pt II not in force at Royal Assent see s. 86(2); Sch. 5 Pt. II in force for certain purposes at 12.2.2001 by S.I. 2000/3166, art. 2(5) (as amended by S.I. 2001/252, art. 3); Sch. 5 Pt. II in force insofar as not already in force at 6.4.2002 by S.I. 2001/2295, art. 2(b) (which was omitted by virtue of S.I. 2002/473, art. 2)

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