
STATUTORY INSTRUMENTS

2000 No. 1054

The Pension Sharing (Pension Credit Benefit) Regulations 2000

PART II

PENSION CREDIT BENEFIT UNDER OCCUPATIONAL PENSION SCHEMES

Early retirement or deferred retirement

7.—(1) Subject to paragraph (2), the scheme may provide benefits which are different from those required to constitute pension credit benefit in respect of the—

- (a) amount;
- (b) recipient; and
- (c) time at which the benefits are payable.

[^{F1}(2) The benefits referred to in paragraph (1) must include a benefit that is both—

- (a) payable to the person entitled to the pension credit benefit; and
- (b) not payable before normal benefit age except where the person entitled to the benefit has either—
 - (i) met the ill-health condition in accordance with paragraph 1 of Schedule 28 to the Finance Act 2004 (registered pension schemes – defined benefits and money purchase arrangements – ill-health condition) immediately before that person became entitled to the benefit; or
 - (ii) attained normal minimum pension age as defined in section 279(1) of that Act (other definitions).]

^{F1}(3)

(4) Benefits consisting of, or including, a benefit that becomes payable to the person entitled to the benefit before normal benefit age may be provided without that person's consent where—

- (a) that person's earning capacity is destroyed or seriously impaired by [^{F2}physical or mental infirmity]; and
- (b) in the opinion of the trustees or managers of the scheme, the person entitled to the benefit is incapable of deciding whether it is in his interests to consent.

(5) Any scheme rule that allows the alternative described in this regulation must require the trustees or managers of the scheme to be reasonably satisfied that, when the benefit of the person entitled to the benefit becomes payable, the total value of the benefits to be provided under this regulation is at least equal to the amount described in regulation 11 (value of alternatives to pension credit benefit).

^{F3}(6)

F1 Reg. 7(2) substituted for reg. 7(2)(3) (6.4.2009) by [The Occupational, Personal and Stakeholder Pensions \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/615\)](#), regs. 1(2), **15(4)(a)**

Status: Point in time view as at 06/04/2009.

Changes to legislation: There are currently no known outstanding effects for the The Pension Sharing (Pension Credit Benefit) Regulations 2000, Section 7. (See end of Document for details)

- F2** Words in reg. 7(4)(a) substituted (6.4.2009) by The Occupational, Personal and Stakeholder Pensions (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/615), regs. 1(2), **15(4)(b)**
- F3** Reg. 7(6) omitted (6.4.2009) by virtue of The Occupational, Personal and Stakeholder Pensions (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/615), regs. 1(2), **15(4)(c)**

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