
STATUTORY INSTRUMENTS

2005 No. 704

The Personal and Occupational Pension Schemes
(Indexation and Disclosure of Information)
(Miscellaneous Amendments) Regulations 2005

PART 2

AMENDMENTS RELATING TO INDEXATION

Occupational Pension Schemes (Discharge of Liability) Regulations 1997

Discharge of liability: guaranteed minimum pensions, short service benefits etc

12.—(1) Regulation 5 of the Occupational Pension Schemes (Discharge of Liability) Regulations 1997⁽¹⁾ (other requirements applying to policies of insurance and annuity contracts) is amended as follows.

(2) Renumber the existing text as paragraph (1).

(3) For paragraph (1)(b) substitute—

“(b) that the policy or contract contains, or is endorsed with, terms so as to provide for such increase (if any) in the payments under the policy or contract as is required by paragraph (2);”.

(4) After paragraph (1) add—

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

- (a) an increase is required if sections 51 and 52 of the 1995 Act, and regulations made under those sections, would apply to payments under the policy or contract if those payments were benefits payable under an occupational pension scheme (and for this purpose, the provisions of the 1995 Act shall be construed in accordance with regulation 11(6)(a) to (d)); and
- (b) such an increase shall be payable at the same rate, and to the same extent, as would be required under those provisions.”.