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STATUTORY INSTRUMENTS

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**2006 No. 133**

**The Registered Pension Schemes (Co-ownership  
of Living Accommodation) Regulations 2006**

**The private owner's benefit**

5.—(1) The pension scheme owner's benefit must be apportioned.

(2) If the living accommodation is used to provide a benefit for persons who consist of, or include—

- (a) one particular scheme member, or
- (b) a member of the scheme member's family or household,

the pension scheme owner's benefit is apportioned to the scheme member.

(3) If the living accommodation is used to provide a benefit for persons who consist of, or include—

- (a) a scheme member or a member of the scheme member's family or household, and
- (b) another scheme member or a member of that other scheme member's family or household,

the pension scheme owner's benefit is apportioned among those scheme members.

(4) If paragraph (3)(b) applies in relation to more than one scheme member, the pension scheme owner's benefit is apportioned among all the scheme members in relation to whom paragraph (3) (a) or (3)(b) applies.

(5) If paragraph (3) applies, the amount of the pension scheme benefit apportioned to any particular scheme member is to be such part of that benefit as is just and reasonable.

(6) Section 721 of the Income Tax (Employments and Pensions) Act 2003 (definitions) applies for the purpose of determining the members of a scheme member's family or household.

(7) In these Regulations the amount of the pension scheme owner's benefit apportioned under this regulation to a scheme member is called "the private owner's benefit".