
STATUTORY INSTRUMENTS

2009 No. 1171

**The Registered Pension Schemes
(Authorised Payments) Regulations 2009**

PART 4

LUMP SUM ERRORS

Commencement lump sums paid after death

19.—(1) A payment of a lump sum under the pension scheme to or in respect of a member who has died if—

- (a) the payment is in respect of a defined benefits arrangement;
- (b) the scheme administrator had not established the member's entitlement to the payment until after the member's death;
- (c) the scheme administrator could not reasonably have been expected to make the payment before the member died;
- (d) the payment would have been a pension commencement lump sum if it had been made immediately before the member's death and the member had been entitled to it;
- (e) it is made no later than the end of the period of one year beginning with the earlier of—
 - (i) the day on which the scheme administrator first knew of the member's death, and
 - (ii) the day on which the scheme administrator could first reasonably be expected to have known of it; and
- (f) the member was neither—
 - (i) a controlling director of a sponsoring employer of this or any related scheme, nor
 - (ii) a person connected to such a person.

(2) The making of the payment shall be treated as a benefit crystallisation event for the purposes of the lifetime allowance charge, namely benefit crystallisation event 9.

(3) The amount crystallised for the purposes of benefit crystallisation event 9 is the amount of the payment.