
STATUTORY INSTRUMENTS

2009 No. 615

**The Occupational, Personal and Stakeholder Pensions
(Miscellaneous Amendments) Regulations 2009**

Amendment of the Pension Sharing (Pension Credit Benefit) Regulations 2000

15.—(1) The Pension Sharing (Pension Credit Benefit) Regulations 2000(1) are amended in accordance with this regulation.

(2) In regulation 1(2) (interpretation)—

- (a) omit the definition of “incapacity”, and
- (b) in the definition of “Regulatory Authority”, for “Occupational Pensions Regulatory Authority” substitute “Pensions Regulator”.

(3) For regulations 3 (commutation of the whole of pension credit benefit) and 4 (commutation of part of pension credit benefit)(2), substitute—

“Pension credit benefit in lump sum form

3. For the purposes of section 101C(2) of the 1993 Act (basic principle as to pension credit benefit), the circumstances in which the trustees or managers of a scheme may provide for payment of pension credit benefit in the form of a lump sum before normal benefit age are those which permit payment of a lump sum in accordance with paragraph (a), (b), (e), (f) or (g) of the lump sum rule in section 166(1) of the Finance Act 2004 (lump sum rule)(3).”.

(4) In regulation 7 (early retirement or deferred retirement)—

(a) for paragraphs (2) and (3), substitute—

“(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).”.

(b) in paragraph (4)(a), for “incapacity or serious ill health” substitute “physical or mental infirmity”, and

(c) omit paragraph (6).

(1) [S.I. 2000/1054](#).

(2) Regulation 3 was amended by S.I.s [2006/744](#) and [2007/1930](#) and regulation 4 was amended by S.I.s [2006/744](#) and [778](#).

(3) [2004 c.12](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) In regulation 13 (conditions on which pension credit benefit secured by insurance policies and annuity contracts may be commuted), for “if it satisfies the requirements of regulation 3 or 4 (commutation of the whole of pension credit benefit, or commutation of part of pension credit benefit)” substitute “in the circumstances described by regulation 3 (pension credit benefit in lump sum form)”.

(6) In regulation 22(1)(b) (requirements to be met by an eligible scheme)(4)—

- (a) omit “any of sub-paragraphs (a) to (e) of” and “(a), (c) or (e)”, and
- (b) after “is made is”, in the second place where it occurs, insert “also”.

(4) Regulation 22(1) was amended by [S.I. 2000/2691](#).