

Status: Point in time view as at 13/03/2013.

Changes to legislation: Pensions Act 2004, Cross Heading: Deferred members who have not attained normal pension age at assessment date is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 7

PENSION COMPENSATION PROVISIONS

Modifications etc. (not altering text)

- C1 Sch. 7 amendment to earlier affecting provision S.I. 2005/652, reg. 14(2) (1.4.2005) by [The Occupational Pension Schemes and Pension Protection Fund \(Amendment\) Regulations 2005 \(S.I. 2005/993\)](#), regs. 1(1), [7](#)
- C1 Sch. 7 modified (1.8.2006) by [The Pension Protection Fund \(Pension Sharing\) Regulations 2006 \(S.I. 2006/1690\)](#), regs. 1(1), [3](#)
- C1 Sch. 7 modified (6.4.2005) by [The Pension Protection Fund \(Reviewable Ill Health Pensions\) Regulations 2005 \(S.I. 2005/652\)](#), regs. 1(1), [15](#)
- C4 Sch. 7 applied (with modifications) (6.4.2005) by [The Pension Protection Fund \(Reviewable Ill Health Pensions\) Regulations 2005 \(S.I. 2005/652\)](#), regs. 1(1), [14\(2\)](#)
- C5 Sch. 7 modified (6.4.2005) by [The Pension Protection Fund \(Compensation\) Regulations 2005 \(S.I. 2005/670\)](#), regs. 1(1), [12](#) (with reg. 23(3))
- C6 Sch. 7 applied (with modifications) (6.4.2005) by [The Pension Protection Fund \(Hybrid Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/449\)](#), regs. 1(1), [3\(2\)-\(4\)](#)
- C7 Sch. 7 applied (with modifications) (6.4.2005) by [The Pension Protection Fund \(Reviewable Ill Health Pensions\) Regulations 2005 \(S.I. 2005/652\)](#), regs. 1(1), [13\(1\)](#)

Deferred members who have not attained normal pension age at assessment date

- 15 (1) Compensation is payable in accordance with this paragraph where, under the admissible rules of the scheme, a person who is a deferred member immediately before the assessment date has not attained normal pension age, in respect of his rights to a pension under the scheme, before that date.
- (2) If that person (“the deferred member”) survives to attain normal pension age in respect of that pension (“the pension”), he is entitled to periodic compensation in respect of the pension commencing at that age and continuing for life.
- (3) The annual rate of the periodic compensation is 90% of the aggregate of—
- (a) the protected pension rate,^{F1}...
 - [^{F2}(aa) if the commencement of periodic compensation under this paragraph has been postponed for any period by virtue of paragraph 25A, the amount of the actuarial increase under that paragraph, and]
 - (b) any increases under paragraph 28 (annual increases in periodic compensation).
- (4) In sub-paragraph (3) “the protected pension rate” means the aggregate of—
- (a) the accrued amount,
 - (b) the revaluation amount for the first revaluation period (see paragraph 16), and

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- (c) the revaluation amount for the second revaluation period (see paragraph 17).
- (5) In sub-paragraph (4) “the accrued amount” means an amount equal to the initial annual rate of the pension to which the deferred member would have been entitled in accordance with the admissible rules had he attained normal pension age when the pensionable service relating to the pension ended.
- (6) This paragraph is subject to—
- paragraph 24 (commutation),
 - [^{F3}paragraph 25E (terminal illness lump sum),]
 - paragraph 26 (compensation cap), and
 - paragraph 30 (power of Secretary of State to change percentage rates by order).

Textual Amendments

- F1** Word in Sch. 7 para. 15(3)(a) omitted (13.3.2013) by virtue of Pensions Act 2011 (c. 19), s. 38(4), **Sch. 4 para. 23(7)(a)**; S.I. 2013/585, art. 2(b)(ii)
- F2** Sch. 7 para. 15(3)(aa) inserted (13.3.2013) by Pensions Act 2011 (c. 19), s. 38(4), **Sch. 4 para. 23(7)(b)**; S.I. 2013/585, art. 2(b)(ii)
- F3** Words in Sch. 7 para. 15(6) inserted (1.4.2009) by Pensions Act 2008 (c. 30), s. 149(1), **Sch. 8 para. 7**; S.I. 2009/809, art. 2(1)(b)(i)

Modifications etc. (not altering text)

- C2** Sch. 7 para. 15 modified (6.4.2005) by The Pension Protection Fund (Compensation) Regulations 2005 (S.I. 2005/670), regs. 1(1), **25(2)(b)** (with reg. 23(3))
- C3** Sch. 7 para. 15 applied (with modifications) (6.4.2005) by The Pension Protection Fund (Reviewable Ill Health Pensions) Regulations 2005 (S.I. 2005/652), regs. 1(1), **12**

Commencement Information

- I1** Sch. 7 para. 15 in force at 6.4.2005 by S.I. 2005/275, art. 2(7), **Sch. Pt. 7**

- 16 (1) This paragraph applies for the purposes of paragraph 15(4)(b).
- (2) The first revaluation period is the period which—
- (a) begins with the day after the day on which the deferred member’s pensionable service in respect of the pension ended, and
 - (b) ends with the day before the assessment date.
- (3) The revaluation amount for the first revaluation period is—
- (a) where that period is less than one month, nil, and
 - (b) in any other case, the amount determined in the prescribed manner.
- (4) In this paragraph “the deferred member” and “the pension” are to be construed in accordance with paragraph 15.

Commencement Information

- I2** Sch. 7 para. 16(1)(2)(3)(a)(4) in force at 6.4.2005 by S.I. 2005/275, art. 2(7), **Sch. Pt. 7**
- I3** Sch. 7 para. 16(3)(b) in force for the purpose only of conferring power to make regulations, orders or rules, as the case may be, 10.2.2005; and for all other purposes at 6.4.2005 by S.I. 2005/275, art. 2(3), **Sch. Pt. 3**

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- 17 (1) This paragraph applies for the purposes of paragraph 15(4)(c).
- (2) The second revaluation period is the period which—
- (a) begins with the assessment date, and
 - (b) ends with the day before the day on which the deferred member attains normal pension age in respect of the pension.
- (3) The revaluation amount for the second revaluation period is—
- (a) where that period is less than one month, nil, and
 - [^{F4}(b) in any other case, the aggregate of—
 - (i) the higher revaluation percentage of so much of the relevant amount as is attributable to the deferred member's pensionable service falling before the day on which section 101 of the Pensions Act 2008 comes into force (“the 2008 Act commencement day”), and
 - (ii) the lower revaluation percentage of so much of the relevant amount as is attributable to the deferred member's pensionable service falling on or after that day.]
- [^{F5}(3A) For the purposes of sub-paragraph (3)(b)—
- (a) any service within paragraph 36(4)(b) (notional pensionable service) is to be treated as falling on or after the 2008 Act commencement day if, or to the extent that, it is so treated for the purposes of the scheme;
 - (b) regulations may make provision in relation to cases where it is unclear whether or not any particular pensionable service (either actual or notional) falls, or is to be treated as falling, on or after that day.]
- [^{F6}(4) In sub-paragraph (3)—
- “the higher revaluation percentage” means the lesser of—
- (a) the percentage increase in the general level of prices in Great Britain during the revaluation period determined in the prescribed manner (“the inflation percentage”), and
 - (b) the higher maximum revaluation rate;
- “the lower revaluation percentage” means the lesser of—
- (a) the inflation percentage, and
 - (b) the lower maximum revaluation rate;
- “the relevant amount” means the aggregate of—
- (a) the accrued amount, and
 - (b) the revaluation amount for the first revaluation period (see paragraph 16).
- (5) For the purposes of sub-paragraph (3)—
- “the higher maximum revaluation rate”, in relation to the second revaluation period, is—
- (a) if that period is a period of 12 months, 5%, and
 - (b) in any other case, the percentage that would be the inflation percentage had the general level of prices in Great Britain increased at the rate of 5% compound per annum during that period;
- “the lower maximum revaluation rate”, in relation to the second revaluation period, is—
- (a) if that period is a period of 12 months, 2.5%, and

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- (b) in any other case, the percentage that would be the inflation percentage had the general level of prices in Great Britain increased at the rate of 2.5% compound per annum during that period.

This is subject to paragraph 29 (power of Board to determine maximum revaluation rates etc).]

- (6) In this paragraph “the deferred member”, “the accrued amount” and “the pension” are to be construed in accordance with paragraph 15.

Textual Amendments

- F4** Sch. 7 para. 17(3)(b) substituted (6.4.2009) by [Pensions Act 2008 \(c. 30\)](#), s. 149(1), [Sch. 2 para. 6\(2\)](#); [S.I. 2009/809](#), art. 2(2)(b)
- F5** Sch. 7 para. 17(3A) inserted (6.4.2009) by [Pensions Act 2008 \(c. 30\)](#), s. 149(1), [Sch. 2 para. 6\(3\)](#); [S.I. 2009/809](#), art. 2(2)(b)
- F6** Sch. 7 para. 17(4)(5) substituted (6.4.2009) by [Pensions Act 2008 \(c. 30\)](#), s. 149(1), [Sch. 2 para. 6\(4\)](#); [S.I. 2009/809](#), art. 2(2)(b)

Commencement Information

- I4** Sch. 7 para. 17(1)-(3)(4)(b)(5)(6) in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

- 18 (1) This paragraph applies where—
- (a) the deferred member dies on or after the assessment date, and
 - (b) the pension was attributable to the deferred member’s pensionable service.
- (2) Subject to sub-paragraph (4), the widow or widower of the deferred member is entitled to periodic compensation commencing on the day following the deferred member’s death and continuing for life.
- (3) The annual rate of the periodic compensation at any time is—
- (a) where the deferred member died after attaining normal pension age, half of the annual rate of the periodic compensation (including [^{F7}any actuarial increase under paragraph 25A and] any increases under paragraph 28) to which the deferred member would at that time have been entitled under paragraph 15 in respect of the pension had the member not died,
 - (b) where the deferred member died before attaining normal pension age, half of the annual rate of the periodic compensation (including any increases under paragraph 28) to which the deferred member would have been entitled at that time under paragraph 15 if—
 - (i) normal pension age had been the deferred member’s actual age immediately before the date of the deferred member’s death, and
 - (ii) the deferred member had not died.
- [^{F8}(assuming commencement of the periodic compensation was not postponed by virtue of paragraph 25A).]

[^{F9}(3ZA) For the purposes of sub-paragraph (3)(a), if on the day the deferred member (“D”) died commencement of D’s periodic compensation under paragraph 15 was postponed by virtue of paragraph 25A, assume that the periodic compensation commenced immediately before the date of D’s death.]

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- [^{F10}(3A) For the purposes of this paragraph, a person's entitlement under paragraph 15 is to be determined disregarding paragraph 25E(1)(b) (successful applicant for terminal illness lump sum loses entitlement to periodic compensation).]
- (4) The deferred member's widow or widower is not entitled to periodic compensation under this paragraph in such circumstances as may be prescribed.
- (5) In this paragraph “the deferred member” and “the pension” are to be construed in accordance with paragraph 15.

Textual Amendments

- F7** Words in Sch. 7 para. 18(3)(a) inserted (13.3.2013) by Pensions Act 2011 (c. 19), s. 38(4), Sch. 4 para. 24(4)(a); S.I. 2013/585, art. 2(b)(ii)
- F8** Words in Sch. 7 para. 18(3)(b) inserted (13.3.2013) by Pensions Act 2011 (c. 19), s. 38(4), Sch. 4 para. 24(4)(b); S.I. 2013/585, art. 2(b)(ii)
- F9** Sch. 7 para. 18(3ZA) inserted (13.3.2013) by Pensions Act 2011 (c. 19), s. 38(4), Sch. 4 para. 24(4)(c); S.I. 2013/585, art. 2(b)(ii)
- F10** Sch. 7 para. 18(3A) inserted (1.4.2009) by Pensions Act 2008 (c. 30), s. 149(1), Sch. 8 para. 8; S.I. 2009/809, art. 2(1)(b)(i)

Commencement Information

- I5** Sch. 7 para. 18(1)-(3)(5) in force at 6.4.2005 by S.I. 2005/275, art. 2(7), Sch. Pt. 7
- I6** Sch. 7 para. 18(4) in force for the purpose only of conferring power to make regulations, orders or rules, as the case may be, 10.2.2005; and for all other purposes at 6.4.2005 in so far as not already in force by S.I. 2005/275, art. 2(3), Sch. Pt. 3

- 19 (1) Compensation is payable in accordance with this paragraph where, under the admissible rules of the scheme, a deferred member has not attained normal pension age in respect of his rights to a lump sum under the scheme (“the scheme lump sum”) before the assessment date.
- (2) If the deferred member survives to attain normal pension age in respect of the scheme lump sum, he is entitled to compensation under this paragraph on attaining that age.
- (3) The compensation is a lump sum equal to 90% of [^{F11}the aggregate of—
- (a) the protected amount, and
 - (b) if the payment of compensation under this paragraph has been postponed for any period by virtue of paragraph 25A, the amount of the actuarial increase under that paragraph.]
- (4) In sub-paragraph (3) “the protected amount” means the aggregate of—
- (a) the accrued amount,
 - (b) the revaluation amount for the first revaluation period, and
 - (c) the revaluation amount for the second revaluation period.
- (5) In sub-paragraph (4) “the accrued amount” means an amount equal to the amount of the scheme lump sum to which the deferred member would have been entitled in accordance with the admissible rules had normal pension age been the actual age attained by the deferred member when the pensionable service relating to the lump sum ended.
- (6) Paragraphs 16 and 17 apply in relation to this paragraph as if in those paragraphs—

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- (a) references to the pension were to the scheme lump sum, and
 - (b) “the deferred member” and “the accrued amount” had the same meaning as in this paragraph.
- (7) This paragraph does not apply in relation to a lump sum to which a person is entitled by reason of commuting any part of a pension under the scheme.
- (8) This paragraph is subject to—
- [^{F12}paragraph 25E (terminal illness lump sum),]
 - paragraph 26 (compensation cap), and
 - paragraph 30 (power of Secretary of State to change percentage rates by order).

Textual Amendments

- F11** Words in Sch. 7 para. 19(3) substituted (13.3.2013) by Pensions Act 2011 (c. 19), s. 38(4), **Sch. 4 para. 23(8)**; S.I. 2013/585, art. 2(b)(ii)
- F12** Words in Sch. 7 para. 19(8) inserted (1.4.2009) by Pensions Act 2008 (c. 30), s. 149(1), **Sch. 8 para. 9**; S.I. 2009/809, art. 2(1)(b)(i)

Modifications etc. (not altering text)

- C8** Sch. 7 para. 19 modified (6.4.2005) by The Pension Protection Fund (Compensation) Regulations 2005 (S.I. 2005/670), regs. 1(1), **25(2)(c)** (with reg. 23(3))

Commencement Information

- I7** Sch. 7 para. 19 in force at 6.4.2005 by S.I. 2005/275, art. 2(7), **Sch. Pt. 7**

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