

## SCHEDULES

### SCHEDULE 4

#### PENSION FLEXIBILITY: ANNUITIES ETC

#### PART 2

##### INCOME TAX ON BENEFICIARIES' ANNUITIES ETC

*Exemption in certain cases for annuities for dependants, nominees and successors*

- 17 (1) In Chapter 17 of Part 9 of ITEPA 2003 (tax on pension income: exemptions) after section 646A insert—

**“646B Registered schemes: beneficiaries’ annuities from unused funds**

- (1) The charge to tax under this Part does not apply to a dependants’ annuity, or nominees’ annuity, payable to a person if—
- (a) it is paid in respect of a deceased member of a registered pension scheme who had not reached the age of 75 at the date of the member’s death,
  - (b) the member died on or after 3 December 2014,
  - (c) either—
    - (i) the annuity was purchased using unused drawdown funds or unused uncrystallised funds, or
    - (ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity that was payable to the person by that other company, and was a dependants’ annuity or nominees’ annuity (as the case may be) purchased as mentioned in sub-paragraph (i) or this sub-paragraph, ceasing to be payable,
  - (d) in a case where the annuity is purchased as mentioned in paragraph (c)(i) and using (whether or not exclusively) unused uncrystallised funds, the person became entitled to it before the end of the period of two years 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 have been expected to know of the death,
  - (e) in a case where the annuity is purchased as mentioned in paragraph (c)(ii) and the prior annuity purchased as mentioned in paragraph (c)(i) was purchased using (whether or not exclusively) unused uncrystallised funds, the person became entitled to that prior

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- annuity before the end of the period of two years specified in paragraph (d),
- (f) no payment of the annuity is made before 6 April 2015, and
  - (g) in a case where the annuity is purchased as mentioned in paragraph (c)(ii), no payment is made before 6 April 2015 of—
    - (i) the prior annuity purchased as mentioned in paragraph (c) (i), and
    - (ii) any other annuity purchased as mentioned in paragraph (c) (ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.
- (2) The charge to tax under this Part does not apply to a successor’s annuity payable to a person if—
- (a) it is paid in respect of a deceased member of a registered pension scheme,
  - (b) it is paid on the subsequent death of a dependant, nominee or successor of the member (“the beneficiary”),
  - (c) the beneficiary had not reached the age of 75 at the date of the beneficiary’s death,
  - (d) the beneficiary died on or after 3 December 2014,
  - (e) either—
    - (i) the annuity was purchased using undrawn funds, or
    - (ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity that was payable to the person by that other company, and was a successors’ annuity purchased as mentioned in sub-paragraph (i) or this sub-paragraph, ceasing to be payable,
  - (f) no payment of the annuity is made before 6 April 2015, and
  - (g) in a case where the annuity is purchased as mentioned in paragraph (e)(ii), no payment is made before 6 April 2015 of—
    - (i) the prior annuity purchased as mentioned in paragraph (e) (i), and
    - (ii) any other annuity purchased as mentioned in paragraph (e) (ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.
- (3) The charge to tax under this Part does not apply to a dependants’ annuity or nominees’ annuity payable to a person if—
- (a) it is paid in respect of a deceased member of a registered pension scheme who had not reached the age of 75 at the date of the member’s death,
  - (b) the member died on or after 3 December 2014,
  - (c) the annuity—
    - (i) was purchased together with a lifetime annuity payable to the member, or
    - (ii) was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity that was payable to the person by that other company, and was a dependants’ annuity

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- or nominees' annuity (as the case may be) purchased as mentioned in sub-paragraph (i) or this sub-paragraph, ceasing to be payable,
- (d) no payment of the annuity is made before 6 April 2015, and
  - (e) in a case where the annuity is purchased as mentioned in paragraph (c)(ii), no payment is made before 6 April 2015 of—
    - (i) the prior annuity purchased as mentioned in paragraph (c)(i), and
    - (ii) any other annuity purchased as mentioned in paragraph (c)(ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.
- (4) The charge to tax under this Part does not apply to payments to a person of a lifetime annuity if—
- (a) the payments are payable to the person under pension rule 2 (see section 165 of FA 2004),
  - (b) either—
    - (i) a member of a registered pension scheme was entitled to be paid the annuity immediately before the member's death, or
    - (ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity to which there was entitlement as mentioned in sub-paragraph (i), or which was purchased as mentioned in this sub-paragraph, ceasing to be payable,
  - (c) the member had not reached the age of 75 at the date of the member's death,
  - (d) the member died on or after 3 December 2014,
  - (e) any payment of the annuity made before 6 April 2015 is made to the member, and
  - (f) in a case where the annuity is one purchased as mentioned in paragraph (b)(ii), any payment made before 6 April 2015—
    - (i) of the prior annuity to which there is entitlement as mentioned in paragraph (b)(i), or
    - (ii) of any other annuity purchased as mentioned in paragraph (b)(ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity,is made to the member.
- (5) Paragraph 27E(3) to (5) of Schedule 28 to FA 2004 (meaning of “unused drawdown funds” and “unused uncrystallised funds”) apply for the purposes of subsection (1).
- (6) Paragraph 27FA(2) of Schedule 28 to FA 2004 (meaning of “undrawn funds”) applies for the purposes of subsection (2)(e).
- (7) For the purposes of subsection (3)(c), a dependants' annuity or nominees' annuity is purchased together with a lifetime annuity if the dependants' annuity or nominees' annuity (as the case may be) is related to the lifetime annuity, and paragraph 3(4A) and (4B) of Schedule 29 to FA 2004 (meaning of “related”) apply for the purposes of this subsection.

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- (8) For the purposes of this section, a person becomes entitled to an annuity when the person first acquires an actual (rather than a prospective right) to receive the annuity.

**646C Registered schemes: beneficiaries' annuities from drawdown funds**

- (1) The charge to tax under this Part does not apply to a dependants' short-term annuity, nominees' short-term annuity, dependants' annuity or nominees' annuity paid to a person if—
- (a) it is paid in respect of a deceased member of a registered pension scheme who had not reached the age of 75 at the date of the member's death,
  - (b) the member died on or after 3 December 2014, and
  - (c) the annuity was purchased using sums or assets out of the person's—
    - (i) dependant's drawdown pension fund,
    - (ii) dependant's flexi-access drawdown fund, or
    - (iii) nominee's flexi-access drawdown fund,
 in respect of a money purchase arrangement under a registered pension scheme.
- (2) The charge to tax under this Part does not apply to a successors' short-term annuity, or successors' annuity, paid to a person if—
- (a) it is paid in respect of a deceased beneficiary of a deceased member of a registered pension scheme where the beneficiary had not reached the age of 75 at the date of the beneficiary's death,
  - (b) the beneficiary died on or after 3 December 2014, and
  - (c) the annuity was purchased using sums or assets out of the person's successor's flexi-access drawdown fund in respect of a money purchase arrangement under a registered pension scheme,
- and here "beneficiary" means dependant, nominee or successor.
- (3) Subsection (1) is subject to subsections (4) to (6).
- (4) Subsection (1) does not exempt payments on or after 6 April 2015 to a person of a dependants' short-term annuity, or dependants' annuity, payable in respect of a deceased member of a registered pension scheme and purchased using sums or assets out of the person's dependant's drawdown pension fund in respect of a money purchase arrangement under a registered pension scheme ("the drawdown fund") if before 6 April 2015—
- (a) any payment of the annuity was made,
  - (b) any payment was made of any other dependants' short-term annuity, or dependants' annuity, purchased using sums or assets out of—
    - (i) the drawdown fund, or
    - (ii) any fund represented (to any extent) by the drawdown fund, or
  - (c) any payment of dependants' income withdrawal was made from—
    - (i) the drawdown fund, or
    - (ii) any fund represented (to any extent) by the drawdown fund.

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- (5) Subsection (1) does not exempt payments to a person of a dependants' short-term annuity, or dependants' annuity, payable in respect of a deceased member of a registered pension scheme and purchased using sums or assets out of the person's dependant's flexi-access drawdown fund in respect of a money purchase arrangement under a registered pension scheme ("the new fund") if—
- (a) any of the sums or assets that make up the new fund—
    - (i) became newly-designated dependant funds under paragraph 22A(2)(b) of Schedule 28 to FA 2004 or as a result of the operation of any of paragraphs 22B to 22D of that Schedule, or
    - (ii) arise, or (directly or indirectly) derive, from any such newly-designated funds or from sums or assets that to any extent so arise or derive,
  - (b) before 6 April 2015—
    - (i) any payment of dependants' income withdrawal in respect of the deceased member was made to the person from, or
    - (ii) any payment in respect of the deceased member was made to the person of a dependants' short-term annuity, or dependants' annuity, purchased using sums or assets out of, the person's dependant's drawdown pension fund in respect of a money purchase arrangement under a registered pension scheme, and
  - (c) any of the sums or assets that made up that fund at the time of the payment make up, or are represented by sums or assets that to any extent make up, the new fund.
- (6) Where relevant unused uncrystallised funds—
- (a) are designated on or after 6 April 2015 as available for the payment of dependants' drawdown pension or nominees' drawdown pension, and
  - (b) as a result of the designation make up (to any extent) a person's dependant's flexi-access drawdown fund or nominee's flexi-access drawdown fund in respect of a money purchase arrangement under a registered pension scheme, but
  - (c) are not so designated before the end of the relevant two-year period, subsection (1) does not exempt payments to the person of a dependants' short-term annuity, nominees' short-term annuity, dependants' annuity or nominees' annuity if any of the sums or assets used to purchase the annuity represent, at the time of the purchase, the whole or any part of those relevant unused uncrystallised funds.
- (7) In this section "the relevant two-year period", in relation to relevant unused uncrystallised funds held for the purposes of a money purchase arrangement relating to a deceased individual under a registered pension scheme, means the period of two years beginning with the earlier of—
- (a) the day on which the scheme administrator first knew of the individual's death, and
  - (b) the day on which the scheme administrator could first reasonably have been expected to know of it.

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- (8) For the purposes of this section, sums or assets held after the death of a member of a registered pension scheme for the purposes of a money purchase arrangement relating to the member under the scheme are “relevant unused uncrystallised funds” if—
- (a) they are unused uncrystallised funds, and
  - (b) the member had not reached the age of 75 at the date of the member’s death.
- (9) Paragraph 27E(4) and (5) of Schedule 28 to FA 2004 (meaning of “unused uncrystallised funds”) apply for the purposes of subsection (8)(a).

#### **646D Non-registered schemes: beneficiaries’ annuities from unused funds**

- (1) The charge to tax under this Part does not apply to an annuity payable to a person if—
- (a) it is paid in respect of a deceased member of an overseas pension scheme, or relevant non-UK scheme, who had not reached the age of 75 at the date of the member’s death,
  - (b) it would, if the scheme were a registered pension scheme and if “insurance company” in Part 4 of FA 2004 had the meaning given by subsection (8), be a dependants’ annuity or nominees’ annuity,
  - (c) the member died on or after 3 December 2014,
  - (d) either—
    - (i) the annuity was purchased using sums or assets that would, if the scheme were a registered pension scheme, be unused drawdown funds or unused uncrystallised funds, or
    - (ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity—
      - (a) that was payable to the person by that other insurance company,
      - (b) that was purchased as mentioned in sub-paragraph (i) or this sub-paragraph, and
      - (c) that would have been a dependants’ annuity or nominees’ annuity (as the case may be) if the scheme had been a registered pension scheme,
 

ceasing to be payable,
  - (e) no payment of the annuity is made before 6 April 2015, and
  - (f) in a case where the annuity is purchased as mentioned in paragraph (d)(ii), no payment is made before 6 April 2015 of—
    - (i) the prior annuity purchased as mentioned in paragraph (d) (i), and
    - (ii) any other annuity purchased as mentioned in paragraph (d) (ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.
- (2) The charge to tax under this Part does not apply to an annuity payable to a person if—
- (a) it is paid in respect of a deceased member of an overseas pension scheme or relevant non-UK scheme,

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- (b) it is paid on the subsequent death of an individual who would, if the scheme were a registered pension scheme, be a dependant, nominee or successor of the member (“the beneficiary”),
  - (c) it would, if the scheme were a registered pension scheme and if “insurance company” in Part 4 of FA 2004 had the meaning given by subsection (8), be a successors’ annuity,
  - (d) the beneficiary had not reached the age of 75 at the date of the beneficiary’s death,
  - (e) the beneficiary died on or after 3 December 2014,
  - (f) either—
    - (i) the annuity was purchased using sums or assets that would, if the scheme were a registered pension scheme, be undrawn funds, or
    - (ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity—
      - (a) that was payable to the person by that other insurance company,
      - (b) that was purchased as mentioned in sub-paragraph (i) or this sub-paragraph, and
      - (c) that would have been a successors’ annuity if the scheme had been a registered pension scheme and if “insurance company” in Part 4 of FA 2004 had the meaning given by subsection (8),ceasing to be payable,
  - (g) no payment of the annuity is made before 6 April 2015, and
  - (h) in a case where the annuity is purchased as mentioned in paragraph (f)(ii), no payment is made before 6 April 2015 of—
    - (i) the prior annuity purchased as mentioned in paragraph (f) (i), and
    - (ii) any other annuity purchased as mentioned in paragraph (f) (ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.
- (3) The charge to tax under this Part does not apply to an annuity payable to a person if—
- (a) it is paid in respect of a deceased member of an overseas pension scheme, or relevant non-UK scheme, who had not reached the age of 75 at the date of the member’s death,
  - (b) it would, if the scheme were a registered pension scheme and if “insurance company” in Part 4 of FA 2004 had the meaning given by subsection (8), be a dependants’ annuity payable to a dependant of the member or a nominees’ annuity payable to a nominee of the member,
  - (c) the member died on or after 3 December 2014,
  - (d) the annuity—
    - (i) was purchased together with an annuity payable to the member that would, if the scheme were a registered pension scheme and if “insurance company” in Part 4 of FA 2004

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- had the meaning given by subsection (8), have been a lifetime annuity, or
- (ii) was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity—
- (a) that was payable to the person by that other insurance company, and
- (b) that would, if the scheme were a registered pension scheme and if “insurance company” in Part 4 of FA 2004 had the meaning given by subsection (8), have been a dependants’ annuity or nominees’ annuity (as the case may be) purchased as mentioned in sub-paragraph (i) or this sub-paragraph,
- ceasing to be payable,
- (e) no payment of the annuity is made before 6 April 2015, and
- (f) in a case where the annuity is purchased as mentioned in paragraph (d)(ii), no payment is made before 6 April 2015 of—
- (i) the prior annuity purchased as mentioned in paragraph (d) (i), and
- (ii) any other annuity purchased as mentioned in paragraph (d) (ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.
- (4) The charge to tax under this Part does not apply to payments to a person of an annuity if—
- (a) either—
- (i) a member of an overseas pension scheme, or relevant non-UK scheme, was entitled to be paid the annuity immediately before the member’s death, or
- (ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity to which there was entitlement as mentioned in sub-paragraph (i), or which was purchased as mentioned in this sub-paragraph, ceasing to be payable,
- (b) the payments would, if the scheme were a registered pension scheme and if “insurance company” in Part 4 of FA 2004 had the meaning given by subsection (8), be—
- (i) payments of a lifetime annuity, and
- (ii) payable to the person under pension rule 2 (see section 165 of FA 2004),
- (c) the member had not reached the age of 75 at the date of the member’s death,
- (d) the member died on or after 3 December 2014,
- (e) any payment of the annuity made before 6 April 2015 is made to the member, and
- (f) in a case where the annuity is one purchased as mentioned in paragraph (a)(ii), any payment made before 6 April 2015—
- (i) of the prior annuity to which there is entitlement as mentioned in paragraph (a)(i), or



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- (ii) of any other annuity purchased as mentioned in paragraph (a)(ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity,  
is made to the member.
- (5) Paragraph 27E(3) to (5) of Schedule 28 to FA 2004 (meaning of “unused drawdown funds” and “unused uncrystallised funds”) apply for the purposes of subsection (1).
- (6) Paragraph 27FA(2) of Schedule 28 to FA 2004 (meaning of “undrawn funds”) applies for the purposes of subsection (2)(f).
- (7) For the purposes of subsection (3)(d), an annuity is purchased together with another if they are purchased—
- (a) in the form of a joint life annuity, or
  - (b) separately in circumstances in which the day on which the one is purchased is no earlier than seven days before, and no later than seven days after, the day on which the other is purchased.
- (8) In this section “insurance company” means—
- (a) an insurance company as defined by section 275 of FA 2004, or
  - (b) a person—
    - (i) whose normal business includes the activity of providing annuities,
    - (ii) who carries on that activity in a country or territory outside the United Kingdom, and
    - (iii) whose carrying on of that activity in any particular country or territory outside the United Kingdom—
      - (a) is regulated in that country or territory, or
      - (b) is lawful under the law of that country or territory because it is regulated in another country or territory,
- and for this purpose an activity is regulated in a country or territory if it is regulated by the government of that country or territory or by a body established under the law of that country or territory for the purpose of regulating the carrying-on of the activity.

#### **646E Non-registered schemes: beneficiaries’ annuities from drawdown funds**

- (1) The charge to tax under this Part does not apply to an annuity paid to a person if—
- (a) it is paid in respect of a deceased member of an overseas pension scheme, or a relevant non-UK scheme, who had not reached the age of 75 at the date of the member’s death,
  - (b) the person would, if that scheme were a registered pension scheme, be a dependant or nominee of the member,
  - (c) the annuity was purchased using sums or assets held for the purposes of a money purchase arrangement under an overseas pension scheme or relevant non-UK scheme, and those sums or assets would if that scheme were a registered pension scheme form the whole or part of the person’s—

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- (i) dependant’s drawdown pension fund,
  - (ii) dependant’s flexi-access drawdown fund, or
  - (iii) nominee’s flexi-access drawdown fund,
- in respect of the arrangement,
- (d) the annuity would, if the scheme were a registered pension scheme and if “insurance company” in Part 4 of FA 2004 had the meaning given by section 646D(8), be a dependants’ short-term annuity or dependants’ annuity or (as the case may be) a nominees’ short-term annuity or nominees’ annuity, and
  - (e) the member died on or after 3 December 2014.
- (2) The charge to tax under this Part does not apply to an annuity payable to a person if—
- (a) it is paid in respect of a deceased individual (“the beneficiary”) who had not reached the age of 75 at the date of the beneficiary’s death,
  - (b) the beneficiary would have been a dependant, nominee or successor of a deceased member of an overseas pension scheme, or relevant non-UK scheme, if that scheme had been a registered pension scheme,
  - (c) the person would, if that scheme were a registered pension scheme, be a successor of the member,
  - (d) the annuity was purchased using sums or assets out of a fund held for the purposes of a money purchase arrangement under an overseas pension scheme or relevant non-UK scheme and would, if that scheme were a registered pension scheme and if “insurance company” in Part 4 of FA 2004 had the meaning given by section 646D(8), be a successors’ short-term annuity, or successors’ annuity, purchased using sums or assets out of the person’s successor’s flexi-access drawdown fund in respect of the arrangement, and
  - (e) the beneficiary died on or after 3 December 2014.
- (3) Subsection (1) is subject to subsections (4) and (5).
- (4) Subsection (1) does not exempt payments on or after 6 April 2015 to a person of an annuity payable in respect of a deceased member of an overseas pension scheme, or relevant non-UK scheme, if—
- (a) the annuity is purchased using sums or assets held for the purposes of a money purchase arrangement under an overseas pension scheme or relevant non-UK scheme,
  - (b) the annuity would, if that scheme were a registered pension scheme and if “insurance company” in Part 4 of FA 2004 had the meaning given by section 646D(8), be a dependants’ short-term annuity or dependants’ annuity,
  - (c) the annuity was purchased using sums or assets out of a fund that would, if that scheme were a registered pension scheme, be the person’s dependant’s drawdown pension fund in respect of the arrangement (“the drawdown fund”), and
  - (d) before 6 April 2015—
    - (i) any payment of the annuity was made,

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- (ii) any payment was made to the person of any other annuity purchased using sums or assets out of the drawdown fund or out of any fund represented (to any extent) by the drawdown fund, or
  - (iii) any payment was made to the person out of the drawdown fund, or out of any fund represented (to any extent) by the drawdown fund, of any pension that would be dependants' income withdrawal if the fund concerned were held for the purposes of a registered pension scheme.
- (5) Subsection (1) does not exempt payments to a person of an annuity payable in respect of a deceased member of an overseas pension scheme, or relevant non-UK scheme, if—
  - (a) the annuity was purchased using sums or assets held for the purposes of a money purchase arrangement under an overseas pension scheme or relevant non-UK scheme and would, if that scheme were a registered pension scheme and “insurance company” in Part 4 of FA 2004 had the meaning given by section 646D(8), be a dependants' short-term annuity or dependants' annuity,
  - (b) the annuity was purchased using sums or assets out of a fund (“the new fund”) that would, if that scheme were a registered pension scheme, be the person's dependant's flexi-access drawdown fund in respect of the arrangement,
  - (c) before 6 April 2015—
    - (i) any payment of pension in respect of the deceased member was made to the person from a fund held for the purposes of a money purchase arrangement under an overseas pension scheme, or relevant non-UK scheme, that would be a payment of dependants' income withdrawal from the person's dependant's drawdown pension fund in respect of the arrangement if the scheme were a registered pension scheme, or
    - (ii) any payment in respect of the deceased member was made to the person of an annuity purchased using sums or assets out of a fund held for the purposes of a money purchase arrangement under an overseas pension scheme, or relevant non-UK scheme, that would be a payment of a dependants' short-term annuity, or dependants' annuity, purchased using sums or assets out of the person's dependant's drawdown pension fund in respect of the arrangement if the scheme were a registered pension scheme, and
  - (d) any of the sums or assets that made up the fund mentioned in paragraph (c)(i) or (ii) make up, or are represented by sums or assets that to any extent make up, the new fund.

#### **646F Interpretation of sections 646B to 646E**

In sections 646B to 646E, an expression listed in the first column of the table has the meaning given by the provision of FA 2004 listed against that expression in the second column of the table.

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<i>Expression</i>	<i>Provision of FA 2004</i>
dependant	Schedule 28, paragraph 15
dependants' annuity	Schedule 28, paragraph 17
dependant's drawdown pension fund	Schedule 28, paragraph 22
dependant's flexi-access drawdown fund	Schedule 28, paragraph 22A
dependants' income withdrawal	Schedule 28, paragraph 21
dependants' short-term annuity	Schedule 28, paragraph 20
insurance company (in sections 646B and 646C)	section 275
lifetime annuity	Schedule 28, paragraph 3
money purchase arrangement	section 152
nominee	Schedule 28, paragraph 27A
nominees' annuity	Schedule 28, paragraph 27AA
nominee's flexi-access drawdown fund	Schedule 28, paragraph 27E
nominees' short-term annuity	Schedule 28, paragraph 27C
overseas pension scheme	section 150(1) and (7)
relevant non-UK scheme	Schedule 34, paragraph 1(5)
successor	Schedule 28, paragraph 27F
successors' annuity	Schedule 28, paragraph 27FA
successor's flexi-access drawdown fund	Schedule 28, paragraph 27K
successors' short-term annuity	Schedule 28, paragraph 27H".

(2) The amendment made by this paragraph has effect in relation to pension paid on or after 6 April 2015.