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STATUTORY INSTRUMENTS

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**2000 No. 1054**

**The Pension Sharing (Pension Credit Benefit) Regulations 2000**

**PART II**

**PENSION CREDIT BENEFIT UNDER OCCUPATIONAL PENSION SCHEMES**

**Early retirement or deferred retirement**

7.—(1) Subject to paragraph (2), the scheme may provide benefits which are different from those required to constitute pension credit benefit in respect of the—

- (a) amount;
- (b) recipient; and
- (c) time at which the benefits are payable.

(2) The benefits referred to in paragraph (1) must include a benefit that is payable to the person entitled to the pension credit benefit.

(3) The benefit of the person entitled to the benefit must not be payable before normal benefit age except in the circumstances referred to in regulation 3 or 4 (commutation of the whole of pension credit benefit, or commutation of part of pension credit benefit).

(4) Benefits consisting of, or including, a benefit that becomes payable to the person entitled to the benefit before normal benefit age may be provided without that person's consent where—

- (a) that person's earning capacity is destroyed or seriously impaired by incapacity or serious ill health; and
- (b) in the opinion of the trustees or managers of the scheme, the person entitled to the benefit is incapable of deciding whether it is in his interests to consent.

(5) Any scheme rule that allows the alternative described in this regulation must require the trustees or managers of the scheme to be reasonably satisfied that, when the benefit of the person entitled to the benefit becomes payable, the total value of the benefits to be provided under this regulation is at least equal to the amount described in regulation 11 (value of alternatives to pension credit benefit).

(6) In this regulation, "serious ill health" means ill health which is such as to give rise to a life expectancy of less than one year from the date on which the benefit of the person entitled to the pension credit becomes payable.