

---

STATUTORY INSTRUMENTS

---

**2005 No. 670**

**The Pension Protection Fund (Compensation) Regulations 2005**

**PART 9**

Annual increase in periodic compensation

**Annual increase in periodic compensation: post-1997 and pre-1997 service**

**24.**—(1) This regulation applies for the purpose of the definitions of “post-1997 service” and “pre-1997 service” in paragraph 28(6) and (7) of Schedule 7 to the Act (annual increase in periodic compensation).

(2) Pensionable service within paragraph 36(4)(b) is “post-1997 service” where it is treated for the purposes of the scheme as occurring on or after 6th April 1997.

(3) Pensionable service within paragraph 36(4)(b) of that Schedule is “pre-1997 service” where it is treated for the purposes of the scheme as having occurred before 6th April 1997.

(4) In relation to any relevant pension credit amount, “post-1997 service” means pension credit rights deriving from rights attributable to—

- (a) actual service of the transferor in any description of employment to which the scheme applies which—
  - (i) qualifies the transferor for benefits under the scheme, and
  - (ii) occurs on or after 6th April 1997; or
- (b) any notional service allowed in respect of the transferor under the admissible rules which—
  - (i) qualifies the transferor for benefits under the scheme, and
  - (ii) relates to service treated for the purposes of the scheme as occurring on or after 6th April 1997.

(5) In relation to any relevant pension credit amount, “pre 1997 service” means pension credit rights deriving from rights attributable to—

- (a) actual service of the transferor in any description of employment to which the scheme applies which—
  - (i) qualifies the transferor for benefits under the scheme, and
  - (ii) occurred before 6th April 1997; or
- (b) any notional service allowed in respect of the transferor under the admissible rules which—
  - (i) qualifies the transferor for benefits under the scheme; and
  - (ii) relates to service treated for the purposes of the scheme as having occurred before 6th April 1997.

(6) In any case where it is unclear whether—

- (a) pensionable service is treated for the purposes of the scheme as service (whether actual or notional) occurring before 6th April 1997, or, on or after that date, or
- (b) pension credit rights are derived from rights attributable to service (whether actual or notional) of the transferor occurring before 6th April 1997, or on, or after, that date,

the Board may determine as best as it is able, having regard to the admissible rules and all the circumstances of the case, how much of the service or notional service concerned should be treated for the purposes of this regulation as having occurred before 6th April 1997 and on or after that date.

**Changes to legislation:**

There are currently no known outstanding effects for the The Pension Protection Fund (Compensation) Regulations 2005, PART 9.