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STATUTORY INSTRUMENTS

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**2009 No. 1171**

**The Registered Pension Schemes  
(Authorised Payments) Regulations 2009**

**PART 3**

**PENSION ERRORS**

**Pensions paid after discovery of error**

- 14.**—(1) A payment made after the discovery of an error if either—
- (a) it is made after there is a payment within regulation 13 to the same person and (apart from the discovery of the error) is of a similar nature to that payment; or
  - (b) if the error had not been discovered until after the payment, it would have been a payment within regulation 13.
- (2) A payment is not within paragraph (1) unless it falls within paragraph (3), (4) or (5).
- (3) A payment is within this paragraph if it is made even though the payer took reasonable steps to prevent its being made or its being made in that amount.
- (4) A payment is within this paragraph if it is made while the scheme administrator is considering whether the rules of the scheme should be amended so that such payments or payments in such amounts will be permitted by the pension rules or the pension death benefit rules (as the case may be), provided the scheme administrator has not taken an unreasonable amount of time to decide.
- (5) A payment is within this paragraph if it is made while the scheme administrator is in the process of amending the rules of the scheme so that such payments or payments in such amounts will be permitted by the pension rules or the pension death benefit rules (as the case may be), provided the scheme administrator has not taken an unreasonable amount of time to amend the rules.
- (6) Regulation 4 applies to—
- (a) the whole of the payment; or
  - (b) if the recipient was entitled to an authorised payment apart from under this regulation, the amount by which the payment exceeds the amount of the authorised payment.