

Changes to legislation: Finance Act 2004, Paragraph 23ZB is up to date with all changes known to be in force on or before 04 April 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) View outstanding changes

SCHEDULES

SCHEDULE 36

PENSION SCHEMES ETC: TRANSITIONAL PROVISIONS AND SAVINGS

Modifications etc. (not altering text)

- C1 Sch. 36 modified by The Taxation of Pension Schemes (Transitional Provisions) Order 2006 (S.I. 2006/572), art. 23D (as inserted (1.6.2009) by S.I. 2009/1172, arts. 1, 3)
- C1 Sch. 36 applied (1.6.2018) by The Local Government Pension Scheme (Scotland) Regulations 2018 (S.S.I. 2018/141), regs. 1(1), 48(2)

PART 3

PRE-COMMENCEMENT BENEFIT RIGHTS

Modifications etc. (not altering text)

- C1 Sch. 36 Pt. 3 modified (6.4.2006) by The Pension Protection Fund (Tax) Regulations 2006 (S.I. 2006/575), regs. 1, 31(1)

Rights to take ^{F1}benefit before normal minimum pension age

Textual Amendments

- F1 Word in Sch. 36 para. 21 heading substituted (6.4.2006) by Finance Act 2005 (c. 7), Sch. 10 paras. 54(3), 64(1)

Protected pension age: scheme rights existing before 4 November 2021

^{F1}23ZB) This paragraph applies in relation to a relevant registered pension scheme and a member of the pension scheme if—

- (a) neither paragraph 22 nor 23 applies in relation to them, and
- (b) the entitlement condition or the block transfer condition is met in relation to the scheme and the member.

(2) A registered pension scheme is “relevant” if it is not a uniformed services pension scheme (as defined in section 279(4)).

(3) The entitlement condition is met if—

- (a) immediately before 4 November 2021 the member had an actual or prospective right under the pension scheme to any benefit from an age of less than 57,

Changes to legislation: Finance Act 2004, Paragraph 23ZB is up to date with all changes known to be in force on or before 04 April 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) View outstanding changes

- (b) the rules of the pension scheme on 11 February 2021 included provision conferring such a right on some or all of the persons who were then members of the pension scheme, and
 - (c) the member either had such a right under the scheme on 11 February 2021 or would have had such a right had the member been a member of the scheme on 11 February 2021.
- (4) Where—
- (a) a recognised transfer is made on or after 4 November 2021 in execution of a request made before that date, and
 - (b) that transfer would, if executed before that date, have resulted in the member having an actual or prospective right under a pension scheme to any benefit from the age of less than 57 immediately before that date,
- the member is, for the purposes of this paragraph, to be treated as having that right under that scheme at that time.
- (5) The block transfer condition is met if the member is a member of the pension scheme (the “transferee pension scheme”) as a result of—
- (a) a block transfer to the transferee pension scheme on or after 4 November 2021 from a pension scheme (the “original pension scheme”) where the entitlement condition is met in relation to the original scheme and the member,
 - (b) a block transfer to the transferee pension scheme from a pension scheme (the “original pension scheme”) on or before 3 November 2021 where—
 - (i) immediately before the transfer the member had an actual or prospective right under the original pension scheme to any benefit from an age of less than 57,
 - (ii) the rules of the original pension scheme met paragraph (b) of the entitlement condition, and
 - (iii) paragraph (c) of that condition is met in relation to the original pension scheme and the member, or
 - (c) a block transfer to the transferee pension scheme from a pension scheme (the “transferor pension scheme”) that was a transferee pension scheme in relation to an original pension scheme or another transferor pension scheme by virtue of the previous application of paragraph (a) or (b) or the previous application (on one or more occasions) of this paragraph.
- (6) For the purposes of sub-paragraph (5), a transfer is a “block transfer”, if it involves the transfer, in a single transaction, of all of the sums and assets held for the purposes of, or representing accrued rights under, the arrangements under a pension scheme which relate to the member and at least one other member of the scheme.
- (7) The member’s protected pension age is the higher of 55 and the age from which the member had an actual or prospective right to any benefit immediately before 4 November 2021 under—
- (a) in a case where the entitlement condition is met in relation to the member and the scheme, that scheme, or
 - (b) in a case where the block transfer condition is met in relation to the member and the scheme and the entitlement condition is not so met, whichever of that scheme, the original scheme or the transferor scheme that the member was a member of at that time.

Changes to legislation: Finance Act 2004, Paragraph 23ZB is up to date with all changes known to be in force on or before 04 April 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) [View outstanding changes](#)

(8) But this paragraph does not have effect so as to give the member a protected pension age of more than 55 at any time before 6 April 2028.]

Textual Amendments

F1 Sch. 36 paras. 23ZB, 23ZC and cross-headings inserted (24.2.2022) by [Finance Act 2022 \(c. 3\)](#), s. 10(5)

Changes to legislation:

Finance Act 2004, Paragraph 23ZB is up to date with all changes known to be in force on or before 04 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 236ZA inserted by [S.I. 2024/357 art. 2\(2\)](#)