
STATUTORY INSTRUMENTS

2005 No. 704

The Personal and Occupational Pension Schemes
(Indexation and Disclosure of Information)
(Miscellaneous Amendments) Regulations 2005

PART 2

AMENDMENTS RELATING TO INDEXATION

Personal and Occupational Pension Schemes (Protected Rights) Regulations 1996

Meaning of “specified pension or annuity”

3. In regulation 1(2) of the Protected Rights Regulations (interpretation)—
- (a) omit the word “and” at the end of the definition of “scheme”; and
 - (b) after the definition of “section 9(2B) rights”(1) insert—

“and

“specified pension or annuity” means any pension or annuity which became a pension or annuity in payment before 6th April 2005.”.

Indexation requirement limited to specified pensions or annuities

4.—(1) Regulation 4 of the Protected Rights Regulations(2) (conditions applying to pensions and annuities which give effect to protected rights) is amended as follows.

- (2) In paragraph (1)(b), for paragraph (i) substitute—

“(i) is necessary to establish what the initial rate and the method of payment of the pension or annuity are to be;

(ia) ia)is necessary to establish that, throughout the lifetime of the member, the pension or annuity shall continue to be paid at a rate which is at least equal to (but may be more than) the initial rate and which, in the case of a specified pension or annuity falling within paragraph (3) or (6) or within section 51 or 162 of the Pensions Act 1995, is the rate determined in accordance with that paragraph or section;”.

(3) In paragraph (3), after the words “In the case of” insert “a specified pension or annuity which gives effect to”.

(4) In paragraph (6), after the words “In the case of” insert “a specified pension or annuity which gives effect to”.

(1) The definition of “section 9(2B) rights” was substituted [S.I. 1997/786](#) and amended by [S.I. 1999/3198](#).

(2) Regulation 4 was amended by [S.I. 2002/681](#).

Removal of indexation: interim arrangements

5. For paragraphs (2) and (3) of regulation 7 of the Protected Rights Regulations⁽³⁾ (payments made under interim arrangements) substitute—

“(2) For the purposes of section 28A(5)(a) of the 1993 Act (calculating the annual amount of annuity which would have been purchasable by a person), the prescribed manner is by reference to the current published tables prepared by the Government Actuary in accordance with paragraph (3).

(3) For the purposes of section 28A(5)(a)(ii) of the 1993 Act (preparation of current published tables of rates of annuities), the prescribed manner is on the same basis as that on which the Government Actuary prepares tables of rates of annuities for the purposes of Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988⁽⁴⁾ (personal pension schemes).”.

Removal of indexation: death of member before payment

6.—(1) Regulation 12 of the Protected Rights Regulations⁽⁵⁾ (death of member before effect given to his protected rights) is amended as follows.

(2) In paragraph (4)(b), for paragraph (i) substitute—

“(i) is necessary to establish what the initial rate and the method of payment of the pension or annuity are to be,

(ia) ia) is necessary to establish that, throughout the period described in paragraph (5), the pension or annuity shall continue to be paid to the widow or widower at a rate which is at least equal to (but may be more than) the initial rate and which, in the case of a specified pension or annuity falling within paragraph (6) or (8) or within section 51 or 162 of the Pensions Act 1995, is the rate determined in accordance with that paragraph or section,”.

(3) In paragraph (6), after the words “In the case of” insert “a specified pension or annuity which gives effect to”.

⁽³⁾ Paragraphs (2) and (3) of regulation 7 were substituted by [S.I. 2002/681](#).

⁽⁴⁾ 1988 c. 1.

⁽⁵⁾ Regulation 12 was amended by [S.I. 2002/681](#).