
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

Pension Sharing (Pension Credit Benefit) Regulations 2000

Eligible pension credit rights

16. For regulation 35 of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (definition of eligible pension credit rights) substitute—

“Definition of eligible pension credit rights

35.—(1) For the purposes of section 40(3) of the 1999 Act, pension credit rights are eligible if they fall within paragraph (2) and are not excluded by paragraph (3).

(2) Pension credit rights are within this paragraph if—

- (a) they are derived from rights attributable to pensionable service on or after 6th April 1997 of the member whose pension rights were the subject of a pension sharing order or provision; or
- (b) they are safeguarded rights.

(3) Excluded pension credit rights are—

- (a) rights to pensions which are money purchase benefits and which become pensions in payment on or after 6th April 2005; or
- (b) rights derived from additional voluntary contributions.”.