

## 1 Increase of normal minimum pension age

- (1) Part 4 of FA 2004 (pension schemes etc) is amended in accordance with subsections (2) to (6).
- (2) In section 279(1) (other definitions), for the definition of “normal minimum pension age” substitute—
  - “normal minimum pension age” means—
    - (a) in relation to, and to a member of, a pension scheme that is not a uniformed services pension scheme—
      - (i) before 6 April 2010, 50,
      - (ii) on and after that date but before 6 April 2028, 55, and
      - (iii) on and after 6 April 2028, 57, and
    - (b) in relation to, and to a member of, a uniformed services pension scheme—
      - (i) before 6 April 2010, 50, and
      - (ii) on and after that date, 55.”
- (3) In that section, after subsection (3) insert—
  - “(4) In this section “uniformed services pension scheme” means a pension scheme that—
    - (a) is listed in subsection (5), or
    - (b) is established solely for the receipt of additional voluntary contributions from members of a scheme listed in that sub-paragraph.
  - (5) Those schemes are—
    - the Armed Forces Pension Scheme;
    - the British Transport Police Force Superannuation Fund;
    - the Firefighters’ Pension Scheme;
    - the Firemen’s Pension Scheme (Northern Ireland);
    - the Gurkha Pension Scheme;
    - the Police Pension Scheme;
    - the Police Service of Northern Ireland Pension Scheme;
    - the Police Service of Northern Ireland Full Time Reserve Pension Scheme;
    - the Scottish Fire Pension Scheme;
    - the Scottish Police Pension Scheme;
    - the Welsh Fire Pension Scheme.
  - (6) The Treasury may by regulations amend the list in subsection (5) by adding, varying or omitting an entry for a pension scheme.”
- (4) In Schedule 36 (pension schemes etc: transitional provisions and savings), in paragraph 21 (member’s protected pension age applies instead of normal minimum pension age)—
  - (a) in sub-paragraph (1), for “or 23” substitute “, 23 or 23ZB”;
  - (b) in sub-paragraph (2), for “and 23(8)” substitute “, 23(8) and 23ZB(6)”.
- (5) In that Schedule, after paragraph 23ZA insert—

*“Protected pension age: scheme rights existing before 6 April 2023*

- 23ZB(1) 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.
- (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) on 5 April 2023 the member had an actual or prospective right under the pension scheme to any benefit from an age of less than 57,
  - (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) such a right either was then conferred on the member or would have been had the member been a member of the scheme on that date.
- (4) The block transfer condition is met if the member is a member of the pension scheme (“a transferee pension scheme”) as a result of –
- (a) a block transfer to the transferee pension scheme from a pension scheme (“the original pension scheme”) in relation to which the entitlement condition is met, or
  - (b) a block transfer to the transferee pension scheme from a pension scheme that was a transferee pension scheme in relation to the original pension scheme by virtue of the previous application of paragraph (a) or the previous application (on one or more occasions) of this paragraph.
- (5) For the purposes of sub-paragraph (4), a transfer is a block transfer if it involves the transfer in a single transaction of all the sums and assets held for the purposes of, or representing accrued rights under, the arrangements under the pension scheme from which the transfer is made which relate to the member and at least one other member of that pension scheme.
- (6) The member’s protected pension age is the higher of –
- (a) 55, or
  - (b) the age from which the member had an actual or prospective right to any benefit under the pension scheme on 5 April 2023 (or, where the block transfer condition is met, under the original pension scheme on that date).
- (7) 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.
- 23ZC(1) This paragraph applies in relation to sums or assets of a relevant registered pension scheme and the member of the scheme to which those sums and assets relate if –
- (a) none of paragraphs 22, 23 or 23ZB apply in relation to the scheme and the member, and

- (b) those sums or assets were subject to a relevant transfer to the scheme.
- (2) Sums or assets relate to a member of a pension scheme if they are held by that scheme for the purposes of, or represent accrued rights under, the arrangements under the pension scheme which relate to the member.
- (3) Sums or assets were subject to a relevant transfer to a relevant registered pension scheme if they were transferred to that scheme from another relevant registered pension scheme (“the transferor scheme”) as a result of a recognised transfer and, immediately before the transfer –
- (a) they were sums or assets held by the transferor scheme for the purposes of, or representing accrued rights under, the arrangements under the pension scheme which relate to a member of that scheme, and
  - (b) paragraph 23ZB applied in relation to the transferor scheme and that member or this paragraph applied to those sums or assets and that member as a result of a relevant transfer to the transferor scheme.
- (4) If this paragraph applies to sums or assets (“transferred sums or assets”) and a member of a relevant registered pension scheme, this Part of this Act (except for section 218(6) and paragraph 19) applies in relation to –
- (a) the transferred sums or assets while held for the purposes of, or representing accrued rights under, an arrangement under the scheme, and
  - (b) any sums or assets held for the purposes of, or representing accrued rights under, such an arrangement that arise, or (directly or indirectly) derive, from –
    - (i) any of the transferred sums or assets, or
    - (ii) sums or assets which so arise or derive,
 as if references to normal minimum pension age were to the member’s protected pension age under the first relevant registered pension scheme from which there was a relevant transfer of the sums or assets (see paragraph 23ZB(6)).
- (5) In this paragraph “relevant registered pension scheme” is to be construed in accordance with paragraph 23ZB(2).

*Lump sums before normal minimum pension age”.*

- (6) In that Schedule –
- (a) before paragraph 22 insert –
 

*“Protected pension age: scheme rights existing before 6 April 2006”;*
  - (b) in paragraph 23ZA(2), in the words before paragraph (a), after “This Part” insert “of this Act”.
- (7) In section 308C(9) of ITEPA 2003 (provision of pensions advice: limited exemption), for paragraph (a) substitute –

- 
- “(a) if any of paragraphs 22, 23, 23ZB or 23ZC of Schedule 36 to FA 2004 apply in relation to the employee, the lowest protected pension age that applies as a result of those paragraphs (in relation to the employee or, as the case may be, to sums or assets that relate to the employee), or”.