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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 254**

**FAMILY LAW**

**The Divorce and Dissolution etc. (Pension Protection Fund) (Scotland) Regulations 2006**

<i>Made</i>	- - - -	<i>11th May 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>12th May 2006</i>
<i>Coming into force</i>	- -	<i>3rd June 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 10(8B) of the Family Law (Scotland) Act 1985<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Divorce and Dissolution etc. (Pension Protection Fund) (Scotland) Regulations 2006 and shall come into force on 3rd June 2006.

**Apportionment**

2. –

(1) The value of the proportion of any rights or interests which a party to a marriage or civil partnership has or may have to any pension protection fund compensation payable under Chapter 3 of Part 2 of the Pensions Act 2004<sup>(2)</sup> as at the relevant date and which forms part of the matrimonial property or partnership property by virtue of section 10(5A)<sup>(3)</sup> shall be calculated in accordance with the following formula–

$$\frac{A \times B}{C}$$

where–

A is the value of these rights or interests to any pension protection fund compensation which is calculated, as at the relevant date, in accordance with the provisions referred to in section 162 of the Pensions Act 2004;

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(1) 1985 c. 37. Section 10(8B) was inserted by section 17(3)(d) of the [Family Law \(Scotland\) Act 2006 \(asp 2\)](#).  
(2) 2004 c. 35.  
(3) Section 10(5A) was inserted by section 17(3)(c) of the [Family Law \(Scotland\) Act 2006 \(asp 2\)](#).

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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B is the period of C which falls within the period of the marriage or civil partnership of the parties before the relevant date and, if there is no such period, the amount shall be a zero; and C is the period before the relevant date during which pension protection fund compensation is payable to that party.

(2) In this regulation—

“matrimonial property” has the same meaning as in section 10(4), (5) and (5A);

“partnership property” has the same meaning as in section 10(4A)(4), (5) and (5A); and

“relevant date” has the same meaning as in section 10(3).

(3) Any reference in this regulation to a numbered section is to a section bearing that number in the Family Law (Scotland) Act 1985.

St Andrew’s House,  
Edinburgh  
11th May 2006

*HUGH HENRY*  
Authorised to sign by the Scottish Ministers

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(4) Section 10(4A) was inserted by paragraph 16(5) of Schedule 28 to the Civil Partnership Act 2004 (c. 33).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for the apportionment of the value of pension protection fund compensation payable under the Pensions Act 2004 (c. 35) which constitutes matrimonial property for the purposes of the Family Law (Scotland) Act 1985 (c. 37). Provision is made apportioning the value of such compensation in accordance with the period of time a party to a marriage or civil partnership has both been in the marriage or civil partnership and entitled to such compensation as a proportion of the total period of time that person has had the entitlement to compensation.