

2016 No. 99

PENSIONS

**The Pensions (2015 Act) (Pension Sharing on Divorce etc.)
(Transitional Provision) Order (Northern Ireland) 2016**

Made - - - - - *3rd March 2016*

Coming into operation - - - - - *6th April 2016*

The Department for Social Development makes the following Order in exercise of the powers conferred by section 53(5) of the Pensions Act (Northern Ireland) 2015(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Pensions (2015 Act) (Pension Sharing on Divorce etc.) (Transitional Provision) Order (Northern Ireland) 2016 and shall come into operation on 6th April 2016.

(2) For the purposes of this Order, a petition or application is issued on the date entered on the petition or application form by a member of the court staff.

Transitional provision in connection with the coming into operation of amendments to pension sharing on divorce etc.

2.—(1) This Order applies in a case where Article 46A of the Welfare Reform and Pensions (Northern Ireland) Order 1999(b) (creation of debits and credits: transferor in new state pension system and sharing activated on or after 6 April 2016) would otherwise apply and either—

- (a) the petition for divorce or nullity of a marriage was issued before 6th April 2016;
- (b) the application for dissolution or annulment of a civil partnership was issued before 6th April 2016; or
- (c) in the case of the application for financial relief after overseas divorce or nullity of a marriage or overseas dissolution or annulment of a civil partnership, the application for permission of the court for financial relief was issued before 6th April 2016.

(2) In a case where this Order applies—

- (a) Article 46 of the Welfare Reform and Pensions (Northern Ireland) Order 1999(c) (creation of state scheme pension debits and credits: transferor in old state pension system or pension sharing activated before 6 April 2016) applies;
- (b) Article 46A of that Order does not apply; and
- (c) the relevant order is to be treated as taking effect on 5th April 2016.

(a) 2015 (c. 5 (N.I.))

(b) S.I. 1999/3147 (N.I. 11); Article 46A is inserted by paragraph 12 of Schedule 11 to the Pensions Act (Northern Ireland) 2015

(c) Article 46 was amended by section 37(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and is amended by paragraph 11 of Schedule 11 to the Pensions Act (Northern Ireland) 2015

Sealed with the Official Seal of the Department for Social Development on 3rd March 2016

(L.S.)

Anne McCleary

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Order)

This is the first transitional provision Order made in respect of Part 1 of the Pensions Act (Northern Ireland) 2015. It makes transitional provision in relation to the coming into operation on 6th April 2016 of sections 13 to 15 of, and Schedules 8 to 11 to, that Act. These provisions allow for the continuation of state pension sharing on divorce or nullity of a marriage or dissolution or annulment of a civil partnership for people who reach state pension age on or after 6th April 2016 and are entitled to the new state pension at the transitional rate. This Order also makes provision for existing legislation to distinguish between rights to an old state pension which are shareable and rights to a new state pension which are shareable.

The transitional provision in this Order has the effect that where proceedings involving the sharing of state pension on divorce or nullity of a marriage or dissolution or annulment of a civil partnership have been issued before 6th April 2016, the existing legislation, that is, Article 46 of the Welfare Reform and Pensions (Northern Ireland) Order 1999, shall apply to those proceedings, rather than Article 46A of that Order.

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