
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Divorce etc. (Pensions) (Scotland) Regulations 2000 (“the principal Regulations”) so as to make provision for the calculation and verification of benefits in relevant state scheme rights in relation to actions for divorce or actions for declarator of nullity of marriage.

Regulation 2 inserts a new regulation 3A into the principal Regulations and amends regulation 4 of the principal Regulations. In particular, provision is made for—

(1) calculation and verification in a manner as may be approved by the Government Actuary (regulation 2(1));

(2) the date for the purposes of valuing benefits in relevant state scheme rights to be the date on which the request for valuation is received unless the action for divorce or declarator of nullity of marriage has commenced more than 12 months earlier. In those cases the relevant date for the purposes of the valuation will be the earlier of the date when the parties ceased to cohabit or the date of service of the court summons (regulation 2(1));

(3) the apportionment of the value of such benefits in accordance with regulation 4 of the principal Regulations (regulation 2(2)).