

2000 No. 392

FAMILY LAW

**The Divorce etc. (Pensions) (Scotland) Amendment
Regulations 2000**

Made 7th November 2000

Laid before the Scottish Parliament 9th November 2000

Coming into force 1st December 2000

The Scottish Ministers, in exercise of the powers conferred by section 10(8), (8A) and (9) of the Family Law (Scotland) Act 1985(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Divorce etc. (Pensions) (Scotland) Amendment Regulations 2000 and shall come into force on 1st December 2000.

(2) In these Regulations, “the principal Regulations” means the Divorce etc. (Pensions) (Scotland) Regulations 2000(b).

Amendment of the principal Regulations

2.—(1) After regulation 3 of the principal Regulations there shall be inserted—

“Valuation of relevant state scheme rights

3A.—(1) The value of any benefits in relevant state scheme rights shall be calculated and verified for the purposes of the Act in accordance with this regulation and regulation 4.

(2) The value, as at the relevant date, of the rights or interests which a party has or may have in any benefits in relevant state scheme rights shall be calculated and verified in such manner as may be approved by the Government Actuary.

(3) For the purposes of this regulation the date for the purposes of valuing any benefits in relevant state scheme rights shall be the date on which the request for valuation was received except where the date on which the request for valuation was received is more than 12 months after the relevant date where the date for the purpose of valuing the benefits shall be the relevant date.”.

(a) 1985 c.37; section 10(8) was substituted by the Welfare Reform and Pensions Act 1999 (c.30) (“the 1999 Act”), Schedule 12, paragraph 8(3); section 10(8A) was inserted by the 1999 Act, Schedule 12, paragraph 8(4). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) as read with section 91(4) of the 1999 Act which deemed paragraphs 8(3) and (4) of Schedule 12 to the 1999 Act to be pre-commencement enactments within the meaning of the said 1998 Act.

(b) S.S.I. 2000/112.

(2) In regulation 4 of the principal Regulations, after “under a pension arrangement” there shall be inserted “or in relevant state scheme rights”.

St Andrew’s House,
Edinburgh
7th November 2000

JAMES WALLACE
A member of the Scottish Executive

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)).

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