

Executive Note
The Divorce and Dissolution etc. (Pension Protection Fund) (Scotland) Regulations 2006
SSI/2006/254

The above instrument is made in exercise of the powers conferred by section 10(8B) of the Family Law (Scotland) Act 1985(a). This instrument is subject to negative resolution procedure.

Policy Objective

The purpose of the instrument is to make provision for the apportionment of the value of any Pension Protection Fund compensation which constitutes matrimonial property in terms of section 10(5A) of the Family Law (Scotland) Act 1985 (c.37) (“the 1985 Act”). The Pensions Act 2004 (c. 35) makes provision as to the circumstances in which Pension Protection Fund compensation is payable. The instrument will come into effect on 3 June 2006.

The Family Law (Scotland) Act 2006 received Royal Assent on 20 January. The Act introduces a range of reforms to family law and includes provisions on marriage, divorce, cohabitation and the parental responsibilities and rights of unmarried fathers.

Section 10(5A) was inserted into the 1985 Act by section 17(3) of the Family Law (Scotland) Act 2006 (asp 2). In consequence of the creation of the Pension Protection Fund by the Pensions Act 2004, the 1985 Act required to be amended to make provision for the proportion of Pension Protection Fund compensation which forms part of matrimonial property.

Financial Effects

This instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive, Justice Department
April 2006