

## SCHEDULE 2

Regulation R14

### PENSION SHARING ON DIVORCE OR NULLITY OF MARRIAGE OR DISSOLUTION OR NULLITY OF A CIVIL PARTNERSHIP

#### **Retirement pension and retirement lump sum**

1. PART E of these Regulations is subject to the following modifications—
  - (a) where the shareable rights of a pension debit member are subject to a pension sharing order, the amount of the retirement pension or retirement lump sum payable to a pension debit member is reduced in accordance with regulation W5 (pension debits and reduction of benefit); and
  - (b) the amount of the reduction will be calculated in accordance with guidance issued for this purpose by the scheme actuary.

#### **Lump sum on death**

2. PART F of these Regulations is subject to the following modification—
  - (a) regulation F2 (lump sum when member dies after pension becomes payable), subject to regulation S5, applies in respect of a pension debit member so that—
    - (i) references to the “member’s pension” is the pension reduced in accordance with regulation W5; and
    - (ii) “the member’s retirement lump sum paid under regulation E13” is the retirement lump sum that would have been payable under that Regulation had there been no reduction under regulation W5; and
  - (b) regulation F5 (payment of lump sum) applies in respect of a person entitled to a pension credit or a pension credit member, as the case may be, or a pension debit member with the modification that the references in that regulation to “member” are references to a person entitled to a pension credit or, as the case may be, a pension credit member.
  - (c) the reference in regulation F5(2) and (4) to “member’s personal representative” is a reference to “personal representative of the person entitled to a pension credit or, as the case may be, the pension credit member”;
  - (d) for regulation F5(6) substitute—

“(6) A nomination may only be made by a person entitled to a pension credit, or as the case may be, a pension credit member under the scheme.”;
  - (e) for regulation F5(9) substitute—

“(9) A person entitled to a pension credit, or as the case may be, a pension credit member whose credit was implemented on, or after, 1st April 2008 cannot give a notice referred to in paragraph (3)(a).”
  - (f) in regulation F5(12) omit sub-paragraph (d).

#### **Widows, widowers and surviving civil partners**

3. PART G (surviving partner pensions), is modified so that references to “the pension that would have been payable to the member” in respect of a pension debit member means the pension reduced in accordance with regulation W5 to which the pension debit member would have been entitled had the pension debit member become entitled to a pension on the date that the pension debit member died.

*Status: This is the original version (as it was originally made).*

#### **Dependent child allowance**

4. Part H (dependent child allowance) is modified so that—
  - (a) references to the pension that would have been payable to the member in respect of the death of a pension debit member, means the pension that would have been payable to the pension debit member under Part E had the pension sharing order not applied; and
  - (b) references to “member” do not include a reference to a pension credit member.

#### **Contracting out and guaranteed minimum pension**

5. Part K is modified so that references to the member’s guaranteed minimum will in respect of a pension debit member subject to a reduction under 10(4) and (5) and 15A of the 1993 Act in respect of protected rights or guaranteed minimum pension, be those protected rights or guaranteed pension reduced in accordance with regulation W6 of these Regulations.

#### **Transfer-out arrangements and buy-outs**

6. Part M (transfer-out arrangements and buy-outs) is modified as follows so that—
  - (a) accrued benefits in respect of a pension debit member will be subject to a reduction under PART W of these Regulations; and
  - (b) references to “member” does not include a reference to a pension credit member.

#### **Right to buy additional service and unreduced lump sum**

7. PART Q (Right to buy additional service and unreduced lump sum) is modified so that—
  - (a) these Regulations will apply to a pension debit member subject to the limitations in regulation W15; and
  - (b) references to “member” do not include a reference to a pension credit member.

#### **Members who return to pensionable employment after pension becomes payable**

8. PART S (members who return to pensionable employment after pension becomes payable) is modified so that references to “pension” and “member’s pension” do not include a pension credit benefit.

#### **Offset for crime, fraud or negligence**

9. Regulation T6 (offset for crime, fraud or negligence) applies to a pension credit member with the modification that any references to “member’s” or “member” are references to pension credit member’s or pension credit member, as the case may be.

10. Regulation T7 (loss of rights to benefits) applies to a pension credit member with the modification that any reference to “member” is a reference to pension credit member.