



Matrimonial Causes Act 1973

1973 CHAPTER 18

PART II

FINANCIAL RELIEF FOR PARTIES TO MARRIAGE AND CHILDREN OF FAMILY

Ancillary relief in connection with divorce proceedings, etc.

[^{F1}25D Pensions: supplementary.

(1) Where—

- (a) an order made under section 23 above by virtue of section 25B or 25C above imposes any requirement on the person responsible for a pension arrangement (“ the first arrangement ”) and the party with pension rights acquires rights under another pension arrangement (“ the new arrangement ”) which are derived (directly or indirectly) from the whole of his rights under the first arrangement, and
- (b) the person responsible for the new arrangement has been given notice in accordance with regulations made by the Lord Chancellor,

the order shall have effect as if it had been made instead in respect of the person responsible for the new arrangement.]

(2) [^{F2}The Lord Chancellor may by regulations]—

- (a) in relation to any provision of sections 25B or 25C above which authorises the court making an order under section 23 above to require the [^{F3}person responsible for a pension arrangement] to make a payment for the benefit of the other party, make provision as to the person to whom, and the terms on which, the payment is to be made,

^{F4}[(ab) make, in relation to payment under a mistaken belief as to the continuation in force of a provision included by virtue of section 25B or 25C above in an order under section 23 above, provision about the rights or liabilities of the payer, the payee or the person to whom the payment was due,]

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- (b) require notices to be given in respect of changes of circumstances relevant to such orders which include provision made by virtue of sections 25B and 25C above,
- ^{F5}[(ba) make provision for the person responsible for a pension arrangement to be discharged in prescribed circumstances from a requirement imposed by virtue of section 25B or 25C above,]
- ^{F6}[(c) make provision for the trustees or managers of any pension scheme to provide, for the purposes of orders under section 23 above, information as to the value of any benefits under the scheme,]
- ^{F6}[(d) make provision for the recovery of the administrative expenses of—
- (i) complying with such orders, so far as they include provision made by virtue of sections 25B and 25C above, and
 - (ii) providing such information,
- from the party with pension rights or the other party,]
- ^{F7}[(e) make provision about calculation and verification in relation to the valuation of—
- (i) benefits under a pension arrangement, or
 - (ii) shareable state scheme rights,
- for the purposes of the court’s functions in connection with the exercise of any of its powers under this Part of this Act.]
- ^{F8}[and regulations made by virtue of paragraph (e) above may provide for that value to be calculated and verified in accordance with guidance which is prepared and from time to time revised by a prescribed person and approved by the Secretary of State.]
- ^{F9}(2A) Regulations under subsection (2)(e) above may include—
- (a) provision for calculation or verification in accordance with guidance from time to time prepared by a prescribed person, and
 - (b) provision by reference to regulations under section 30 or 49(4) of the Welfare Reform and Pensions Act 1999.
- (2B) Regulations under subsection (2) above may make different provision for different cases.
- (2C) Power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- ^{F10}(3) In this section and sections 25B and 25C above—
- “ occupational pension scheme ” has the same meaning as in the ^{M1} Pension Schemes Act 1993;
- “ the party with pension rights ” means the party to the marriage who has or is likely to have benefits under a pension arrangement and “ the other party ” means the other party to the marriage;
- “ pension arrangement ” means—
- (a) an occupational pension scheme,
 - (b) a personal pension scheme,
 - (c) a retirement annuity contract,
 - (d) an annuity or insurance policy purchased, or transferred, for the purpose of giving effect to rights under an occupational pension scheme or a personal pension scheme, and

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- (e) an annuity purchased, or entered into, for the purpose of discharging liability in respect of a pension credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999 or under corresponding Northern Ireland legislation;
 - “ personal pension scheme ” has the same meaning as in the Pension Schemes Act 1993;
 - “ prescribed ” means prescribed by regulations;
 - “ retirement annuity contract ” means a contract or scheme approved under Chapter III of Part XIV of the ^{M2} Income and Corporation Taxes Act 1988;
 - “ shareable state scheme rights ” has the same meaning as in section 21A(1) above; and
 - “ trustees or managers ”, in relation to an occupational pension scheme or a personal pension scheme, means—
 - (a) in the case of a scheme established under a trust, the trustees of the scheme, and
 - (b) in any other case, the managers of the scheme.
- (4) In this section and sections 25B and 25C above, references to the person responsible for a pension arrangement are—
- (a) in the case of an occupational pension scheme or a personal pension scheme, to the trustees or managers of the scheme,
 - (b) in the case of a retirement annuity contract or an annuity falling within paragraph (d) or (e) of the definition of “pension arrangement” above, the provider of the annuity, and
 - (c) in the case of an insurance policy falling within paragraph (d) of the definition of that expression, the insurer.]

Textual Amendments

- F1** S. 25D inserted (27.6.1996 in relation to the insertion of s. 25D(2)(3)(4) and 1.8.1996 otherwise) by 1995 c. 26, s. 166(1); S.I. 1995/1675, art. 3
- F2** Words in s. 25D(2) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 3(1)(3)(a); S.I. 2000/1116, art. 2
- F3** Words in s. 25D(2)(a) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 3(1)(3)(b); S.I. 2000/1116, art. 2
- F4** S. 25D(2)(ab) inserted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 3(1)(3)(c); S.I. 2000/1116, art. 2
- F5** S. 25D(2)(ba) inserted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 3(1)(3)(d); S.I. 2000/1116, art. 2
- F6** S. 25D(2)(c)(d) repealed (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, ss. 21, 88, Sch. 4 para. 3(1)(3)(e), Sch. 13 Pt. II; S.I. 2000/1116, art. 2
- F7** S. 25D(2)(e) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 3(1)(3)(f); S.I. 2000/1116, art. 2
- F8** Words in s. 25D(2) repealed (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, ss. 21, 88, Sch. 4 para. 3(1)(3)(g), Sch. 13 Pt. II; S.I. 2000/1116, art. 2
- F9** S. 25D(2A)-(2C) inserted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 3(1)(4); S.I. 2000/1116, art. 2
- F10** S. 25D(3)(4) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 3(1)(5); S.I. 2000/1116, art. 2

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Modifications etc. (not altering text)

C1 S. 25D(1) applied (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1984 c. 42, **s. 21(3)**
(as amended (1.12.2000) by 1999 c. 30, **s. 22(5)**); S.I. 2000/1116, **art. 2**

Marginal Citations

M1 1993 c. 48.

M2 1988 c. 1

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