



Welfare Reform and Pensions Act 1999

1999 CHAPTER 30

PART III

PENSIONS ON DIVORCE ETC.

Sections 25B to 25D of the Matrimonial Causes Act 1973

21 Amendments.

Schedule 4 (which amends the sections about pensions inserted in the ^{M1}Matrimonial Causes Act 1973 by section 166 of the ^{M2}Pensions Act 1995) shall have effect.

Commencement Information

- II** S. 21 wholly in force at 1.12.2000; s. 21 in force for certain purposes at Royal Assent see s. 89(1)(5); s. 21 in force at 1.12.2000 by [S.I. 2000/1116](#), [art. 2\(a\)](#)

Marginal Citations

- M1** 1973 c. 18.
M2 1995 c. 26.

22 Extension to overseas divorces etc.

- (1) Part III of the ^{M3}Matrimonial and Family Proceedings Act 1984 (financial relief in England and Wales after overseas divorce etc.) shall be amended as follows.
- (2) In section 18 (matters to which the court is to have regard in exercising its powers to make orders for financial relief), after subsection (3) there shall be inserted—

“(3A) The matters to which the court is to have regard under subsection (3) above—

- (a) so far as relating to paragraph (a) of section 25(2) of the 1973 Act, include any benefits under a pension arrangement which a party to

Changes to legislation: There are currently no known outstanding effects for the Welfare Reform and Pensions Act 1999, Cross Heading: Sections 25B to 25D of the Matrimonial Causes Act 1973. (See end of Document for details)

the marriage has or is likely to have (whether or not in the foreseeable future), and

- (b) so far as relating to paragraph (h) of that provision, include any benefits under a pension arrangement which, by reason of the dissolution or annulment of the marriage, a party to the marriage will lose the chance of acquiring.”

(3) In that section, at the end there shall be added—

“(7) In this section—

- (a) “pension arrangement” has the meaning given by section 25D(3) of the 1973 Act, and
- (b) references to benefits under a pension arrangement include any benefits by way of pension, whether under a pension arrangement or not.”

(4) In section 21 (application of provisions of Part II of the ^{M4}Matrimonial Causes Act 1973), the existing provision shall become subsection (1) and, in that subsection, after paragraph (b) there shall be inserted—

- “(bd) section 25B(3) to (7B) (power, by financial provision order, to attach payments under a pension arrangement, or to require the exercise of a right of commutation under such an arrangement);
- (be) section 25C (extension of lump sum powers in relation to death benefits under a pension arrangement);”.

(5) In that section, after subsection (1) there shall be inserted—

- “(2) Subsection (1)(bd) and (be) above shall not apply where the court has jurisdiction to entertain an application for an order for financial relief by reason only of the situation in England or Wales of a dwelling-house which was a matrimonial home of the parties.
- (3) Section 25D(1) of the 1973 Act (effect of transfers on orders relating to rights under a pension arrangement) shall apply in relation to an order made under section 17 above by virtue of subsection (1)(bd) or (be) above as it applies in relation to an order made under section 23 of that Act by virtue of section 25B or 25C of the 1973 Act.
- (4) The Lord Chancellor may by regulations make for the purposes of this Part of this Act provision corresponding to any provision which may be made by him under subsections (2) to (2B) of section 25D of the 1973 Act.
- (5) 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.”

Commencement Information

I2 S. 22 wholly in force at 1.12.2000; s. 22 in force for certain purposes at Royal Assent see s. 89(1)(5); s. 22 in force at 1.12.2000 by [S.I. 2000/1116](#), [art. 2\(a\)](#)

Marginal Citations

M3 1984 c. 42.

M4 1973 c. 18.

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