SCHEDULES

SCHEDULE 3

PENSION SHARING ORDERS: ENGLAND AND WALES

10 After section 40 there is inserted—

"40A Appeals relating to pension sharing orders which have taken effect.

(1) Subsections (2) and (3) below apply where an appeal against a pension sharing order is begun on or after the day on which the order takes effect.

(2) If the pension sharing order relates to a person's rights under a pension arrangement, the appeal court may not set aside or vary the order if the person responsible for the pension arrangement has acted to his detriment in reliance on the taking effect of the order.

(3) If the pension sharing order relates to a person's shareable state scheme rights, the appeal court may not set aside or vary the order if the Secretary of State has acted to his detriment in reliance on the taking effect of the order.

(4) In determining for the purposes of subsection (2) or (3) above whether a person has acted to his detriment in reliance on the taking effect of the order, the appeal court may disregard any detriment which in its opinion is insignificant.

(5) Where subsection (2) or (3) above applies, the appeal court may make such further orders (including one or more pension sharing orders) as it thinks fit for the purpose of putting the parties in the position it considers appropriate.

(6) Section 24C above only applies to a pension sharing order under this section if the decision of the appeal court can itself be the subject of an appeal.

(7) In subsection (2) above, the reference to the person responsible for the pension arrangement is to be read in accordance with section 25D(4) above."

Commencement Information

I1 Sch. 3 para. 10 wholly in force at 1.12.2000; Sch. 3 para. 10 in force for certain purposes at Royal Assent see s. 89(1)(5); Sch. 3 para. 10 in force at 1.12.2000 by S.I. 2000/1116, **art. 2(e)**

Changes to legislation:
There are currently no known outstanding effects for the Welfare Reform and Pensions Act 1999, Paragraph 10.