
Changes to legislation: Pensions Act 2008, Paragraph 2 is up to date with all changes known to be in force on or before 20 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 7

PENSION COMPENSATION ON DIVORCE ETC: SCOTLAND

- 2 In section 8 (orders for financial provision)—
- (a) in subsection (1)—
 - (i) after paragraph (baa) insert—
 - “(bab) a pension compensation sharing order;”,
 - (ii) after paragraph (ba) insert—
 - “(bb) an order under section 12B(2);”,
 - (b) subsection (4A) is repealed,
 - (c) after subsection (7) add—
 - “(8) The court shall not, in the same proceedings, make both a pension compensation sharing order and an order under section 12B(2) in relation to the same PPF compensation.
 - (9) The court shall not make a pension compensation sharing order in relation to rights to PPF compensation that—
 - (a) derive from rights under a pension scheme which is subject to an order made under section 12A(2) or (3) in relation to the marriage or (as the case may be) civil partnership or a previous one between the same persons,
 - (b) derive from rights under a pension scheme which were at any time the subject of a pension sharing order in relation to the marriage or (as the case may be) civil partnership or a previous one between the same persons,
 - (c) are or have been the subject of a pension compensation sharing order in relation to the marriage or (as the case may be) civil partnership or a previous one between the same persons, or
 - (d) are the subject of an order made under section 12B(2) in relation to the marriage or (as the case may be) civil partnership or a previous one between the same persons.
 - (10) Where, as regards PPF compensation, the parties to a marriage or the partners in a civil partnership have in effect a qualifying agreement which contains a term relating to pension compensation sharing, the court shall not—
 - (a) make an order under section 12B(2); or
 - (b) make a pension compensation sharing order,
 relating to the compensation unless it also sets aside the agreement or term under section 16(1)(b) of this Act.
 - (11) For the purposes of subsection (10)—

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- (a) the expression “term relating to pension compensation sharing” is to be construed by reference to section 16(2AA) of this Act; and
- (b) a qualifying agreement is one to which section 110(1) of the Pensions Act 2008 relates.”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1A) inserted by [2023 c. 44 s. 1\(2\)](#)
- s. 5(1C) inserted by [2023 c. 44 s. 1\(3\)](#)
- s. 13(3)(ec) inserted by [2023 c. 20 Sch. para. 56](#)
- s. 13A inserted by [2023 c. 44 s. 1\(4\)](#)
- s. 24(1)(c) inserted by [2015 c. 8 Sch. 2 para. 43\(2\)\(d\)](#)
- s. 143(6)(7) inserted by [2023 c. 44 s. 1\(5\)\(b\)](#)