



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 3

#### PENSION COMPENSATION

#### CHAPTER 1

##### PENSION COMPENSATION ON DIVORCE ETC

#### **110 Activation of pension compensation sharing: supplementary (Scotland)**

- (1) For the purposes of this Chapter, a qualifying agreement is an agreement which—
  - (a) has been entered into in such circumstances as the Secretary of State may prescribe by regulations, and
  - (b) is registered in the Books of Council and Session.
- (2) For the purposes of section 109, an order or provision mentioned in paragraph (f) or (g) of that section is to be regarded as never having taken effect if the Board does not receive before the end of the period of 2 months beginning with the relevant date—
  - (a) a copy of the relevant documents, and
  - (b) such information relating to the transferor and transferee as the Secretary of State may prescribe by regulations under section 115(1)(b)(ii).
- (3) The relevant date for the purpose of subsection (2) is—
  - (a) the date of the extract of the decree or declarator responsible for the divorce, dissolution or annulment to which the order or provision relates, or
  - (b) if the order is made in relation to disposal of an application under section 28 of the Matrimonial and Family Proceedings Act 1984, or of an application under paragraph 2 of Schedule 11 to the Civil Partnership Act 2004, the date of the disposal.
- (4) The relevant documents referred to in subsection (2) are—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in the case of an order mentioned in paragraph (f) of section 109, that order and the decree or declarator responsible for the divorce, dissolution or annulment to which it relates,
  - (b) in the case of provision mentioned in paragraph (g) of that section—
    - (i) that provision and the decree or declarator responsible for the divorce, dissolution or annulment to which it relates, and
    - (ii) documentary evidence that the agreement containing the provision is one to which subsection (1)(a) applies.
- (5) The Court of Session or the sheriff may, on the application of any person having an interest, make an order—
- (a) extending the period of 2 months referred to in subsection (2), and
  - (b) where that period has already expired, providing that, if the Board receives the documents and information concerned before the end of the period specified in the order, subsection (2) is to be treated as never having applied.