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STATUTORY INSTRUMENTS

2000 No. 2914

PENSIONS
SOCIAL SECURITY

The Sharing of State Scheme Rights (Provision of Information and Valuation) (No. 2) Regulations 2000

Made - - - -	*26th October 2000*
Laid before Parliament	*6th November 2000*
Coming into force - -	*1st December 2000*

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 45B(7)[M1], 55A(6)[M2], 55B(7)[M3], 122(1)[M4] and 175(3) and (4)[M5] of the Social Security Contributions and Benefits Act 1992[M6] and sections 23(1)(a), (b)(ii) and (c)(i) and (2), 49(4)[M7] and 83(4) and (6) of the Welfare Reform and Pensions Act 1999 and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make regulation 4 of these Regulations should not be referred to it[M8] and after consulting such persons as he considered appropriate[M9], hereby makes the following Regulations:

Marginal Citations

M1 Section 45B is inserted by paragraph 2 of Schedule 6 to the Welfare Reform and Pensions Act 1999 (c. 30) and amended by section 41(2) of the Child Support, Pensions and Social Security Act 2000 (c. 19).

M2 Section 55A is inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions Act 1999 and amended by section 41(3) of the Child Support, Pensions and Social Security Act 2000.

M3 Section 55B is inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions Act 1999 and amended by section 41(4) of the Child Support, Pensions and Social Security Act 2000.

M4 Section 122(1) is cited because of the meaning there given to “prescribe".

M5 Section 175(4) was amended by paragraph 29(4) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

M6 1992 c. 4.

M7 Section 49 is amended by section 41(1) of the Child Support, Pensions and Social Security Act 2000.

M8 *See* section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

M9 *See* section 83(11) of the Welfare Reform and Pensions Act 1999.

[[F1]PART 1

General]

Textual Amendments

F1 Pt. 1: reg. 1 renumbered as Pt. 1 (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), Sch. paras. 1(6), **(7)** (with reg. 1(3))

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Sharing of State Scheme Rights (Provision of Information and Valuation) (No. 2) Regulations 2000 and shall come into force on 1st December 2000.

(2) In these Regulations—

"the 1992 Act" means the Social Security Contributions and Benefits Act 1992;

"the 1999 Act" means the Welfare Reform and Pensions Act 1999;

[[F2]"new state scheme pension credit" is a credit under section 49A(2)(b) of the 1999 Act;]

[[F2]"old state scheme pension credit" is a credit under section 49(1)(b) of the 1999 Act;]

[[F2]"relevant date" has the meaning given by section 10(3) of the Family Law (Scotland) Act 1985;]

[[F2]"shareable new state scheme rights" has the meaning given by section 47(3) of the 1999 Act;]

"shareable [[F3]old] state scheme rights" has the meaning given by section 47(2) of the 1999 Act.

Textual Amendments

F2 Words in reg. 1(2) inserted (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), **Sch. para. 1(3)** (with reg. 1(3))

F3 Word in reg. 1(2) inserted (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), **Sch. para. 1(2)** (with reg. 1(3))

[[F4]PART 2

Old State Scheme Pension Credits and Debits]

Textual Amendments

F4 Pt. 2: reg. 2-5 renumbered as Pt. 2 (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), Sch. paras. 1(8), **(9)** (with reg. 1(3))

Basic information about the sharing of state scheme rights and divorce [F5or the dissolution of a civil partnership]

2.—(1) The requirements imposed on the Secretary of State for the purposes of section 23(1)(a) of the 1999 Act (supply of pension information in connection with divorce etc.) are that he shall furnish—

(a) the information specified in paragraphs (2) and (3)—

(i) to a person who has shareable [F6old] state scheme rights on request from that person; or

(ii) to the court, pursuant to an order of the court; or

(b) the information specified in paragraph (3) to the spouse [F7or civil partner] of a person who has shareable [F6old] state scheme rights, on request from that spouse [F7or civil partner] .

(2) The information specified in this paragraph is a valuation of the person's shareable [F6old] state scheme rights.

(3) The information in this paragraph is an explanation of—

(a) the [F8state scheme rights which are shareable[F8 shareable old state scheme rights]];

(b) how a pension sharing order or provision will affect a person's shareable [F6old] state scheme rights; and

(c) how a pension sharing order or provision in respect of a person's shareable [F6old] state scheme rights will result in the spouse [F9or civil partner] of the person who has shareable [F6old] state scheme rights becoming entitled to a shared additional pension [F10because of an old state scheme pension credit].

(4) The Secretary of State shall furnish the information specified in paragraphs (2) and (3) to the court, or, as the case may be, to the person who has shareable [F6old] state scheme rights within—

(a) 3 months beginning with the date the Secretary of State receives the request or, as the case may be, the order for the provision of that information;

(b) 6 weeks beginning with the date the Secretary of State receives the request or, as the case may be, the order for the provision of the information, if the person who has shareable [F6old] state scheme rights has notified the Secretary of State on the date of the request or order that the information is needed in connection with proceedings commenced under any of the provisions referred to in section 23(1)(a) of the 1999 Act; or

(c) such shorter period specified by the court in an order requiring the Secretary of State to provide a valuation in accordance with paragraph (2).

(5) Where—

(a) the request made by the person with shareable [F6old] state scheme rights for, or the court order requiring, the provision of information does not include a request or, as the case may be, an order for a valuation under paragraph (2); or

(b) the spouse [F11or civil partner] of the person with shareable[F6old] state scheme rights requests the information specified in paragraph (3),

the Secretary of State shall furnish that information to the person who has shareable [F6old] state scheme rights, his spouse, [F12civil partner] or the court, as the case may be, within one month beginning with the date the Secretary of State receives the request or the court order for the provision of that information.

Textual Amendments

F5 Words in reg. 2 added (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 1 para. 7(2)(a)** (with art. 3)

F6 Word in reg. 2 inserted (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), **Sch. para. 1(2)** (with reg. 1(3))

F7 Words in reg. 2(1)(b) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 1 para. 7(2)(b)** (with art. 3)

F8 Words in reg. 2(3)(a) substituted (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), **Sch. para. 1(4)(a)** (with reg. 1(3))

F9 Words in reg. 2(3)(c) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 1 para. 7(2)(c)** (with art. 3)

F10 Words in reg. 2(3)(c) inserted (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), **Sch. para. 1(4)(b)** (with reg. 1(3))

F11 Words in reg. 2(5)(b) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 1 para. 7(2)(d)(i)** (with art. 3)

F12 Words in reg. 2(5) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 1 para. 7(2)(d)(ii)** (with art. 3)

Information about the sharing of state scheme rights and divorce [F13or dissolution of a civil partnership]: valuation of shareable [F14old] state scheme rights

3. Where an application for financial relief or financial provision under any of the provisions referred to in section 23(1)(a) of the 1999 Act has been made or is in contemplation, the valuation of shareable **[**F14old**]** state scheme rights shall be calculated and verified for the purposes of regulation 2(2) of these Regulations in such manner as may be approved by or on behalf of the Government Actuary.

Textual Amendments

F13 Words in reg. 3 inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 1 para. 7(3)** (with art. 3)

F14 Word in reg. 3 inserted (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), **Sch. para. 1(2)** (with reg. 1(3))

Calculation and verification of cash equivalents for the purposes of the creation of state scheme pension debits and credits

4. For the purposes of—

(a) section 49 of the 1999 Act (creation of state scheme pension debits and credits)**[**F15: transferor in old state pension system or pension sharing activated before 6th April 2016**]**;

(b) section 45B of the 1992 Act (reduction of additional pension in Category A retirement pension: pension sharing);

(c) section 55A of the 1992 Act (shared additional pension) **[**[F16]because of an old state scheme pension credit**]**; and

(d) section 55B of the 1992 Act (reduction of shared additional pension: pension sharing),

[[F17](e) paragraph 2 of Schedule 8 to the Pensions Act 2014; and

(f) paragraph 2 of Schedule 10 to the Pensions Act 2014,**]**

cash equivalents **[**[F18]or notional rates**]** shall be calculated and verified in such manner as may be approved by or on behalf of the Government Actuary.

Textual Amendments

F15 Words in reg. 4(a) inserted (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), **Sch. para. 1(5)(a)** (with reg. 1(3))

F16 Words in reg. 4(c) inserted (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), **Sch. para. 1(5)(b)** (with reg. 1(3))

F17 Reg. 4(e)(f) inserted (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), **Sch. para. 1(5)(c)** (with reg. 1(3))

F18 Words in reg. 4 inserted (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), **Sch. para. 1(5)(d)** (with reg. 1(3))

Revocation

5. The Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations 2000 [M10] are revoked.

Marginal Citations

M10 S.I. 2000/2693.

[[F19]PART 3

New State Scheme Pension Credits and Debits

Textual Amendments

F19 Pt. 3 inserted (6.4.2016) by The State Pension Regulations 2015 (S.I. 2015/173), reg. 1(2), **Sch. para. 1(10)** (with reg. 1(3))

Basic information about the sharing of state scheme rights and divorce or the dissolution of a civil partnership

6.—(1) The requirements imposed on the Secretary of State for the purposes of section 23(1)(a) of the 1999 Act (supply of pension information in connection with divorce etc.) are that he shall furnish—

(a) the information specified in paragraphs (2) to (6)—

(i) to a person who has shareable new state scheme rights on request from that person; or

(ii) to the court, pursuant to an order of the court; or

(b) the information specified in paragraph (6) to the spouse or civil partner of a person who has shareable new state scheme rights, on request from that spouse or civil partner.

(2) Except where paragraphs (3) or (4) apply, the information specified in this paragraph is a valuation of the person's shareable new state scheme rights as at the date of receipt of a request for such a valuation.

(3) The information specified in this paragraph is a valuation of the person's shareable new state scheme rights as at the relevant date, where the relevant date is on or after 6th April 2016.

(4) The information specified in this paragraph is a valuation of the person's previous shareable old state scheme rights as at the relevant date, where the relevant date is before 6th April 2016 and the request for a valuation is received on or after 6th April 2016.

(5) The information specified in this paragraph is the amount of the person's former entitlement to a category A retirement pension by virtue of section 44(3)(b) of the 1992 Act as at the relevant date and immediately before 6th April 2016, where the relevant date is before 6th April 2016 and the request for information about that amount is received on or after 6th April 2016.

(6) The information in this paragraph is an explanation of—

(a) the shareable new state scheme rights;

(b) how a pension sharing order or provision will affect a person's shareable new state scheme rights;

(c) how a pension sharing order or provision in respect of a person's shareable new state scheme rights will result in the spouse or civil partner of the person who has shareable new state scheme rights becoming entitled to an amount because of a new state scheme pension credit; and

(d) how any amount in sub-paragraph (c) differs from an amount of shared additional pension because of an old state scheme pension credit.

(7) The Secretary of State shall furnish the information specified in paragraphs (2) to (6) to the court, or, as the case may be, to the person who has shareable new state scheme rights within—

(a) three months beginning with the date the Secretary of State receives the request or, as the case may be, the order for the provision of that information;

(b) six weeks beginning with the date the Secretary of State receives the request or, as the case may be, the order for the provision of the information, if the person who has shareable new state scheme rights has notified the Secretary of State by the date the Secretary of State receives the request or order that the information is needed in connection with proceedings commenced under any of the provisions referred to in section 23(1)(a) of the 1999 Act; or

(c) such shorter period specified by the court in an order requiring the Secretary of State to provide a valuation in accordance with paragraphs (2), (3) or (4) or an amount in accordance with paragraph (5).

(8) Where—

(a) the request made by the person with shareable new state scheme rights for, or the court order requiring, the provision of information does not include a request or, as the case may be, an order for a valuation under paragraphs (2), (3) or (4) or an amount under paragraph (5); or

(b) the spouse or civil partner of the person with shareable new state scheme rights requests the information specified in paragraph (6),

the Secretary of State shall furnish that information to the person who has shareable new state scheme rights, that person's spouse or civil partner, or the court, as the case may be, within one month beginning with the date the Secretary of State receives the request or the court order for the provision of that information.**]**

[F19 Information about the sharing of state scheme rights and divorce or dissolution of a civil partnership: valuation of shareable old or new state scheme rights

7. Where an application for financial relief or financial provision under any of the provisions referred to in section 23(1)(a) of the 1999 Act has been made or is in contemplation, the valuation of shareable old or new state scheme rights shall be calculated and verified for the purposes of regulation 6(2) to (4) of these Regulations in accordance with guidance from time to time prepared by the Government Actuary.**]**

Signed by authority of the Secretary of State for Social Security

Jeff Rooker
Minister of State
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of a defect in the Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations 2000 which these Regulations revoke and replace. These Regulations will be issued free of charge to all known recipients of the Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations 2000.

These Regulations make provision in connection with the sharing, on divorce or nullity of marriage, of rights to the additional pension component of a state retirement pension.

Regulation 1 provides for citation, commencement and interpretation.

Regulation 2 specifies the information which the Secretary of State must supply to the parties to a marriage or the court in relation to the sharing of state scheme rights. This regulation also specifies the time limits within which that information must be furnished.

Regulation 3 sets out how the value of the state scheme rights must be calculated and verified when a valuation of those rights is requested in connection with the sharing of those rights.

Regulation 4 provides for how cash equivalents shall be calculated and verified for the purposes of the creation of state scheme pension debits and credits, the reduction of the additional pension, the creation of the shared additional pension and the reduction of the shared additional pension, as a result of pension sharing.

Regulation 5 revokes the Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations 2000.

These Regulations do not impose any costs on business.

Changes to legislation:
There are currently no known outstanding effects for the The Sharing of State Scheme Rights (Provision of Information and Valuation) (No. 2) Regulations 2000.