
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 9

APPLICATIONS FOR A FINANCIAL REMEDY

CHAPTER 9

PENSION PROTECTION FUND COMPENSATION

Application and interpretation of this Chapter

9.38.—(1) This Chapter applies—

- (a) where an application for a financial remedy has been made; and
- (b) the applicant or respondent is, the party with compensation rights.

(2) In this Chapter “party with compensation rights” —

- (a) in proceedings under the 1973 Act and the 1984 Act, has the meaning given to it by section 25G(5) of the 1973 Act;
- (b) in proceedings under the 2004 Act, has the meaning given to “civil partner with compensation rights” by paragraph 37(1) of Schedule 5 to the 2004 Act ^{M1}.

Marginal Citations

M1 Paragraph 37(1) was amended by section 120 of and paragraph 14, 16(1), (5)(a)(b) and 17(10) of Schedule 6 to the Pensions Act 2008.

What the party with compensation rights must do when the court fixes a first appointment

9.39.—(1) Where the court fixes a first appointment as required by rule 9.12(1)(a) the party with compensation rights must request the Board to provide the information about the valuation of entitlement to PPF compensation referred to in regulations made by the Secretary of State under section 118 of the Pensions Act 2008.

(2) The party with compensation rights must comply with paragraph (1) within 7 days beginning with the date on which that party receives notification of the date of the first appointment.

(3) Within 7 days beginning with the date on which the party with compensation rights receives the information under paragraph (1) that party must send a copy of it to the other party, together with the name and address of the trustees or managers responsible for each pension scheme.

(4) Where the rights to PPF Compensation are derived from rights under more than one pension scheme, the party with compensation rights must comply with this rule in relation to each entitlement.

Applications for pension compensation sharing orders

9.40. Where an application for a financial remedy includes an application for a pension compensation sharing order or where a request for such an order is added to an existing application for a financial remedy, the applicant must serve a copy of the application on the Board.

Applications for consent orders for pension compensation sharing

9.41.—(1) This rule applies where—

- (a) the parties have agreed on the terms of an order and the agreement includes a pension compensation sharing order;
- (b) service has not been effected under rule 9.40; and
- (c) the information referred to in paragraph (2) has not otherwise been provided.

(2) The party with compensation rights must—

- (a) request the Board to provide the information set out in Section C of the Pension Protection Fund Inquiry Form; and
- (b) on receipt, send a copy of the information referred to in sub-paragraph (a) to the other party.

Applications for pension compensation attachment orders

9.42. Where an application for a financial remedy includes an application for a pension compensation attachment order or where a request for such an order is added to an existing application for a financial remedy, the applicant must serve a copy of the application on the Board and must at the same time send—

- (a) an address to which any notice which the Board is required to serve on the applicant is to be sent;
- (b) an address to which any payment which the Board is required to make to the applicant is to be sent; and
- (c) where the address in sub-paragraph (b) is that of a bank, a building society or the Department of National Savings, sufficient details to enable the payment to be made into the account of the applicant.

Applications for consent orders for pension compensation attachment

9.43.—(1) This rule applies where service has not been effected under rule 9.42.

(2) Where the parties have agreed on the terms of an order and the agreement includes a pension compensation attachment order, then they must serve on the Board—

- (a) a copy of the application for a consent order;
- (b) a draft of the proposed order, complying with rule 9.44; and
- (c) the particulars set out in rule 9.42.

Pension compensation sharing orders or pension compensation attachment orders

9.44. An order for a financial remedy, whether by consent or not, which includes a pension compensation sharing order or a pension compensation attachment order, must—

- (a) in the body of the order, state that there is to be provision by way of pension compensation sharing or pension compensation attachment in accordance with the annex or annexes to the order; and

- (b) be accompanied by a pension compensation sharing annex or a pension compensation attachment annex as the case may require, and if provision is made in relation to entitlement to PPF compensation that derives from rights under more than one pension scheme there must be one annex for each such entitlement.

Duty of the court upon making a pension compensation sharing order or a pension compensation attachment order

9.45.—(1) A court which makes, varies or discharges a pension compensation sharing order or a pension compensation attachment order, must send, or direct one of the parties to send, to the Board—

- (a) in the case of—
 - (i) proceedings under Part 3 of the 1984 Act, a copy of the document of divorce, annulment or legal separation;
 - (ii) proceedings under Schedule 7 to the 2004 Act, a copy of the document of dissolution, annulment or legal separation;
 - (b) in the case of —
 - (i) divorce or nullity of marriage, a copy of the [^{F1}final order] under rule [^{F2}7.19] or [^{F3}7.20];
 - (ii) dissolution or nullity of civil partnership, a copy of the order making the conditional order final under rule [^{F4}7.19] or [^{F5}7.20];
 - (c) in the case of separation—
 - (i) in the matrimonial proceedings, a copy of the [^{F6}judicial separation order];
 - (ii) in civil partnership proceedings, a copy of the separation order; and
 - (d) a copy of the pension compensation sharing order or the pension compensation attachment order, or as the case may be of the order varying or discharging that order, including any annex to that order relating to that PPF compensation but no other annex to that order.
- (2) The documents referred to in paragraph (1) must be sent—
- (a) in proceedings under the 1973 Act and the 1984 Act, within 7 days beginning with the date on which—
 - (i) the relevant pension compensation sharing or pension compensation attachment order is made; or
 - (ii) the [^{F7}final order] of divorce or nullity or the [^{F8}judicial separation order] is made, whichever is the later; and
 - (b) in proceedings under the 2004 Act, within 7 days beginning with the date on which—
 - (i) the relevant pension compensation sharing or pension compensation attachment order is made; or
 - (ii) the final order of dissolution or nullity or separation order is made, whichever is the later.

Textual Amendments

- F1** Words in rule 9.45(1)(b)(i) substituted (6.4.2022) by [The Family Procedure \(Amendment\) Rules 2022 \(S.I. 2022/44\)](#), rules 1(3)(a), **25(a)(i)(aa)** (with rule 29); S.I. 2022/283, reg. 2
- F2** Word in rule 9.45(1)(b)(i) substituted (6.4.2022) by [The Family Procedure \(Amendment\) Rules 2022 \(S.I. 2022/44\)](#), rules 1(3)(a), **25(a)(i)(bb)** (with rule 29); S.I. 2022/283, reg. 2

Changes to legislation: The Family Procedure Rules 2010, CHAPTER 9 is up to date with all changes known to be in force on or before 28 April 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](#)

- F3** Word in rule 9.45(1)(b)(i) substituted (6.4.2022) by The Family Procedure (Amendment) Rules 2022 (S.I. 2022/44), rules 1(3)(a), **25(a)(i)(cc)** (with rule 29); S.I. 2022/283, reg. 2
- F4** Word in rule 9.45(1)(b)(ii) substituted (6.4.2022) by The Family Procedure (Amendment) Rules 2022 (S.I. 2022/44), rules 1(3)(a), **25(a)(ii)(aa)** (with rule 29); S.I. 2022/283, reg. 2
- F5** Word in rule 9.45(1)(b)(ii) substituted (6.4.2022) by The Family Procedure (Amendment) Rules 2022 (S.I. 2022/44), rules 1(3)(a), **25(a)(ii)(bb)** (with rule 29); S.I. 2022/283, reg. 2
- F6** Words in rule 9.45(1)(c)(i) substituted (6.4.2022) by The Family Procedure (Amendment) Rules 2022 (S.I. 2022/44), rules 1(3)(a), **25(a)(iii)** (with rule 29); S.I. 2022/283, reg. 2
- F7** Words in rule 9.45(2)(a)(ii) substituted (6.4.2022) by The Family Procedure (Amendment) Rules 2022 (S.I. 2022/44), rules 1(3)(a), **25(b)(i)** (with rule 29); S.I. 2022/283, reg. 2
- F8** Words in rule 9.45(2)(a)(ii) substituted (6.4.2022) by The Family Procedure (Amendment) Rules 2022 (S.I. 2022/44), rules 1(3)(a), **25(b)(ii)** (with rule 29); S.I. 2022/283, reg. 2

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

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

- Rules applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- rule 3.10(1)(1A) substituted for rule 3.10(1) by [S.I. 2023/1324 rule 14\(b\)](#)
- rule 3.4(1)(1A) substituted for rule 3.4(1) by [S.I. 2023/1324 rule 7\(b\)](#)
- rule 3.8(1)(c)(ii)(ad) words substituted by [S.I. 2023/1324 rule 11\(c\)](#)
- rule 3.8(1)(k)(ai) inserted by [S.I. 2023/1324 rule 11\(g\)\(i\)](#)
- rule 3.8(1)(k)(i) words inserted by [S.I. 2023/1324 rule 11\(g\)\(ii\)\(bb\)](#)
- rule 3.8(1)(k)(i) words omitted by [S.I. 2023/1324 rule 11\(g\)\(ii\)\(aa\)](#)
- rule 3.8(1)(k)(iii) word substituted by [S.I. 2023/1324 rule 11\(g\)\(iv\)\(aa\)](#)
- rule 3.8(1)(k)(iii) word substituted by [S.I. 2023/1324 rule 11\(g\)\(iv\)\(cc\)](#)
- rule 3.8(1)(k)(iii) words inserted by [S.I. 2023/1324 rule 11\(g\)\(iv\)\(bb\)](#)
- rule 3.8(1)(k)(iii) words omitted by [S.I. 2023/1324 rule 11\(g\)\(iv\)\(dd\)](#)
- rule 3.8(1)(k)(ii) word substituted by [S.I. 2023/1324 rule 11\(g\)\(iii\)](#)
- rule 3.8(1)(l) words omitted by [S.I. 2023/1324 rule 11\(h\)\(i\)](#)
- rule 3.8(1)(l) words substituted by [S.I. 2023/1324 rule 11\(h\)\(ii\)](#)
- rule 3.8(1)(l)(i) words inserted by [S.I. 2023/1324 rule 11\(h\)\(iii\)\(bb\)](#)
- rule 3.8(1)(l)(i) words substituted by [S.I. 2023/1324 rule 11\(h\)\(iii\)\(aa\)](#)
- rule 3.8(1)(m) omitted by [S.I. 2023/1324 rule 11\(i\)](#)
- rule 3.8(1)(n) words omitted by [S.I. 2023/1324 rule 11\(j\)](#)
- rule 3.8(1)(o)(ai) inserted by [S.I. 2023/1324 rule 11\(k\)\(i\)](#)
- rule 3.8(1)(o)(i) word substituted by [S.I. 2023/1324 rule 11\(k\)\(ii\)](#)
- rule 3.8(1)(o)(ii) word substituted by [S.I. 2023/1324 rule 11\(k\)\(iii\)\(aa\)](#)
- rule 3.8(1)(o)(ii) word substituted by [S.I. 2023/1324 rule 11\(k\)\(iii\)\(cc\)](#)
- rule 3.8(1)(o)(ii) words inserted by [S.I. 2023/1324 rule 11\(k\)\(iii\)\(bb\)](#)
- rule 3.8(1)(o)(ii) words omitted by [S.I. 2023/1324 rule 11\(k\)\(iii\)\(dd\)](#)
- rule 3.8(1)(p) substituted by [S.I. 2023/1324 rule 11\(l\)](#)
- rule 3.3(1A) inserted by [S.I. 2023/1324 rule 6\(a\)](#)
- rule 3.4(2)-(2B) substituted for rule 3.4(2) by [S.I. 2023/1324 rule 7\(c\)](#)
- rule 3.9(2)(e)(f) inserted by [S.I. 2023/1324 rule 13\(d\)](#)
- rule 3.10(3)(ba) inserted by [S.I. 2023/1324 rule 14\(d\)\(i\)](#)
- rule 3.10(3)(ca) inserted by [S.I. 2023/1324 rule 14\(d\)\(iii\)](#)
- rule 28.3(7)(aa) inserted by [S.I. 2023/1324 rule 19](#)