
STATUTORY INSTRUMENTS

2016 No. 39

The Pensions Act 2014 (Pension Sharing on Divorce etc.) (Transitional Provision) Order 2016

Transitional provision in connection with the coming into force of amendments to pension sharing on divorce etc.

2.—(1) This Order applies in a case where section 49A of the Welfare Reform and Pensions Act 1999⁽¹⁾ (creation of debits and credits: transferor in new state pension system and sharing activated on or after 6 April 2016) would otherwise apply and either—

- (a) in England and Wales—
 - (i) the petition for divorce or nullity of a marriage was issued before 6th April 2016;
 - (ii) the application for dissolution or annulment of a civil partnership was issued before 6th April 2016; or
 - (iii) in the case of the application for financial relief after overseas divorce or nullity of a marriage or overseas dissolution or annulment of a civil partnership, the application for permission of the court for financial relief was issued before 6th April 2016; or
- (b) in Scotland—
 - (i) the initial writ or summons in the proceedings for divorce or nullity of a marriage or for dissolution or annulment of a civil partnership was presented before 6th April 2016;
 - (ii) the initial writ or summons in the application for an order for financial provision after overseas divorce or nullity of a marriage or overseas dissolution or annulment of a civil partnership was presented before 6th April 2016; or
 - (iii) the qualifying agreement, referred to in section 48(1)(f)(i) of the Welfare Reform and Pensions Act 1999⁽²⁾ (activation of benefit sharing), was executed by the parties before 6th April 2016.

(2) In a case where this Order applies—

- (a) section 49 of the Welfare Reform and Pensions Act 1999⁽³⁾ (creation of state scheme pension debits and credits: transferor in old state pension system or pension sharing activated before 6 April 2016) applies;
- (b) section 49A of that Act does not apply; and
- (c) the relevant order or provision is to be treated as taking effect on 5th April 2016.

(1) [1999 c.30](#). Section 49A is to be inserted by paragraph 13 of Schedule 11 to the Pensions Act [2014 \(c.19\)](#).
(2) Section 48(1)(f) was amended by paragraph 161(4) of Schedule 27 to the Civil Partnership Act [2004 \(c.33\)](#). Section 48(1) is to be amended by paragraph 11 of Schedule 11 to the Pensions Act 2014.
(3) Section 49 was amended by section 41(1) of the Child Support, Pensions and Social Security Act [2000 \(c.19\)](#) and is to be amended by paragraph 12 of Schedule 11 to the Pensions Act 2014.