
STATUTORY INSTRUMENTS

1978 No. 1045

Matrimonial Causes (Northern Ireland) Order 1978

PART III

**FINANCIAL RELIEF FOR PARTIES TO
MARRIAGE AND CHILDREN OF FAMILY**

Ancillary relief in connection with divorce proceedings, etc.

[^{F1}Pensions

27B.—(1) The matters to which the court is to have regard under Article 27(2) include—

- (a) in the case of sub-paragraph (a), any benefits under a pension[^{F2} arrangement] which a party to the marriage has or is likely to have; and
- (b) in the case of sub-paragraph (h), any benefits under a pension[^{F2} arrangement] which, by reason of the dissolution or annulment of the marriage, a party to the marriage will lose the chance of acquiring,

and, accordingly, in relation to benefits under a pension[^{F2} arrangement], Article 27(2)(a) shall have effect as if "in the foreseeable future" were omitted.

Para. (2) rep. by 1999 NI 11

(3) The following provisions apply where, having regard to any benefits under a pension[^{F2} arrangement], the court determines to make an order under Article 25.

(4) To the extent to which the order is made having regard to any benefits under a pension[^{F2} arrangement], the order may require the[^{F2} person responsible for] the pension[^{F2} arrangement] in question, if at any time any payment in respect of any benefits under the[^{F2} arrangement] becomes due to the party with pension rights, to make a payment for the benefit of the other party.

[
^{F2}(5) The order must express the amount of any payment required to be made by virtue of paragraph (4) as a percentage of the payment which becomes due to the party with pension rights.]

- (6) Any such payment by the[^{F2} person responsible for the arrangement]
 - (a) shall discharge so much of[^{F2} his] liability to the party with pension rights as corresponds to the amount of the payment; and
 - (b) shall be treated for all purposes as a payment made by the party with pension rights in or towards the discharge of his liability under the order.

(7) Where the party with pension rights[^{F2} has a right of commutation under the arrangement, the order may require him to exercise it to any extent]; and this Article applies to[^{F2} any payment due in consequence of commutation] in pursuance of the order as it applies to other payments in respect of benefits under the[^{F2} arrangement].

- [
- ^{F2}(8) The power conferred by paragraph (7) may not be exercised for the purpose of commuting a benefit payable to the party with pension rights to a benefit payable to the other party.
- (9) The power conferred by paragraph (4) or (7) may not be exercised in relation to a pension arrangement which—
- (a) is the subject of a pension sharing order in relation to the marriage, or
 - (b) has been the subject of pension sharing between the parties to the marriage.
- (10) In paragraph (1), references to benefits under a pension arrangement include any benefits by way of pension, whether under a pension arrangement or not.]]

F1 1995 NI 22

F2 1999 NI 11

Modifications etc. (not altering text)

C1 Art. 27B(6) modified (14.8.2006) by [Divorce etc. \(Pension Protection Fund\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/310\)](#), **reg. 2**

Changes to legislation:

There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978, Section 27B.