

## SCHEDULES

### SCHEDULE 5

#### FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.

#### PART 4

##### PENSION SHARING ORDERS ON OR AFTER DISSOLUTION OR NULLITY ORDER

##### *Circumstances in which pension sharing orders may be made*

- 15 (1) The court may make a pension sharing order—
- (a) on making a dissolution or nullity order, or
  - (b) at any time afterwards.
- (2) In this Schedule “pension sharing order” means a pension sharing order under this Part.

##### *Pension sharing orders*

- 16 (1) A pension sharing order is an order which—
- (a) provides that one civil partner's—
    - (i) shareable rights under a specified pension arrangement, or
    - (ii) shareable state scheme rights,are to be subject to pension sharing for the benefit of the other civil partner, and
  - (b) specifies the percentage value to be transferred.
- (2) Shareable rights under a pension arrangement are rights in relation to which pension sharing is available under—
- (a) Chapter 1 of Part 4 of the Welfare Reform and Pensions Act 1999 (c. 30), or
  - (b) corresponding Northern Ireland legislation.
- (3) Shareable state scheme rights are rights in relation to which pension sharing is available under—
- (a) Chapter 2 of Part 4 of the 1999 Act, or
  - (b) corresponding Northern Ireland legislation.
- (4) In this Part “pension arrangement” means—
- (a) an occupational pension scheme,
  - (b) a personal pension scheme,
  - (c) a retirement annuity contract,
  - (d) an annuity or insurance policy purchased, or transferred, for the purpose of giving effect to rights under—

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*Status: This is the original version (as it was originally enacted).*

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- (i) an occupational pension scheme, or
- (ii) a personal pension scheme, and
- (e) an annuity purchased, or entered into, for the purpose of discharging liability in respect of a pension credit under—
  - (i) section 29(1)(b) of the 1999 Act, or
  - (ii) corresponding Northern Ireland legislation.

(5) In sub-paragraph (4)—

“occupational pension scheme” has the same meaning as in the Pension Schemes Act 1993 (c. 48);

“personal pension scheme” has the same meaning as in the 1993 Act;

“retirement annuity contract” means a contract or scheme approved under Chapter 3 of Part 14 of the Income and Corporation Taxes Act 1988 (c. 1).

*Pension sharing orders: apportionment of charges*

- 17 If a pension sharing order relates to rights under a pension arrangement, the court may include in the order provision about the apportionment between the civil partners of any charge under—
- (a) section 41 of the 1999 Act (charges in respect of pension sharing costs), or
  - (b) corresponding Northern Ireland legislation.

*Restrictions on making of pension sharing orders*

- 18 (1) A pension sharing order may not be made in relation to a pension arrangement which—
- (a) is the subject of a pension sharing order in relation to the civil partnership, or
  - (b) has been the subject of pension sharing between the civil partners.
- (2) A pension sharing order may not be made in relation to shareable state scheme rights if—
- (a) such rights are the subject of a pension sharing order in relation to the civil partnership, or
  - (b) such rights have been the subject of pension sharing between the civil partners.
- (3) A pension sharing order may not be made in relation to the rights of a person under a pension arrangement if there is in force a requirement imposed by virtue of Part 6 which relates to benefits or future benefits to which that person is entitled under the pension arrangement.

*When pension sharing orders may take effect*

- 19 (1) A pension sharing order is not to take effect unless the dissolution or nullity order on or after which it is made has been made final.
- (2) No pension sharing order may be made so as to take effect before the end of such period after the making of the order as may be prescribed by regulations made by the Lord Chancellor.

- (3) The power to make regulations under sub-paragraph (2) is exercisable by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.