
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 223

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) 2008**

Pension Protection Fund notification in family actions and civil partnership actions

- 3.—(1) The Ordinary Cause Rules are amended in accordance with the following subparagraphs.
(2) After rule 33.51 insert—

“Pension Protection Fund notification

33.51A.—(1) In this rule—

“assessment period” shall be construed in accordance with section 132 of the Pensions Act 2004⁽¹⁾;

“pension arrangement” shall be construed in accordance with the definition in section 27 of the Act of 1985; and

“valuation summary” shall be construed in accordance with the definition in Schedule 2 to the Pension Protection Fund (Provision of Information) Regulations 2005⁽²⁾.

(2) This rule applies where a party at any stage in the proceedings applies for an order under section 8 or section 16 of the Act of 1985.

(3) Where the party against whom an order referred to in paragraph (2) is sought has received notification in compliance with the Pension Protection Fund (Provision of Information) Regulations 2005 or does so after the order is sought—

- (a) that there is an assessment period in relation to his pension arrangement; or
- (b) that the Board of the Pension Protection Fund has assumed responsibility for all or part of his pension arrangement,

he shall comply with paragraph (4).

(4) The party shall—

- (a) lodge the notification; and
- (b) obtain and lodge as soon as reasonably practicable thereafter—
 - (i) a valuation summary; and
 - (ii) a forecast of his compensation entitlement.

(5) Subject to paragraph (6), the notification referred to in paragraph (4)(a) requires to be lodged—

- (a) where the notification is received before the order is sought, within 7 days of the order being sought;
- (b) where the notification is received after the order is sought, within 7 days of receiving the notification.

(1) 2004 c. 35.
(2) S.I.2005/674.

(6) Where an order is sought against the defender before the defences are lodged, and the notification is received before that step occurs, the notification shall be lodged with the defences.

(7) At the same time as lodging documents under paragraph (4), copies shall be sent to the other party to the proceedings.”.

(3) After rule 33A.48(3) insert–

“Pension Protection Fund notification

33A.48A.—(1) In this rule–

“assessment period” shall be construed in accordance with section 132 of the Pensions Act 2004;

“pension arrangement” shall be construed in accordance with the definition in section 27 of the Act of 1985; and

“valuation summary” shall be construed in accordance with the definition in Schedule 2 to the Pension Protection Fund (Provision of Information) Regulations 2005.

(2) This rule applies where a party at any stage in the proceedings applies for an order under section 8 or section 16 of the Act of 1985.

(3) Where the party against whom an order referred to in paragraph (2) is sought has received notification in compliance with the Pension Protection Fund (Provision of Information) Regulations 2005 or does so after the order is sought–

- (a) that there is an assessment period in relation to his pension arrangement; or
- (b) that the Board of the Pension Protection Fund has assumed responsibility for all or part of his pension arrangement,

he shall comply with paragraph (4).

(4) The party shall–

- (a) lodge the notification; and
- (b) obtain and lodge as soon as reasonably practicable thereafter–
 - (i) a valuation summary; and
 - (ii) a forecast of his compensation entitlement.

(5) Subject to paragraph (6), the notification referred to in paragraph (4)(a) requires to be lodged–

- (a) where the notification is received before the order is sought, within 7 days of the order being sought;
- (b) where the notification is received after the order is sought, within 7 days of receiving the notification.

(6) Where an order is sought against the defender before the defences are lodged, and the notification is received before that step occurs, the notification shall be lodged with the defences.

(7) At the same time as lodging documents under paragraph (4), copies shall be sent to the other party to the proceedings.”.