

SCHEDULE

Regulation 14

Amendments to other legislation – sharing of state pension rights

Amendment of the Sharing of State Scheme Rights (Provision of Information and Valuation) (No.2) Regulations 2000

1.—(1) The Sharing of State Scheme Rights (Provision of Information and Valuation) (No.2) Regulations 2000⁽¹⁾ are amended in accordance with the following sub-paragraphs.

(2) In regulations 1(2), 2 and 3⁽²⁾ in each reference to “shareable state scheme rights”, including in the heading of regulation 3, insert “old” after “shareable”.

(3) In regulation 1(2) (citation, commencement and interpretation) after the definition of “the 1999 Act”, insert—

““new state scheme pension credit” is a credit under section 49A(2)(b) of the 1999 Act⁽³⁾;

“old state scheme pension credit” is a credit under section 49(1)(b) of the 1999 Act⁽⁴⁾;

“relevant date” has the meaning given by section 10(3) of the Family Law (Scotland) Act 1985⁽⁵⁾;

“shareable new state scheme rights” has the meaning given by section 47(3) of the 1999 Act⁽⁶⁾.”

(4) In regulation 2(3) (basic information about the sharing of state scheme rights and divorce or the dissolution of a civil partnership)—

(a) in sub-paragraph (a), for “state scheme rights which are shareable” substitute “shareable old state scheme rights”;

(b) in sub-paragraph (c), after “additional pension” insert “because of an old state scheme pension credit”.

(5) In regulation 4 (calculation and verification of cash equivalents for the purposes of the creation of state scheme pension debits and credits)—

(a) in paragraph (a), after “credits” insert “; transferor in old state pension system or pension sharing activated before 6th April 2016”⁽⁷⁾;

(b) in paragraph (c), after “pension” insert “because of an old state scheme pension credit”⁽⁸⁾;

(c) after paragraph (d), insert—

“(e) paragraph 2 of Schedule 8 to the Pensions Act 2014; and

(f) paragraph 2 of Schedule 10 to the Pensions Act 2014.”;

(d) after “cash equivalents”, insert “or notional rates”.

(6) Regulation 1 becomes Part 1 of the Sharing of State Scheme Rights (Provision of Information and Valuation) (No.2) Regulations 2000.

(7) The title of that Part 1 is “General”.

(1) [S.I. 2000/2914](#).

(2) Regulations 2 and 3 were amended by [S.I. 2005/2877](#).

(3) Section 49A was inserted by paragraph 13 of Schedule 11 to the Pensions Act 2014.

(4) Section 49(1) was substituted by paragraph 12 of Schedule 11 to the Pensions Act 2014.

(5) [1985 c.37](#). Section 10(3) was amended by paragraph 16(4)(a) and (b) of Schedule 28 to the Civil Partnership Act 2004.

(6) Section 47(3) was inserted by paragraph 10(4) of Schedule 11 to the Pensions Act 2014.

(7) The heading to section 49 of the Welfare Reform and Pensions Act 1999 was amended by paragraph 12(7) of Schedule 11 to the Pensions Act 2014.

(8) The heading to section 55A of the Welfare Reform and Pensions Act 1999 was amended by paragraph 5(5) of Schedule 11 to the Pensions Act 2014.

- (8) Regulations 2 to 5 become Part 2 of the Sharing of State Scheme Rights (Provision of Information and Valuation) (No.2) Regulations 2000.
- (9) The title of that Part 2 is “Old State Scheme Pension Credits and Debits”.
- (10) After Part 2, insert—

“PART 3

New State Scheme Pension Credits and Debits

Basic information about the sharing of state scheme rights and divorce or the dissolution of a civil partnership

6.—(1) The requirements imposed on the Secretary of State for the purposes of section 23(1)(a) of the 1999 Act (supply of pension information in connection with divorce etc.) are that he shall furnish—

- (a) the information specified in paragraphs (2) to (6)—
 - (i) to a person who has shareable new state scheme rights on request from that person; or
 - (ii) to the court, pursuant to an order of the court; or
- (b) the information specified in paragraph (6) to the spouse or civil partner of a person who has shareable new state scheme rights, on request from that spouse or civil partner.

(2) Except where paragraphs (3) or (4) apply, the information specified in this paragraph is a valuation of the person’s shareable new state scheme rights as at the date of receipt of a request for such a valuation.

(3) The information specified in this paragraph is a valuation of the person’s shareable new state scheme rights as at the relevant date, where the relevant date is on or after 6th April 2016.

(4) The information specified in this paragraph is a valuation of the person’s previous shareable old state scheme rights as at the relevant date, where the relevant date is before 6th April 2016 and the request for a valuation is received on or after 6th April 2016.

(5) The information specified in this paragraph is the amount of the person’s former entitlement to a category A retirement pension by virtue of section 44(3)(b) of the 1992 Act as at the relevant date and immediately before 6th April 2016, where the relevant date is before 6th April 2016 and the request for information about that amount is received on or after 6th April 2016.

(6) The information in this paragraph is an explanation of—

- (a) the shareable new state scheme rights;
- (b) how a pension sharing order or provision will affect a person’s shareable new state scheme rights;
- (c) how a pension sharing order or provision in respect of a person’s shareable new state scheme rights will result in the spouse or civil partner of the person who has shareable new state scheme rights becoming entitled to an amount because of a new state scheme pension credit; and
- (d) how any amount in sub-paragraph (c) differs from an amount of shared additional pension because of an old state scheme pension credit.

(7) The Secretary of State shall furnish the information specified in paragraphs (2) to (6) to the court, or, as the case may be, to the person who has shareable new state scheme rights within—

- (a) three months beginning with the date the Secretary of State receives the request or, as the case may be, the order for the provision of that information;
- (b) six weeks beginning with the date the Secretary of State receives the request or, as the case may be, the order for the provision of the information, if the person who has shareable new state scheme rights has notified the Secretary of State by the date the Secretary of State receives the request or order that the information is needed in connection with proceedings commenced under any of the provisions referred to in section 23(1)(a) of the 1999 Act; or
- (c) such shorter period specified by the court in an order requiring the Secretary of State to provide a valuation in accordance with paragraphs (2), (3) or (4) or an amount in accordance with paragraph (5).

(8) Where—

- (a) the request made by the person with shareable new state scheme rights for, or the court order requiring, the provision of information does not include a request or, as the case may be, an order for a valuation under paragraphs (2), (3) or (4) or an amount under paragraph (5); or
- (b) the spouse or civil partner of the person with shareable new state scheme rights requests the information specified in paragraph (6),

the Secretary of State shall furnish that information to the person who has shareable new state scheme rights, that person's spouse or civil partner, or the court, as the case may be, within one month beginning with the date the Secretary of State receives the request or the court order for the provision of that information.

Information about the sharing of state scheme rights and divorce or dissolution of a civil partnership: valuation of shareable old or new state scheme rights

7. Where an application for financial relief or financial provision under any of the provisions referred to in section 23(1)(a) of the 1999 Act has been made or is in contemplation, the valuation of shareable old or new state scheme rights shall be calculated and verified for the purposes of regulation 6(2) to (4) of these Regulations in accordance with guidance from time to time prepared by the Government Actuary.”.

Amendment of the Pensions on Divorce etc. (Pension Sharing) (Scotland) Regulations 2000

2.—(1) The Pensions on Divorce etc. (Pension Sharing) (Scotland) Regulations 2000(9) are amended in accordance with the following sub-paragraphs.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of “the 1999 Act”, insert—

““excess amount” has the meaning given by section 47(4) of the 1999 Act;”;

(b) after the definition of “qualifying arrangement”, insert—

““shareable old state scheme rights” has the meaning given by section 47(2) of the 1999 Act;”;

(c) in the definition of “transferee” and “transferor”, after “49(6)” insert “or 49A(5)”.

(9) [S.I. 2000/1051](#).

(3) In regulation 4(a)(v) (prescribed form of provision corresponding to provision in a pension sharing order under the 1985 Act)—

- (a) before “details”, insert “where section 49 of the 1999 Act applies,”;
- (b) for “relevant”, substitute “shareable old”;
- (c) after “that day;”, insert “or”.

(4) After regulation 4(a)(v), insert—

“(vi) where section 49A of the 1999 Act applies, details of the specified percentage of the excess amount of the transferor’s state pension under section 4 of the Pensions Act 2014 as at the transfer day;”.