



Welfare Reform and Pensions Act 1999

1999 CHAPTER 30

PART IV

PENSION SHARING

CHAPTER I

SHARING OF RIGHTS UNDER PENSION ARRANGEMENTS

Charges by pension arrangements

41 Charges in respect of pension sharing costs.

- (1) The Secretary of State may by regulations make provision for the purpose of enabling the person responsible for a pension arrangement involved in pension sharing to recover from the parties to pension sharing prescribed charges in respect of prescribed descriptions of pension sharing activity.
- (2) Regulations under subsection (1) may include—
 - (a) provision for the start of the implementation period for a pension credit to be postponed in prescribed circumstances;
 - (b) provision, in relation to payments in respect of charges recoverable under the regulations, for reimbursement as between the parties to pension sharing;
 - (c) provision, in relation to the recovery of charges by deduction from a pension credit, for the modification of Schedule 5;
 - (d) provision for the recovery in prescribed circumstances of such additional amounts as may be determined in accordance with the regulations.
- (3) For the purposes of regulations under subsection (1), the question of how much of a charge recoverable under the regulations is attributable to a party to pension sharing is to be determined as follows—

Changes to legislation: There are currently no known outstanding effects for the Welfare Reform and Pensions Act 1999, Cross Heading: Charges by pension arrangements. (See end of Document for details)

- (a) where the relevant order or provision includes provision about the apportionment of charges under this section, there is attributable to the party so much of the charge as is apportioned to him by that provision;
 - (b) where the relevant order or provision does not include such provision, the charge is attributable to the transferor.
- (4) For the purposes of subsection (1), a pension arrangement is involved in pension sharing if section 29 applies by virtue of an order or provision which relates to the arrangement.
- (5) In that subsection, the reference to pension sharing activity is to activity attributable (directly or indirectly) to the involvement in pension sharing.
- (6) In subsection (3)—
- (a) the reference to the relevant order or provision is to the order or provision which gives rise to the pension sharing, and
 - (b) the reference to the transferor is to the person to whose rights that order or provision relates.
- (7) In this section “prescribed” means prescribed in regulations under subsection (1).

Commencement Information

- II** S. 41 wholly in force at 1.12.2000; s. 41 in force for certain purposes at Royal Assent see s. 89(1); s. 41 in force at 1.12.2000 insofar as not already in force by [S.I. 2000/1047](#), art. 2(2)(d), [Sch. Pt. IV](#)

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