



# Welfare Reform and Pensions Act 1999

## 1999 CHAPTER 30

### PART IV

#### PENSION SHARING

#### CHAPTER I

##### SHARING OF RIGHTS UNDER PENSION ARRANGEMENTS

##### *Supplementary*

#### **44 Disapplication of restrictions on alienation.**

- (1) Nothing in any of the following provisions (restrictions on alienation of pension rights) applies in relation to any order or provision falling within section 28(1)—
- (a) [<sup>F1</sup>section 356 of the Armed Forces Act 2006] and section 159(4) and (4A) of the <sup>M1</sup>Pension Schemes Act 1993,
  - (b) section 91 of the <sup>M2</sup>Pensions Act 1995,
  - (c) any provision of any enactment (whether passed or made before or after this Act is passed) corresponding to any of the enactments mentioned in paragraphs (a) and (b), and
  - (d) any provision of a pension arrangement corresponding to any of those enactments.
- (2) In this section, “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the <sup>M3</sup>Interpretation Act 1978).

#### **Textual Amendments**

- F1** Words in s. 44(1)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 162](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

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

**Commencement Information**

**I1** S. 44 wholly in force at 1.12.2000; s. 44 in force for certain purposes at Royal Assent see s. 89(1); s. 44 in force at 1.12.2000 insofar as not already in force by [S.I. 2000/1047](#), [art. 2\(2\)\(d\)](#), [Sch. Pt. IV](#)

**Marginal Citations**

**M1** 1993 c. 48.  
**M2** 1995 c. 26.  
**M3** 1978 c.30.

**45 Information.**

- (1) The Secretary of State may by regulations require the person responsible for a pension arrangement involved in pension sharing to supply to such persons as he may specify in the regulations such information relating to anything which follows from the application of section 29 as he may so specify.
- (2) Section 168 of the <sup>M4</sup>Pension Schemes Act 1993 (breach of regulations) shall apply as if this section were contained in that Act (otherwise than in Chapter II of Part VII).
- (3) For the purposes of this section, a pension arrangement is involved in pension sharing if section 29 applies by virtue of an order or provision which relates to the arrangement.

**Commencement Information**

**I2** S. 45 wholly in force at 1.12.2000; s. 45 in force for certain purposes at Royal Assent see s. 89(1); s. 45 in force at 1.12.2000 insofar as not already in force by [S.I. 2000/1047](#), [art. 2\(2\)\(d\)](#), [Sch. Pt. IV](#)

**Marginal Citations**

**M4** 1993 c. 48.

**46 Interpretation of Chapter I.**

- (1) In this Chapter—
  - “implementation period”, in relation to a pension credit, has the meaning given by section 34;
  - “occupational pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993;
  - “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 an occupational pension scheme or a personal pension scheme, and
    - (e) an annuity purchased, or entered into, for the purpose of discharging liability in respect of a credit under section 29(1)(b) or under corresponding Northern Ireland legislation;
  - “pension credit” means a credit under section 29(1)(b);
  - “pension debit” means a debit under section 29(1)(a);

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“pensionable service”, in relation to a member of an occupational pension scheme, means service in any description or category of employment to which the scheme relates which qualifies the member (on the assumption that it continues for the appropriate period) for pension or other benefits under the scheme;

“personal pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993;

“retirement annuity contract” means a contract or scheme approved under Chapter III of Part XIV of the <sup>M5</sup>Income and Corporation Taxes Act 1988;

“shareable rights” has the meaning given by section 27(2);

“trustees or managers”, in relation to an occupational pension scheme or a personal pension scheme means—

- (a) in the case of a scheme established under a trust, the trustees of the scheme, and
- (b) in any other case, the managers of the scheme.

(2) In this Chapter, references to the person responsible for a pension arrangement are—

- (a) in the case of an occupational pension scheme or a personal pension scheme, to the trustees or managers of the scheme,
- (b) in the case of a retirement annuity contract or an annuity falling within paragraph (d) or (e) of the definition of “pension arrangement” in subsection (1), to the provider of the annuity, and
- (c) in the case of an insurance policy falling within paragraph (d) of the definition of that expression, to the insurer.

(3) In determining what is “pensionable service” for the purposes of this Chapter—

- (a) service notionally attributable for any purpose of the scheme is to be disregarded, and
- (b) no account is to be taken of any rules of the scheme by which a period of service can be treated for any purpose as being longer or shorter than it actually is.

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**Commencement Information**

**I3** S. 46 wholly in force at 1.12.2000; s. 46 in force for certain purposes at Royal Assent see s. 89(1); s. 46 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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**Marginal Citations**

**M5** 1988 c. 1.

**Changes to legislation:**

There are currently no known outstanding effects for the Welfare Reform and Pensions Act 1999,  
Cross Heading: Supplementary.