SCHEDULES

SCHEDULE 6

PENSION COMPENSATION ON DIVORCE ETC: ENGLAND AND WALES

PART 1

AMENDMENTS OF THE MATRIMONIAL CAUSES ACT 1973

3 After section 24D (pension sharing orders: apportionment of charges) insert—

"**24E Pension compensation sharing orders in connection with divorce proceedings**

(1) On granting a decree of divorce or a decree of nullity of marriage or at any time thereafter (whether before or after the decree is made absolute), the court may, on an application made under this section, make a pension compensation sharing order in relation to the marriage.

(2) A pension compensation sharing order under this section is not to take effect unless the decree on or after which it is made has been made absolute.

(3) A pension compensation sharing order under this section may not be made in relation to rights to PPF compensation that—

(a) are the subject of pension attachment,

(b) derive from rights under a pension scheme that were the subject of pension sharing between the parties to the marriage,

(c) are the subject of pension compensation attachment, or

(d) are or have been the subject of pension compensation sharing between the parties to the marriage.

(4) For the purposes of subsection (3)(a), rights to PPF compensation "are the subject of pension attachment" if any of the following three conditions is met.

(5) The first condition is that—

(a) the rights derive from rights under a pension scheme in relation to which an order was made under section 23 imposing a requirement by virtue of section 25B(4), and

(b) that order, as modified under section 25E(3), remains in force.

(6) The second condition is that—

(a) the rights derive from rights under a pension scheme in relation to which an order was made under section 23 imposing a requirement by virtue of section 25B(7), and

(b) that order—

(i) has been complied with, or

(ii) has not been complied with and, as modified under section 25E(5), remains in force.

(7) The third condition is that—

(a) the rights derive from rights under a pension scheme in relation to which an order was made under section 23 imposing a requirement by virtue of section 25C, and

(b) that order remains in force.

(8) For the purposes of subsection (3)(b), rights under a pension scheme "were the subject of pension sharing between the parties to the marriage" if the rights were at any time the subject of a pension sharing order in relation to the marriage or a previous marriage between the same parties.

(9) For the purposes of subsection (3)(c), rights to PPF compensation "are the subject of pension compensation attachment" if there is in force a requirement imposed by virtue of section 25F relating to them.

(10) For the purposes of subsection (3)(d), rights to PPF compensation "are or have been the subject of pension compensation sharing between the parties to the marriage" if they are or have ever been the subject of a pension compensation sharing order in relation to the marriage or a previous marriage between the same parties.

24F Pension compensation sharing orders: duty to stay

(1) No pension compensation 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.

(2) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

24G Pension compensation sharing orders: apportionment of charges

The court may include in a pension compensation sharing order provision about the apportionment between the parties of any charge under section 117 of the Pensions Act 2008 (charges in respect of pension compensation sharing costs), or under corresponding Northern Ireland legislation."