
STATUTORY INSTRUMENTS

2000 No. 1048

**The Pensions on Divorce etc. (Provision
of Information) Regulations 2000**

Provision of information in response to a notification that a pension sharing order or provision may be made

4.—(1) A person responsible for a pension arrangement shall furnish the information specified in paragraph (2) to the member or to the court, as the case may be—

- (a) within 21 days beginning with the date that the person responsible for the pension arrangement received the notification that a pension sharing order or provision may be made; or
- (b) if the court has specified a date which is outside the 21 days referred to in subparagraph (a), by that date.

(2) The information referred to in paragraph (1) is—

- (a) the full name of the pension arrangement and address to which any order or provision referred to in section 28(1) of the 1999 Act (activation of pension sharing) should be sent;
- (b) in the case of an occupational pension scheme, whether the scheme is winding up, and, if so,—

- (i) the date on which the winding up commenced; ^{F1}...

- (ii) the name and address of the trustees who are dealing with the winding up; and

- ^{F2}(iii) whether the member's rights to benefit are to be or are likely to be reduced in accordance with sections 73 to 74 of the 1995 Act (winding up provisions);]

- (c) in the case of an occupational pension scheme, whether a cash equivalent of the member's pension rights, if calculated on the date the notification referred to in paragraph (1)(a) was received by the trustees or managers of that scheme, would be reduced in accordance with the provisions of [^{F3}paragraphs 2, 3 and 12 of Schedule 1A to the Transfer Values Regulations (reductions in initial cash equivalents) [^{F4}if the member were to transfer the cash equivalent of those rights out of the scheme];]

- (d) whether the person responsible for the pension arrangement is aware that the member's rights under the pension arrangement are subject to any, and if so, to specify which, of the following—

- (i) any order or provision specified in section 28(1) of the 1999 Act;

- (ii) an order under section 23 of the Matrimonial Causes Act 1973 ^{M1} (financial provision orders in connection with divorce etc.), so far as it includes provision made by virtue of section 25B or 25C of that Act ^{M2} (powers to include provisions about pensions);

- (iii) an order under section 12A(2) or (3) of the Family Law (Scotland) Act 1985 ^{M3} (powers in relation to pensions lump sums when making a capital sum order) which relates to benefits or future benefits to which the member is entitled under the pension arrangement;

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- (iv) an order under Article 25 of the Matrimonial Causes (Northern Ireland) Order 1978^{M4}, so far as it includes provision made by virtue of Article 27B or 27C of that Order (Northern Ireland powers corresponding to those mentioned in paragraph (2)(d)(ii));
- (v) a forfeiture order;
- (vi) a bankruptcy order;
- (vii) an award of sequestration on a member’s estate or the making of the appointment on his estate of a judicial factor under section 41 of the Solicitors (Scotland) Act 1980^{M5} (appointment of judicial factor);
- (e) whether the member’s rights under the pension arrangement include rights specified in regulation 2 of the Valuation Regulations (rights under a pension arrangement which are not shareable);
- (f) if the person responsible for the pension arrangement has not at an earlier stage provided the following information, whether that person requires the charges specified in regulation 3 (charges recoverable in respect of the provision of basic information), 5 (charges in respect of pension sharing activity), or 6 (additional amounts recoverable in respect of pension sharing activity) of the Charging Regulations to be paid before the commencement of the implementation period, and if so,—
 - (i) whether that person requires those charges to be paid in full; or
 - (ii) the proportion of those charges which he requires to be paid;
- (g) whether the person responsible for the pension arrangement may levy additional charges specified in regulation 6 of the Charging Regulations, and if so, the scale of the additional charges which are likely to be made;
- (h) whether the member is a trustee of the pension arrangement;
- (i) whether the person responsible for the pension arrangement may request information about the member’s state of health from the member if a pension sharing order or provision were to be made;
- ^{F5}(j)
- (k) whether the person responsible for the pension arrangement requires information additional to that specified in regulation 5 (information required by the person responsible for the pension arrangement before the implementation period may begin) in order to implement the pension sharing order or provision.

- F1** Word in reg. 4(2)(b)(i) omitted (6.4.2016) by virtue of [The Pension Sharing \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/289\)](#), regs. 1(2), **2(5)(a)**
- F2** Reg. 4(2)(b)(iii) and word inserted (6.4.2016) by [The Pension Sharing \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/289\)](#), regs. 1(2), **2(5)(b)**
- F3** Words in reg. 4(2)(c) substituted (1.10.2008) by [Occupational Pension Schemes \(Transfer Values\) \(Amendment\) Regulations 2008 \(S.I. 2008/1050\)](#), reg. 1(1), **Sch. 2 para. 3(c)**
- F4** Words in reg. 4(2)(c) inserted (6.4.2016) by [The Pension Sharing \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/289\)](#), regs. 1(2), **2(5)(c)**
- F5** Reg. 4(2)(j) deleted (1.12.2000) by [The Pension Sharing \(Consequential and Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/2691\)](#), regs. 1, **8(3)**

Marginal Citations

- M1** 1973 c. 18.
- M2** Sections 25B and 25C were inserted by section 166 of the Pensions Act 1995, and are amended by paragraphs 1 and 2 respectively of Schedule 4 to the Welfare Reform and Pensions Act 1999.
- M3** Section 12A is amended by paragraph 9 of Schedule 12 to the Welfare Reform and Pensions Act 1999.

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- M4** [S.I. 1978/1045 \(N.I. 15\)](#). Articles 27B and 27C were inserted by article 162 of [S.I. 1995/3213 \(N.I. 22\)](#), and were amended by paragraphs 1 and 2 of Schedule 4 to [S.I. 1999/3147 \(N.I. 11\)](#).
- M5** [1980 c. 46](#).

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Changes and effects yet to be applied to :

- reg 4 rev. in pt. by [S.I. 2000/2691 reg 8\(3\)](#)