
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 9

APPLICATIONS FOR A FINANCIAL REMEDY

CHAPTER 1

APPLICATION AND INTERPRETATION

Interpretation

9.3.—(1) In this Part—

“avoidance of disposition order” means—

- (a) in proceedings under the 1973 Act, an order under section 37(2)(b) or (c) of that Act;
- (b) in proceedings under the 1984 Act, an order under section 23(2)(b) or 23(3) of that Act⁽¹⁾;
- (c) in proceedings under Schedule 5 to the 2004 Act, an order under paragraph 74(3) or (4); or
- (d) in proceedings under Schedule 7 to the 2004 Act, an order under paragraph 15(3) or (4);

“the Board” means the Board of the Pension Protection Fund;

“FDR appointment” means a Financial Dispute Resolution appointment in accordance with rule 9.17;

“order preventing a disposition” means—

- (a) in proceedings under the 1973 Act, an order under section 37(2)(a) of that Act;
- (b) in proceedings under the 1984 Act, an order under section 23(2)(a) of that Act;
- (c) in proceedings under Schedule 5 to the 2004 Act, an order under paragraph 74(2); or
- (d) in proceedings under Schedule 7 to the 2004 Act, an order under paragraph 15(2);

“pension arrangement” means—

- (a) an occupational pension scheme;
- (b) a personal pension scheme;
- (c) shareable state scheme rights;
- (d) a retirement annuity contract;
- (e) 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

(1) Sections 23(2) (a) and (b) and 23(3) have been prospectively substituted with savings by section 15 of and paragraph 4 of Schedule 2 to the Family Law Act 1996.

- (f) an annuity purchased, or entered into, for the purpose of discharging liability in respect of a pension credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999 or under corresponding Northern Ireland legislation;

“pension attachment order” means—

- (a) in proceedings under the 1973 Act, an order making provision under section 25B or 25C of that Act⁽²⁾;
- (b) in proceedings under the 1984 Act, an order under section 17(1)(a)(i) of that Act making provision equivalent to an order referred to in paragraph (a);
- (c) in proceedings under Schedule 5 to the 2004 Act, an order making provision under paragraph 25 or paragraph 26; or
- (d) in proceedings under Schedule 7 to the 2004 Act, an order under paragraph 9(2)⁽³⁾ or (3) making provision equivalent to an order referred to in paragraph (c);

“pension compensation attachment order” means—

- (a) in proceedings under the 1973 Act, an order making provision under section 25F of that Act;⁽⁴⁾
- (b) in proceedings under the 1984 Act, an order under section 17(1)(a)(i) of that Act⁽⁵⁾ making provision equivalent to an order referred to in paragraph (a);
- (c) in proceedings under Schedule 5 to the 2004 Act, an order under paragraph 34A; and
- (d) in proceedings under Schedule 7 to the 2004 Act, an order under paragraph 9(2) or (3) making provision equivalent to an order referred to in paragraph (c);

“pension compensation sharing order” means—

- (a) in proceedings under the 1973 Act, an order under section 24E of that Act⁽⁶⁾;
- (b) in proceedings under the 1984 Act, an order under section 17(1)(c) of that Act;
- (c) in proceedings under Schedule 5 to the 2004 Act, an order under paragraph 19A ; and
- (d) in proceedings under Schedule 7 to the 2004 Act, an order under paragraph 9(2) or (3)⁽⁷⁾ making provision equivalent to an order referred to in paragraph (c);

“pension sharing order” means—

- (a) in proceedings under the 1973 Act, an order making provision under section 24B of that Act⁽⁸⁾;
- (b) in proceedings under the 1984 Act, an order under section 17(1)(b) of that Act;
- (c) in proceedings under Schedule 5 to the 2004 Act, an order under paragraph 15; or
- (d) in proceedings under Schedule 7 to the 2004 Act, an order under paragraph 9(2) or (3) making provision equivalent to an order referred to in paragraph (c);

(2) Section 25B was inserted by section 166(1) of the Pensions Act 1995 (c.26) and amended by section 21 of and paragraphs 1(1),(2),(4),(5)(a),(5)(b), (6),(7)(a),(7)(b), (8)(a), (8)(b), (8)(c) and (9) of the Welfare Reform and Pensions Act 1999 (c.30) and subsections (8) and (9) were inserted by section 16(3) of the Family Law Act 1996 and the section was modified by regulations 2 and 4(1) and (2)(b) of the Divorce etc (Pension Protection Fund) Regulations 2006 (S.I. 2006/1932). Section 25C was inserted by section 166(1) of the Pensions Act 1995 and amended by section 66(1) of and paragraph 11 of Schedule 8 to the Family Law Act 1996 and also amended by section 21 of and paragraphs 2(1), (2), (3)(a)(i) and (ii), (3)(b), (4)(a), (4)(b) and (5) of Schedule 4 to the Welfare Reform and Pensions Act 1999.

(3) Paragraph 9(2) of Schedule 7 to the Civil Partnership Act 2004 was amended by section 120 of and paragraphs 14, 20(1), 20(2)(a) and (b) of the Pensions Act 2008 (c. 30).

(4) Section 25F was inserted by section 120 of and paragraphs 1 and 7 of Schedule 6 to the Pensions Act 2008.

(5) Section 17(1)(a)(i) was amended by section 66(1) of and paragraph 32(2) of Schedule 8 to the Family Law Act 1996 as amended by section 84(1) of and paragraphs 66(1) and (14) of Schedule 12 to the Welfare Reform and Pensions Act 1999.

(6) Section 24E was inserted by section 120 of and paragraphs 1 and 3 of Schedule 6 to the Pensions Act 2008.

(7) Paragraphs 9(2) and (3) of Schedule 7 to the Civil Partnership Act 2004 were amended by section 120 of and paragraphs 14 and 20(2)(b) of Schedule 6 to the Pensions Act 2008.

(8) Section 24B was inserted by section 19 of and paragraphs 1 and 4 of Schedule 3 to the Welfare Reform and Pensions Act 1999.

“pension scheme” means, unless the context otherwise requires, a scheme for which the Board has assumed responsibility in accordance with Chapter 3 of Part 2 of the Pensions Act 2004 (pension protection) or any provision in force in Northern Ireland corresponding to that Chapter;

“PPF compensation” has the meaning given to it—

- (a) in proceedings under the 1973 Act, by section 21C of the 1973 Act⁽⁹⁾;
- (b) in proceedings under the 1984 Act, by section 18(7) of the 1984 Act; and
- (c) in proceedings under the 2004 Act, by paragraph 19F of Schedule 5 to the 2004 Act;

“relevant valuation” means a valuation of pension rights or benefits as at a date not more than 12 months earlier than the date fixed for the first appointment which has been furnished or requested for the purposes of any of the following provisions—

- (a) the Pensions on Divorce etc (Provision of Information) Regulations 2000⁽¹⁰⁾;
- (b) regulation 5 of and Schedule 2 to the Occupational Pension Schemes (Disclosure of Information) Regulations 1996⁽¹¹⁾ and regulation 11 of and Schedule 1 to the Occupational Pension Schemes (Transfer Value) Regulations 1996⁽¹²⁾;
- (c) section 93A or 94(1)(a) or (aa) of the Pension Schemes Act 1993⁽¹³⁾;
- (d) section 94(1)(b) of the Pension Schemes Act 1993 or paragraph 2(a) (or, where applicable, 2(b)) of Schedule 2 to the Personal Pension Schemes (Disclosure of Information) Regulations 1987⁽¹⁴⁾;
- (e) the Dissolution etc. (Pensions) Regulations 2005⁽¹⁵⁾;

“variation order” means—

- (a) in proceedings under the 1973 Act, an order under section 31 of that Act; or
- (b) in proceedings under the 2004 Act, an order under Part 11 of Schedule 5 to that Act.

(2) References in this Part to a county court are to be construed, in relation to proceedings for a financial order, as references to a divorce county court or a civil partnership proceedings county court, as the case may be.

⁽⁹⁾ Section 21C was inserted by section 120 of and paragraphs 1 and 2 of Schedule 6 to the Pensions Act 2008.

⁽¹⁰⁾ [S.I. 2000/1048](#).

⁽¹¹⁾ [S.I. 1996/1655](#).

⁽¹²⁾ [S.I. 1996/1847](#) Regulation 11 was amended by regulations 5(b), 5(c), 5(d)(i) and (ii), 5(e), 5(f) and 5(g) of the Occupational Pension Scheme (Transfer Values) (Amendment) Regulations 2008 ([S.I. 2008/1050](#)) and regulations 4(a)(ii) and 4(b) of the Occupational Pension Scheme (Winding Up and Transfer Values) (Amendment) Regulations 2005 ([S.I. 2005/72](#)) and regulation 8 of the Occupational, Personal and Stakeholder Pensions (Miscellaneous Amendment) Regulations 2009 ([S.I. 2009/615](#) and Schedule 1 was amended by regulations 7(a)(ii), (iii), (iv)(aa), (iv)(bb) and 7(b) of Occupational Pension Scheme (Transfer Values) (Amendment) Regulations 2008.

⁽¹³⁾ [1993 c.48](#) Section 93A was inserted by section 153 of the Pensions Act [1965 \(c.26\)](#) and section 94(1)(a) and (aa) were amended by section 154(1) and (2) of the Pensions Act 1995.

⁽¹⁴⁾ [S.I. 1987/1110](#).

⁽¹⁵⁾ [S.I. 2005/2920](#).