
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 88

**The Family Proceedings (Amendment)
Rules (Northern Ireland) 1999**

Pensions

5. For rule 2.73 there shall be substituted the following new rule—

“Pensions

2.73.—(1) Where an applicant for ancillary relief or the respondent to the application is obliged by rule 2.60 to give full particulars of his property and income, he shall also give full particulars of any benefits under a pension scheme which he has or is likely to have including the most recent valuation furnished by the trustees or managers of the pension scheme pursuant to—

- (a) regulation 5 of and Schedule 2 to the Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997⁽¹⁾ and regulation 11 of and Schedule 1 to the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996⁽²⁾;
- (b) paragraph 2(2) of Schedule 2 to the Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987⁽³⁾; or
- (c) regulation 4 (provision of valuations after petition).

(2) Where by virtue of rule 2.64(5) the Master has power to order discovery of any document he shall also have power to require either party to request a valuation under regulation 4 from the trustees or managers of any pension scheme under which that party has or is likely to have any benefits.

(3) A petitioner or respondent who has applied for ancillary relief, not including provision made by Article 27B or 27C of the Order of 1978, may at any time amend the application so as to include such provision by way of a notice or amended notice in Form M13 and rule 2.57 shall apply to any such notice.

(4) A petitioner or respondent who has applied for an order which by virtue of Article 27B or 27C of the Order of 1978 imposes any requirement on the trustees or managers of a pension scheme shall, within 4 days after filing the notice in Form M13 or M15 as the case may be, serve on those trustees or managers a copy of that notice, together with the following—

- (a) an address to which any notice which the trustees or managers may be required to serve is to be sent;
- (b) an address to which any payment which the trustees or managers are required to make to the applicant is to be sent; and

(1) S.R. 1997 No. 98
(2) S.R. 1996 No. 619
(3) S.R. 1987 No. 288

(c) where the address in sub-paragraph (b) is that of a bank, a building society or the Department of National Savings sufficient details to enable payment to be made into the account of the applicant.

(5) Trustees or managers of a pension scheme on whom a copy of such a notice is served may, within 14 days after service, require the applicant to provide them with a copy of the affidavit supporting his application.

(6) Trustees or managers of a pension scheme who receive a copy of an affidavit pursuant to paragraph (5) may within 14 days after receipt file an affidavit in answer.

(7) Trustees or managers of a pension scheme who file an affidavit pursuant to paragraph (6) may file therewith a notice to the court requiring an appointment to be fixed, and where such a notice is filed—

(a) the proper officer or chief clerk shall fix an appointment for the hearing or further hearing of the application and shall give not less than 14 days' notice of that appointment to the petitioner, the respondent and the trustees or managers of the pension scheme; and

(b) the trustees or managers of the pension scheme shall be entitled to be represented at any such hearing.

(8) Where the petitioner and the respondent have agreed on the terms of an order which by virtue of Article 27B or 27C of the Order of 1978 imposes any requirement on the trustees or managers of a pension scheme, then unless service has already been effected under paragraph (4), they shall serve on the trustees or managers a draft of the consent order together with the particulars set out in sub-paragraphs (a), (b) and (c) of paragraph (4), and no such order shall be made unless either—

(a) the trustees or managers have not made any objection within 14 days after the service on them of the draft order; or

(b) the court has considered the objection made by the trustees or managers

and for the purpose of considering any such objection the court may make such directions as it sees fit for the trustees or managers to attend before it or to furnish written details of their objection.

(9) In deciding whether to make an order which by virtue of Article 27B or 27C of the Order of 1978 imposes any requirement on the trustees or managers of a pension scheme, the court shall take into account any representations of the trustees or managers as to whether, in all the circumstances of the case, the court ought to make the order, and in particular whether the particulars supplied under paragraph (4) are sufficient to enable the trustees or managers to comply with their obligations under any such order.

(10) In this rule—

(a) every reference to a regulation by number alone means the regulation so numbered in the Divorce etc (Pensions) Regulations (Northern Ireland) 1996(4);

(b) all words and phrases have the same meaning as in Article 27D of the Order of 1978.”.