

*These notes refer to the Pensions Act 2008 (c.30)  
which received Royal Assent on 26 November 2008*

# **PENSIONS ACT 2008**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 128: Pension sharing: power of Court of Session to extend time limits***

431. For a pension sharing order (or a corresponding order) made under Scottish matrimonial law to come into effect, it must be received by the person responsible for the pension arrangement, together with certain matrimonial documents, within two months of the date of the order. If that period has already expired, one of the persons with an interest in the order may apply to the sheriff for an extension of time. Similarly, such an application may be made to the sheriff when such an order is made under Scottish matrimonial law in respect of shareable state pension rights.
432. In Scotland most divorces are heard by the sheriff but some divorces are heard in the Court of Session. However, there are currently no powers to enable the Court of Session to extend the two month period on application if it has already expired.
433. *Section 128* gives the Court of Session the same powers as the sheriff in relation to extending the two month period. This will allow one of the parties with an interest in a pension sharing order or a corresponding order made either by the Court of Session or the sheriff to apply to either jurisdiction for an extension of the two month period.