
STATUTORY INSTRUMENTS

2016 No. 289

The Pension Sharing (Miscellaneous Amendments) Regulations 2016

Amendments to the Pensions on Divorce etc. (Provision of Information) Regulations 2000

2.—(1) The Pensions on Divorce etc. (Provision of Information) Regulations 2000(1) are amended as follows.

(2) In regulation 1(2) (interpretation)(2)—

(a) after the definition of “pensionable service”, insert—

““pensioner member” has the meaning given by section 124(1) of the 1995 Act(3);”;

(b) in the definition of ““the party with pension rights” and “the other party”” for “Matrimonial Causes Act 1997;” substitute “Matrimonial Causes Act 1973(4);”.

(3) In regulation 2(4) (basic information about pensions and divorce or dissolution of a civil partnership)(5), after “which is not specified in” substitute—

“Schedules 2 to 5 (basic information; information to be given on request; summary funding statements; statements of benefits: non money purchase benefits) and Schedule 6 (statements of benefits: money purchase benefits and cash balance benefits) or 7 (information to be given by schemes that relates to accessing benefits) (whichever is relevant) to the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013(6), in a case where those Regulations apply.”.

(4) In regulation 3 (information about pensions and divorce and dissolution of a civil partnership: valuation of pension benefits)(7)—

(a) in paragraph (1)—

(i) for sub-paragraph (a) substitute—

“(a) paragraphs (3) and (4), if the person with pension rights is an active member, a deferred member or a pensioner member of an occupational pension scheme;”;

(ii) omit sub-paragraph (b);

(iii) for paragraph (ii) of sub-paragraph (d) substitute—

“(ii) the rights of the person with pension rights are contained in an insurance policy or annuity contract other than a retirement annuity contract;”;

(b) for paragraphs (3) and (4) substitute—

(1) [S.I. 2000/1048](#).

(2) There are amendments to regulation 1(2) that are not relevant to these Regulations.

(3) The definition of “pensioner member” was amended by the Child Support, Pensions and Social Security Act 2000 (c.19), section 56 and Schedule 5, Part 1, paragraph 8(3) and [S.I. 2006/745](#).

(4) [1973 c.18](#).

(5) Regulation 2 was amended by [S.I. 2005/2877](#).

(6) [S.I. 2013/2734](#).

(7) Regulation 3 was amended by [S.I. 2005/2877](#) and [2008/1050](#).

“(3) Where a person with pension rights is an active member, a deferred member or a pensioner member of an occupational pension scheme, the value of those rights in relation to a category of benefits referred to in section 93(6) of the 1993 Act (category of benefits)(**8**) must be calculated and verified in accordance with regulations 7 to 7C and 7E(1) to (3) of the Transfer Values Regulations (calculation and verification of cash equivalent)(**9**), as if—

- (a) in the case of benefits other than money purchase benefits, the member has made an application for a statement of entitlement under section 93A of the 1993 Act (right to statement of entitlement: benefits other than money purchase)(**10**) on the date that the request for the valuation was received; or
- (b) in the case of money purchase benefits, the member has made an application under section 95 of the 1993 Act (ways of taking right to cash equivalent)(**11**) to take the cash equivalent of those benefits on the date that the request for the valuation was received.

(4) Where the person with pension rights is continuing to accrue rights to benefits in the category of benefits to be valued, paragraph (3) applies as if the person had ceased to accrue rights in that category of benefits on the date that the request for the valuation was received.”;

- (c) in paragraph (5), for “section 94(1)(b) of the 1993 Act” substitute “section 94 of the 1993 Act (right to cash equivalent)(**12**)”;
- (d) in paragraph (6), for “Chapter IV of Part IV of the 1993 Act by section 93(1)(b) of that Act (scope of Chapter IV)” substitute “Chapter 1 of Part 4ZA of the 1993 Act by section 93(5)(b) of that Act (scope of Chapter 1)(**13**)”;
- (e) for paragraphs (8) and (10) substitute—

“(8) When calculating and verifying a cash equivalent, regulations 7 to 7C and 7E(1) to (3) of the Transfer Values Regulations are to be read as if—

- (a) in regulation 7—
 - (i) in paragraph (1)(a), the words “and then making any reductions in accordance with regulation 7D” do not appear;
 - (ii) in paragraph (1)(b), the words “regulation 7E” are replaced with “regulation 7E(1) to (3)”;
 - (iii) in paragraphs (2) and (4), the word “trustees” is replaced with “person responsible for the pension arrangement”;
 - (iv) in paragraph (3), the words “trustees are” are replaced with “person responsible for the pension arrangement is”;
 - (v) in paragraph (5), the words “trustees of the scheme in question have” are replaced with “person responsible for the pension arrangement has”;
- (b) in regulations 7A and 7B, in each place where it appears, the word “trustees” is replaced with “person responsible for the pension arrangement”;
- (c) in regulation 7C—

(8) Section 93(6) was inserted by the Pension Schemes Act 2015 (c.8) (“the 2015 Act”), section 67 and Schedule 4, paragraphs 3 and 8.

(9) Regulations 7 to 7E were amended by S.I. 2008/1050, 2008/2450, 2014/1711 and 2015/498.

(10) Section 93A was substituted by the 2015 Act, section 67 and Schedule 4, paragraphs 3 and 8.

(11) Section 95 was amended by the 2015 Act, sections 67 and 68(1) to (5) and (8), and Schedule 4, paragraphs 3 and 9.

(12) Section 94 was amended by the 2015 Act, section 67 and Schedule 4, paragraphs 3 and 8.

(13) Chapter 1 of Part 4ZA, including section 93, was amended by the 2015 Act, section 67 and Schedule 4, paragraphs 2 and 8 to 14.

- (i) in paragraph (3), in both places where it appears, the word “trustees” is replaced with “person responsible for the pension arrangement”;
- (ii) in paragraph (4)(b)(iv), the words “trustees determine” are replaced with “person responsible for the pension arrangement determines”;
- (d) in regulation 7E—
 - (i) in paragraph (1), the words “trustees have” are replaced with “person responsible for the pension arrangement has”;
 - (ii) in paragraph (2), the word “trustees” is replaced with “person responsible for the pension arrangement”.
- (5) In regulation 4(2) (provision of information in response to a notification that a pension sharing order or provision may be made)(**14**)—
 - (a) at the end of sub-paragraph (b)(i), omit “and”;
 - (b) at the end of sub-paragraph (b)(ii), insert—
 - “and
 - (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)(**15**);”;
 - (c) in sub-paragraph (c), after the words “(reductions in initial cash equivalents)” insert “if the member were to transfer the cash equivalent of those rights out of the scheme”.

(14) Regulation 4 was amended by [S.I. 2000/2691](#) and [2008/1050](#).

(15) Sections 73 to 73B were substituted by the 2004 Act, section 270(1). Section 73 was amended by the 2015 Act, section 67 and Schedule 4, paragraphs 28 and 30. Section 73A was amended by the 2015 Act, section 58(1). Section 73B was amended by the 2015 Act, sections 58(2) and 67 and Schedule 4, paragraphs 28 and 31. Section 74 was amended by the 1999 Act, section 84(1) and Schedule 12, paragraphs 43 and 56; the 2004 Act, sections 270(2) and 320 and Schedule 13 and [S.I. 2001/3649](#).