Draft Regulations laid before Parliament under section 54(2)(a) of the Pensions Act 2014, for approval by resolution of each House of Parliament.

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SOCIAL SECURITY

The State Pension Regulations 2015

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SCHEDULE — Amendments to other legislation – sharing of state pension rights

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 55A(6) and 175(4) of the Social Security Contributions and Benefits Act 1992(**a**), sections 23(1)(a), (b)(ii) and (c)(i) and (2), 48(1)(f)(ii) and 49(4) and (4A) of the Welfare Reform and Pensions Act 1999(**b**) and sections 2(3), 4(2), 8(3), (7) and (8), 16(1) and (6), 17(4) and (5), 18(1), 19(1) and (3), 22(1) and 54(5) and (6) of, and paragraph 4 of Schedule 8 and paragraph 4 of Schedule 10 to, the Pensions Act 2014(**c**).

The Social Security Advisory Committee has agreed that the proposals in respect of Part 5 of these Regulations should not be referred to it(**d**).

The remainder of these Regulations have not been referred to the Social Security Advisory Committee because they are made before the end of the period of six months beginning with the coming into force of the provisions of the Pensions Act 2014 under which they are made(**e**).

In accordance with section 83(11) of the Welfare Reform and Pensions Act 1999, due to the exercise of powers to make regulations under Part 4 of that Act, the Secretary of State has consulted such persons as he considers appropriate about Part 5 of these Regulations(**f**).

A draft of these Regulations has been laid before Parliament in accordance with section 54(2)(a) of the Pensions Act 2014 and approved by a resolution of each House of Parliament.

(**a**) 1992 c.4. Section 55A was inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions Act 1999 (c.30). Subsection (6) was substituted by section 41(3) of the Child Support, Pensions and Social Security Act 2000 (c.19). There are relevant amendments to section 55A made by section 15 of, and paragraph 5 of Schedule 11 to, the Pensions Act 2014 (c.19). Section 175(4) was amended by paragraph 29(4) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2).

(**b**) 1999 c.30. Section 23(1)(a) and (b) was amended by section 261(1) of, and paragraphs 157(2) to (5) of Schedule 27 to, the Civil Partnership Act 2004 (c.33). It was also amended by section 261(4) of, and paragraph 1 of Schedule 30 to, that Act. Section 48(1)(f) was amended by paragraph 161(4)(a) and (b) of Schedule 27 to that Act. Section 49(4) and (4A) was substituted by section 41(1) of the Child Support, Pensions and Social Security Act 2000. There are relevant amendments to section 49 made by section 15 of, and paragraph 12 of Schedule 11 to, the Pensions Act 2014.

(**c**) 2014 c.19. Section 22(1) is cited for the meaning it gives to "regulations".

(**d**) *See* sections 170, 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c.5). There are relevant amendments to section 170 made by paragraph 24 of Schedule 12 to the Pensions Act 2014.

(**e**) *See* section 173(5) of the Social Security Administration Act 1992.

(**f**) The requirement to consult under section 83(11) applies only to the provisions in paragraphs 1(5)(a) and 2 of the Schedule to these Regulations. The Secretary of State consulted about those provisions and all the other provisions on sharing state pension in regulation 14 of, and the Schedule to, these Regulations.

PART 1

General

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the State Pension Regulations 2015.

(2) These Regulations come into force on 6th April 2016.

(3) These Regulations (except Part 5) do not apply to a person who reaches pensionable age(**a**) before 6th April 2016.

(4) In these Regulations, "the 2014 Act" means the Pensions Act 2014.

(5) For the purposes of these Regulations (except this paragraph), two people are to be treated as if they are not married to each other in relation to times when either of them is married to a third person.

PART 2

Prisoners

Prisoners who are not to be paid state pension

2.—(1) Subject to regulation 3, a person is not to be paid a state pension under Part 1 of the 2014 Act (state pension) for any period during which the person is a prisoner(**b**) who is mentioned in paragraph (2).

(2) Except where paragraph (3) applies, a person is a prisoner for the purposes of paragraph (1) where the person is—

(a) a prisoner in Great Britain or elsewhere who is imprisoned or detained in legal custody in connection with, or as a result of, criminal proceedings;

(b) a prisoner in Great Britain or elsewhere who is unlawfully at large;

(c) a prisoner in Great Britain who is being detained—

(i) under section 47 of the Mental Health Act 1983 (removal to hospital of persons serving sentences of imprisonment etc)(**c**); and

(ii) on or before the day which the Secretary of State certifies to be the person's release date (if any) within the meaning in section 50(3) of that Act(**d**);

(d) a prisoner in Great Britain who is being detained under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (transfer of prisoners for treatment of mental disorder)(**e**).

(3) Where a person outside Great Britain is a prisoner within paragraph (2)(a) or (b) and, in similar circumstances in Great Britain, the person would not have been a prisoner, the person is not a prisoner within paragraph (2)(a) or (b).

(**a**) *See* section 22(1) of the Pensions Act 2014 for the meaning of "pensionable age".
(**b**) *See* section 19(2) of the Pensions Act 2014 for the meaning of "prisoner".
(**c**) 1983 c.20. Section 47 was amended by section 49(3) of, and Schedule 6 to, the Crime (Sentences) Act 1997 (c.43), paragraph 18 of Schedule 10 to the Domestic Violence, Crime and Victims Act 2004 (c.28), paragraph 97 of Schedule 16 to the Armed Forces Act 2006 (c.52) and section 4(7) of, and paragraph 10 of Schedule 1 and Part 1 of Schedule 11 to, the Mental Health Act 2007 (c.12). S.I. 1999/672 transferred functions under section 47 to the National Assembly for Wales.
(**d**) Section 50(3) was substituted by section 294(3) of the Criminal Justice Act 2003 (c.44).
(**e**) 2003 asp.13.

Paying state pension to persons who are remanded in custody

3.—(1) Where a person is remanded in custody for an offence, regulation 2(1) does not apply unless a sentence described in paragraph (2) is later imposed on the person for the offence.

(2) Subject to paragraph (3), the described sentences for the purposes of paragraph (1) are—

(a) a sentence of imprisonment or detention in legal custody as a result of criminal proceedings;

(b) a sentence of detention where the provisions mentioned in regulation 2(2)(c)(i) or (d) apply;

(c) a suspended sentence within the meaning in section 189 of the Criminal Justice Act 2003 (suspended sentences of imprisonment)(**a**).

(3) A sentence described in paragraph (2)(a) which is imposed outside Great Britain is not a described sentence for the purposes of paragraph (1) if, in similar circumstances in Great Britain, a sentence described in paragraph (2)(a) would not have been imposed.

PART 3

Deferral of State Pension

When a choice of lump sum or survivor's pension may be made

4.—(1) Where a person falls within section 8(1) of the 2014 Act (choice of lump sum or survivor's pension under section 9 in certain cases), paragraphs (2) and (3) set out the period within which that person is to make any choice under section 8(2) of that Act to be paid—

(a) a lump sum under section 8 of that Act; or

(b) a state pension under section 9 of that Act (survivor's pension based on inheritance of deferred old state pension).

(2) Where the Secretary of State has issued a notice which confirms that the person may make the choice, the period is three months starting on the date in that notice (or, where there is more than one notice which confirms that the person may make that choice, the date in the most recent such notice).

(3) Where the person makes the choice before the Secretary of State has issued any such notice, the period—

(a) starts on the later of the date—

(i) the person claims a state pension; or

(ii) the person's spouse or civil partner died; and

(b) ends on the date the person makes the choice.

(4) A person may make a late choice after the period set out in this regulation in circumstances where—

(a) the Secretary of State considers it is reasonable in any particular case; and

(b) any amount paid by way of (or on account of) a lump sum under section 8(4) of the 2014 Act has been repaid to the Secretary of State—

(i) in full; and

(ii) in the currency in which that amount was originally paid.

(5) The amount of any lump sum to be paid to the person under section 8(4) is reduced to nil where the person makes a late choice under paragraph (4) to be paid a state pension under section 9 of the 2014 Act.

(**a**) 2003 c.44. Section 189 was amended by section 68 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) and S.I. 2005/643.

How a choice of lump sum or survivor's pension may be made

5.—(1) Where a person falls within section 8(1) of the 2014 Act, this regulation sets out the manner in which that person is to make any choice under section 8(2) of that Act to be paid—

(a) a lump sum under section 8 of that Act; or

(b) a state pension under section 9 of that Act.

(2) The manner is—

(a) in writing to an office which is specified to the person in writing by the Secretary of State as accepting any such choice; or

(b) by telephone to a telephone number which is specified to the person in writing by the Secretary of State as accepting any such choice.

(3) The person must use the manner set out in paragraph (2)(a) where the Secretary of State directs in any particular case that that manner must be used.

Changing a choice of lump sum or survivor's pension

6.—(1) Any choice under section 8(2) of the 2014 Act to be paid—

(a) a lump sum under section 8 of that Act; or

(b) a state pension under section 9 of that Act,

may be altered in the circumstances specified in paragraph (2).

(2) The circumstances referred to in paragraph (1) are—

(a) the person who made the choice has not subsequently died;

(b) an application is made to alter the choice;

(c) the application is made within—

(i) the period of three months starting on the date in the notification issued by the Secretary of State which confirms the choice that has been made; or

(ii) such longer period as the Secretary of State considers reasonable in any particular case;

(d) the application is made in the manner set out in—

(i) regulation 5(2)(a), where the Secretary of State directs in any particular case that the manner in regulation 5(2)(a) must be used; or

(ii) regulation 5(2)(a) or (b), in all other cases;

(e) where the application is to alter the choice so that it becomes a choice to be paid a state pension under section 9 of the 2014 Act, any amount paid by way of (or on account of) a lump sum under section 8 of the 2014 Act has been repaid to the Secretary of State—

(i) in full;

(ii) within the period mentioned in sub-paragraph (c); and

(iii) in the currency in which that amount was originally paid;

(f) where the application is to alter the choice so that it becomes a choice to be paid a lump sum under section 8 of the 2014 Act, any amount paid by way of (or on account of) a state pension under section 9 of the 2014 Act would be less than the amount which would be paid as a lump sum under section 8 of the 2014 Act;

(g) no previous alteration has been made under this regulation in respect of the same deferral mentioned in section 8(1)(c) of the 2014 Act; and

(h) the choice has not been treated as made under regulation 30(5G) of the Social Security (Claims and Payments) Regulations 1987 (payments on death)(**a**).

(**a**) S.I. 1987/1968. Regulation 30(5G) was inserted by S.I. 2005/3078.

(3) Where the circumstance in paragraph (2)(f) applies, any amount paid by way of (or on account of) a state pension under section 9 of the 2014 Act in respect of the deferral mentioned in section 8(1)(c) of the 2014 Act for which the choice was originally made is to be treated as having been paid on account of the lump sum to be paid under section 8 of the 2014 Act.

How entitlement to a state pension may be suspended

7.—(1) A person who has become entitled to a state pension under Part 1 of the 2014 Act may opt to suspend their entitlement if they give notice to the Secretary of State.

(2) The manner in which the notice must be given is—

(a) in writing to an office which is specified to the person in writing by the Secretary of State as accepting any such notice; or

(b) by telephone to a telephone number which is specified to the person in writing by the Secretary of State as accepting any such notice.

(3) But the person must use the manner set out in paragraph (2)(a) where the Secretary of State directs in any particular case that that manner must be used.

Date from which a suspension of a state pension begins

8.—(1) Where a person exercises their option to suspend their entitlement to a state pension under Part 1 of the 2014 Act, the suspension takes effect from the date set out in this regulation.

(2) The date is any date which the person specifies that is—

(a) not before the date on which the option was exercised; and

(b) not after 28 days starting with the date on which the option was exercised.

(3) Where the person does not specify a date in accordance with paragraph (2), the date is the date on which the option was exercised.

Cancelling a suspension of a state pension

9.—(1) Where a person has opted to suspend their entitlement to a state pension under Part 1 of the 2014 Act, the person may cancel the exercise of that option in relation to the whole of, or part of, a past period referred to in paragraph (3).

(2) The person cancels the suspension by making a claim for their state pension whilst their state pension is suspended.

(3) The past period mentioned in paragraph (1) is any period of up to 12 months before the date on which the person cancels the suspension.

Percentage for the weekly rate of increases resulting from deferral of state pension

10. For the purposes of section 17(4) of the 2014 Act (effect of pensioner postponing or suspending state pension), the specified percentage is one-ninth of 1%.

Days which are not included in determining the period of deferral

11.—(1) In the circumstances set out in paragraph (2), a day does not count in determining a number of whole weeks for the purposes of section 17(3) of the 2014 Act.

(2) The circumstances mentioned in paragraph (1) are where the day is—

(a) a day on which the person whose entitlement to a state pension under Part 1 of the 2014 Act is deferred has received any of the following benefits—

(i) state pension credit under section 1 of the State Pension Credit Act 2002 (entitlement to state pension credit)(**a**);

(ii) income support under section 124 of the Contributions and Benefits Act (income support)(**b**);

(iii) an income-related employment and support allowance (which means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance)(**c**));

(iv) an income-based jobseeker's allowance within the meaning in section 1(4) of the Jobseekers Act 1995 (the jobseeker's allowance)(**d**);

(v) universal credit under Part 1 of the Welfare Reform Act 2012 (universal credit)(**e**);

(vi) a carer's allowance under section 70 of the Contributions and Benefits Act (carer's allowance)(**f**);

(vii) an unemployability supplement within the meaning in regulation 2(1) of the Social Security (Overlapping Benefits) Regulations 1979 (interpretation)(**g**);

(viii) severe disablement allowance under section 68 of the Contributions and Benefits Act (entitlement and rate of severe disablement allowance)(**h**);

(ix) a widow's pension under section 39 of the Contributions and Benefits Act (rate of widowed mother's allowance and widow's pension)(**i**);

(x) a widowed mother's allowance under section 37 of the Contributions and Benefits Act (widowed mother's allowance)(**j**);

(xi) incapacity benefit under section 30A of the Contributions and Benefits Act (incapacity benefit: entitlement)(**k**);

(b) a day on which a person—

(i) has received an increase of any of the benefits mentioned in sub-paragraph (a) in respect of the person whose entitlement to a state pension under Part 1 of the 2014 Act is deferred; and

(ii) is married to, in a civil partnership with or residing with the person whose entitlement to a state pension under Part 1 of the 2014 Act is deferred; or

(c) a day on which the person whose entitlement to a state pension under Part 1 of the 2014 Act is deferred would not, if their entitlement was not deferred, be paid that state pension because they were a prisoner (see section 19 of the 2014 Act (prisoners) and regulations 2 and 3).

(**a**) 2002 c.16.

(**b**) *See* section 22(1) of the Pensions Act 2014 for the definition of "the Contributions and Benefits Act". Section 124 was amended by paragraph 30 of Schedule 2 and Schedule 3 to the Jobseekers Act 1995 (c.18), paragraph 28 of Schedule 8 to the Welfare Reform and Pensions Act 1999, paragraph 2 of Schedule 2 and Schedule 3 to the State Pension Credit Act 2002 (c.16), paragraph 42 of Schedule 24 to the Civil Partnership Act 2004, paragraph 9(9) and (10) of Schedule 3 and Schedule 8 to the Welfare Reform Act 2007 (c.5), section 3 of the Welfare Reform Act 2009 (c.24) and section 58(2) of the Welfare Reform Act 2012 (c.5).

(**c**) 2007 c.5. *See* in particular the definition of "income-related allowance" in section 1(7) of the Welfare Reform Act 2007.

(**d**) 1995 c.18. The definition of "income-based jobseeker's allowance" was amended by paragraph 2(4)(a) of Schedule 7 to the Welfare Reform and Pensions Act 1999.

(**e**) 2012 c.5.

(**f**) Section 70 was amended by S.I.s 1994/2556, 2002/1457, 2011/2426 and 2013/388 and 796.

(**g**) S.I. 1979/597.

(**h**) Section 68 has effect by virtue of S.I. 2000/2958.

(**i**) Section 39 was amended by paragraph 17 of Schedule 12 to the Welfare Reform and Pensions Act 1999, paragraph 27 of Schedule 3 to the Tax Credits Act 2002 (c.21), section 6(5) of, and paragraph 3 of Schedule 2 and Schedule 7 to, the Pensions Act 2007 (c.22) and paragraph 3 of Schedule 4 to the Pensions Act 2008 (c.30).

(**j**) Section 37 was amended by paragraph 2 of Schedule 1 to the Child Benefit Act 2005 (c.6), section 50 of, and Schedule 8 to, the Welfare Reform Act 2007, paragraph 18 of Schedule 24 and Schedule 30 to the Civil Partnership Act 2004 and S.I. 2014/560.

(**k**) Section 30A was inserted by section 1 of the Social Security (Incapacity for Work) Act 1994 (c.18) and amended by section 64 of the Welfare Reform and Pensions Act 1999 and paragraph 14 of Schedule 24 to the Civil Partnership Act 2004.

Part weeks treated as whole weeks in determining the amount of entitlement during deferral

12.—(1) In the circumstances set out in paragraph (2), a part of a week is to be treated as a whole week for the purposes of section 17(3) of the 2014 Act.

(2) The circumstances mentioned in paragraph (1) are where there is a part of a week in the total period during which the person's entitlement to a state pension was deferred, after any days have been discounted under regulation 11.

PART 4

Minimum Qualifying Period

Minimum number of qualifying years

13.—(1) For the purposes of section 2(3) of the 2014 Act (entitlement to state pension at full or reduced rate), the minimum number of qualifying years(**a**) for a state pension payable at the reduced rate is ten.

(2) For the purposes of section 4(2) of the 2014 Act (entitlement to a state pension at transitional rate), the minimum number of qualifying years for a state pension payable at the transitional rate is ten.

PART 5

Amendments to other legislation

Sharing of state pension scheme rights

14. The Schedule to these Regulations (which makes amendments relating to the sharing of state pension rights) has effect.

Signed by authority of the Secretary of State for Work and Pensions.

Name
Minister of State,
Date Department for Work and Pensions

SCHEDULE

Regulation 14

Amendments to other legislation – sharing of state pension rights

Amendment of the Sharing of State Scheme Rights (Provision of Information and Valuation) (No.2) Regulations 2000

1.—(1) The Sharing of State Scheme Rights (Provision of Information and Valuation) (No.2) Regulations 2000(**b**) are amended in accordance with the following sub-paragraphs.

(**a**) *See* section 2(4) of the Pensions Act 2014 for the definition of "qualifying year".
(**b**) S.I. 2000/2914.

(2) In regulations 1(2), 2 and 3(**a**) in each reference to "shareable state scheme rights", including in the heading of regulation 3, insert "old" after "shareable".

(3) In regulation 1(2) (citation, commencement and interpretation) after the definition of "the 1999 Act", insert—

> ""new state scheme pension credit" is a credit under section 49A(2)(b) of the 1999 Act(**b**);
>
> "old state scheme pension credit" is a credit under section 49(1)(b) of the 1999 Act(**c**);
>
> "relevant date" has the meaning given by section 10(3) of the Family Law (Scotland) Act 1985(**d**);
>
> "shareable new state scheme rights" has the meaning given by section 47(3) of the 1999 Act(**e**);".

(4) In regulation 2(3) (basic information about the sharing of state scheme rights and divorce or the dissolution of a civil partnership)—

(a) in sub-paragraph (a), for "state scheme rights which are shareable" substitute "shareable old state scheme rights";

(b) in sub-paragraph (c), after "additional pension" insert "because of an old state scheme pension credit".

(5) In regulation 4 (calculation and verification of cash equivalents for the purposes of the creation of state scheme pension debits and credits)—

(a) in paragraph (a), after "credits" insert ": transferor in old state pension system or pension sharing activated before 6th April 2016"(**f**);

(b) in paragraph (c), after "pension" insert "because of an old state scheme pension credit"(**g**);

(c) after paragraph (d), insert—

> "(e) paragraph 2 of Schedule 8 to the Pensions Act 2014; and
>
> (f) paragraph 2 of Schedule 10 to the Pensions Act 2014,";

(d) after "cash equivalents", insert "or notional rates".

(6) Regulation 1 becomes Part 1 of the Sharing of State Scheme Rights (Provision of Information and Valuation) (No.2) Regulations 2000.

(7) The title of that Part 1 is "General".

(8) Regulations 2 to 5 become Part 2 of the Sharing of State Scheme Rights (Provision of Information and Valuation) (No.2) Regulations 2000.

(9) The title of that Part 2 is "Old State Scheme Pension Credits and Debits".

(10) After Part 2, insert—

(**a**) Regulations 2 and 3 were amended by S.I. 2005/2877.
(**b**) Section 49A was inserted by paragraph 13 of Schedule 11 to the Pensions Act 2014.
(**c**) Section 49(1) was substituted by paragraph 12 of Schedule 11 to the Pensions Act 2014.
(**d**) 1985 c.37. Section 10(3) was amended by paragraph 16(4)(a) and (b) of Schedule 28 to the Civil Partnership Act 2004.
(**e**) Section 47(3) was inserted by paragraph 10(4) of Schedule 11 to the Pensions Act 2014.
(**f**) The heading to section 49 of the Welfare Reform and Pensions Act 1999 was amended by paragraph 12(7) of Schedule 11 to the Pensions Act 2014.
(**g**) The heading to section 55A of the Welfare Reform and Pensions Act 1999 was amended by paragraph 5(5) of Schedule 11 to the Pensions Act 2014.

"PART 3

New State Scheme Pension Credits and Debits

Basic information about the sharing of state scheme rights and divorce or the dissolution of a civil partnership

6.—(1) The requirements imposed on the Secretary of State for the purposes of section 23(1)(a) of the 1999 Act (supply of pension information in connection with divorce etc.) are that he shall furnish—

(a) the information specified in paragraphs (2) to (6)—

(i) to a person who has shareable new state scheme rights on request from that person; or

(ii) to the court, pursuant to an order of the court; or

(b) the information specified in paragraph (6) to the spouse or civil partner of a person who has shareable new state scheme rights, on request from that spouse or civil partner.

(2) Except where paragraphs (3) or (4) apply, the information specified in this paragraph is a valuation of the person's shareable new state scheme rights as at the date of receipt of a request for such a valuation.

(3) The information specified in this paragraph is a valuation of the person's shareable new state scheme rights as at the relevant date, where the relevant date is on or after 6th April 2016.

(4) The information specified in this paragraph is a valuation of the person's previous shareable old state scheme rights as at the relevant date, where the relevant date is before 6th April 2016 and the request for a valuation is received on or after 6th April 2016.

(5) The information specified in this paragraph is the amount of the person's former entitlement to a category A retirement pension by virtue of section 44(3)(b) of the 1992 Act as at the relevant date and immediately before 6th April 2016, where the relevant date is before 6th April 2016 and the request for information about that amount is received on or after 6th April 2016.

(6) The information in this paragraph is an explanation of—

(a) the shareable new state scheme rights;

(b) how a pension sharing order or provision will affect a person's shareable new state scheme rights;

(c) how a pension sharing order or provision in respect of a person's shareable new state scheme rights will result in the spouse or civil partner of the person who has shareable new state scheme rights becoming entitled to an amount because of a new state scheme pension credit; and

(d) how any amount in sub-paragraph (c) differs from an amount of shared additional pension because of an old state scheme pension credit.

(7) The Secretary of State shall furnish the information specified in paragraphs (2) to (6) to the court, or, as the case may be, to the person who has shareable new state scheme rights within—

(a) three months beginning with the date the Secretary of State receives the request or, as the case may be, the order for the provision of that information;

(b) six weeks beginning with the date the Secretary of State receives the request or, as the case may be, the order for the provision of the information, if the person who has shareable new state scheme rights has notified the Secretary of State by the date the Secretary of State receives the request or order that the information is needed in connection with proceedings commenced under any of the provisions referred to in section 23(1)(a) of the 1999 Act; or

(c) such shorter period specified by the court in an order requiring the Secretary of State to provide a valuation in accordance with paragraphs (2), (3) or (4) or an amount in accordance with paragraph (5).

(8) Where—

(a) the request made by the person with shareable new state scheme rights for, or the court order requiring, the provision of information does not include a request or, as the case may be, an order for a valuation under paragraphs (2), (3) or (4) or an amount under paragraph (5); or

(b) the spouse or civil partner of the person with shareable new state scheme rights requests the information specified in paragraph (6),

the Secretary of State shall furnish that information to the person who has shareable new state scheme rights, that person's spouse or civil partner, or the court, as the case may be, within one month beginning with the date the Secretary of State receives the request or the court order for the provision of that information.

Information about the sharing of state scheme rights and divorce or dissolution of a civil partnership: valuation of shareable old or new state scheme rights

7. Where an application for financial relief or financial provision under any of the provisions referred to in section 23(1)(a) of the 1999 Act has been made or is in contemplation, the valuation of shareable old or new state scheme rights shall be calculated and verified for the purposes of regulation 6(2) to (4) of these Regulations in accordance with guidance from time to time prepared by the Government Actuary.".

Amendment of the Pensions on Divorce etc. (Pension Sharing) (Scotland) Regulations 2000

2.—(1) The Pensions on Divorce etc. (Pension Sharing) (Scotland) Regulations 2000(**a**) are amended in accordance with the following sub-paragraphs.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of "the 1999 Act", insert—

""excess amount" has the meaning given by section 47(4) of the 1999 Act;";

(b) after the definition of "qualifying arrangement", insert—

""shareable old state scheme rights" has the meaning given by section 47(2) of the 1999 Act;";

(c) in the definition of "transferee" and "transferor", after "49(6)" insert "or 49A(5)".

(3) In regulation 4(a)(v) (prescribed form of provision corresponding to provision in a pension sharing order under the 1985 Act)—

(a) before "details", insert "where section 49 of the 1999 Act applies,";

(b) for "relevant", substitute "shareable old";

(c) after "that day;", insert "or".

(4) After regulation 4(a)(v), insert—

"(vi) where section 49A of the 1999 Act applies, details of the specified percentage of the excess amount of the transferor's state pension under section 4 of the Pensions Act 2014 as at the transfer day;".

(**a**) S.I. 2000/1051.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Pensions Act 2014 (c.19) ("the 2014 Act") creates a new state pension for people reaching pensionable age on or after 6th April 2016 (see Part 1 of that Act). It replaces the existing state pension. These Regulations set out some of the detailed rules relating to the new state pension.

Part 2 contains provisions about prisoners. For these purposes, prisoners are people who are imprisoned, detained in legal custody or unlawfully at large. They can be a prisoner in Great Britain or abroad. These prisoners may not be entitled to be paid any state pension under the 2014 Act.

Regulation 2 lists the prisoners who are not entitled to be paid a state pension. It provides that some prisoners abroad can be paid their state pension if they would not have been imprisoned in Great Britain. Regulation 3 provides that prisoners on remand are not to be paid a state pension if they later receive certain types of sentence.

Part 3 contains provisions about deferral: where a person defers their new state pension and where a person inherits state pension after their deceased spouse or civil partner had deferred their old state pension. A person may defer by choosing not to claim their state pension when they are first entitled to it or by suspending receipt of their state pension after they first claim it. If they defer, they may receive more state pension when they later choose to claim it. Part 3 sets out a number of rules relating to how such deferrals work.

Regulation 4 sets out the period within which a person can choose a lump sum or periodical payment in respect of their deceased spouse or civil partner's deferred old state pension. It also allows a person to make a late choice (section 8 of the 2014 Act sets out what happens if the person does not make a choice with the period). Regulation 5 provides the manner in which such a choice must be made. Regulation 6 allows the person to alter their choice in certain circumstances. Regulation 7 sets out the manner in which a person can suspend their new state pension after it has been claimed. Regulation 8 specifies the date from which any suspension of state pension begins. Regulation 9 allows a person to cancel the suspension of their state pension by making a claim for it. Regulation 10 determines the amount of extra state pension a person who has deferred their state pension may be entitled to. Regulation 11 lists the days which are not included when calculating the length of time a person has deferred their state pension. Regulation 12 provides that some parts of weeks are to be treated as full weeks for the purposes of determining the period of deferral.

Part 4 specifies that the minimum number of qualifying years for the purposes of entitlement to state pension at the reduced and transitional rates is ten. State pension is payable at either a full, reduced or transitional rate. The reduced rate of state pension is payable where a person has reached pensionable age and has at least the specified minimum number of qualifying years. The transitional rate of state pension is payable where a person has reached pensionable age and has at least the specified minimum number of qualifying years, at least one of which is a "pre-commencement qualifying year" as defined in section 4(4) of the 2014 Act.

Part 5 and the Schedule contain provisions about pension sharing on divorce or dissolution of a civil partnership. They amend the Sharing of State Scheme Rights (Provision of Information and Valuation) (No.2) Regulations 2000 ("the No.2 Regulations") (S.I. 2000/2914) and the Pensions on Divorce etc. (Pension Sharing) (Scotland) Regulations 2000 ("the Scotland Regulations") (S.I. 2000/1051). Those Regulations set out the information the Secretary of State must supply to a person or the court in relation to the sharing of rights to an old state pension on divorce or dissolution of a civil partnership and set out the information that must be contained in an agreement entered into as an alternative to pension-sharing through the courts. The amendments are made in consequence of changes made by sections 13 to 15 of, and Schedules 8 to 11 to, the 2014 Act. Those provisions of the 2014 Act allow for the continuation of state pension sharing on divorce for people who reach state pension age on or after 6th April 2016 and are entitled to the new state pension at the transitional rate. The amendments distinguish rights to an old state pension which are shareable from rights to a new state pension which are shareable.

Paragraph 1(2) to (5) of the Schedule to these Regulations amends the No.2 Regulations. The amendments insert references to "new state scheme pension credit", "shareable new state scheme rights" and other phrases relating to sharing new state pension. Paragraph 1(10) inserts a new Part which sets out the information the Secretary of State must supply to a person or the court in relation to the sharing of new state scheme rights. It also provides that the valuation of shareable old or new state scheme rights must be calculated and verified in accordance with guidance prepared by the Government Actuary. Paragraph 2 amends the Scotland Regulations in relation to the sharing of state scheme rights and agreements called qualifying agreements (or minutes of agreement) under the Family Law (Scotland) Act 1985 (c.37) which correspond to the provision which may be made in a pension sharing order. It also sets out the information that must be contained in certain qualifying agreements dealing with shareable new state scheme rights.

A full impact assessment has not been published for these Regulations as they have no impact on the private sector or civil society organisations. An assessment has been made of the impact of the introduction of the new state pension. Copies of that impact assessment may be obtained from the Better Regulation Unit of the Department for Work and Pensions, 2D Caxton House, Tothill Street, London SW1 9NA or from the DWP website: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311316/pensions-act-ia-annex-a-single-tier-state-pension.pdf. (Annex A contains the assessment for new state pension.)

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