STATUTORY INSTRUMENTS

2000 No. 2693

PENSIONS
SOCIAL SECURITY

The Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations 2000

Made - - - - -	*28th September 2000*
Laid before Parliament	*4th October 2000*
Coming into force - -	*1st December 2000*

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 45B(7)(**a**), 55A(6)(**b**), 55B(7)(**c**), 122(1)(**d**) and 175(3) and (4)(**e**) of the Social Security Contributions and Benefits Act 1992(**f**) and sections 23(1)(a), (b)(ii) and (c)(i) and (2), 49(4)(**g**) and 83(4) and (6) of the Welfare Reform and Pensions Act 1999 and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make regulation 4 of these Regulations should not be referred to it(**h**) and after consulting such persons as he considered appropriate(**i**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations 2000 and shall come into force on 1st December 2000.

(2) In these Regulations—

"the 1992 Act" means the Social Security Contributions and Benefits Act 1992;

"the 1999 Act" means the Welfare Reform and Pensions Act 1999;

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

Basic information about the sharing of state scheme rights and divorce

2.—(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**) Section 45B is inserted by paragraph 2 of Schedule 6 to the Welfare Reform and Pensions Act 1999 (c. 30) and amended by section 41(2) of the Child Support, Pensions and Social Security Act 2000 (c. 19).
(**b**) Section 55A is inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions Act 1999 and amended by section 41(3) of the Child Support, Pensions and Social Security Act 2000.
(**c**) Section 55B is inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions Act 1999 and amended by section 41(4) of the Child Support, Pensions and Social Security Act 2000.
(**d**) Section 122(1) is cited because of the meaning there given to "prescribe".
(**e**) 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).
(**f**) 1992 c. 4.
(**g**) Section 49 is amended by section 41(1) of the Child Support, Pensions and Social Security Act 2000.
(**h**) *See* section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
(**i**) *See* section 83(11) of the Welfare Reform and Pensions Act 1999.

(a) the information specified in paragraphs (2) and (3)—

(i) to a person who has shareable 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 (3) to the spouse of a person who has shareable state scheme rights, on request from that spouse.

(2) The information specified in this paragraph is a valuation of the person's shareable state scheme rights.

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

(a) the state scheme rights which are shareable;

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

(c) how a pension sharing order or provision in respect of a person's shareable state scheme rights will result in the spouse of the person who has shareable state scheme rights becoming entitled to a shared additional pension.

(4) The Secretary of State shall furnish the information specified in paragraphs (2) and (3) to the court or, as the case may be, to the person who has shareable state scheme rights within—

(a) 3 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) 6 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 state scheme rights has notified the Secretary of State on the date of 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 paragraph (2).

(5) Where—

(a) the request made by the person with shareable 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 paragraph (2); or

(b) the spouse of the person with shareable state scheme rights requests the information specified in paragraph (3),

the Secretary of State shall furnish that information to the person who has shareable state scheme rights, his spouse, 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: valuation of shareable state scheme rights

3. 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 state scheme rights shall be calculated and verified for the purposes of regulation 2(2) of these Regulations in such manner as may be approved by or on behalf of the Government Actuary.

Calculation and verification of cash equivalents for the purposes of the creation of state scheme pension debits and credits

4. For the purposes of—

(a) section 49 of the 1999 Act (creation of state scheme pension debits and credits);

(b) section 45B of the 1992 Act (reduction of additional pension in Category A retirement pension: pension sharing);

(c) section 55A of the 1992 Act (shared additional pension); and

(d) section 55B of the 1992 Act (reduction of shared additional pension: pension sharing),

cash equivalents shall be calculated and verified in such manner as may be approved by or on behalf of the Government Actuary.

Signed by authority of the Secretary of State for Social Security

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

28th September 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with the sharing, on divorce or nullity of marriage, of rights to the additional pension component of a state retirement pension.

Regulation 1 provides for citation, commencement and interpretation.

Regulation 2 specifies the information which the Secretary of State must supply to the parties to a marriage or the court in relation to the sharing of state scheme rights. This regulation also specifies the time limits within which that information must be furnished.

Regulation 3 sets out how the value of the state scheme rights must be calculated and verified when a valuation of those rights is requested in connection with the sharing of those rights.

Regulation 4 provides for how cash equivalents shall be calculated and verified for the purposes of the creation of state scheme pension debits and credits, the reduction of the additional pension, the creation of the shared additional pension and the reduction of the shared additional pension, as a result of pension sharing.

These Regulations do not impose any costs on business.

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