

Status: Point in time view as at 01/07/2013.

Changes to legislation: There are currently no known outstanding effects for the Welfare Reform and Pensions Act 1999, Paragraph 66. (See end of Document for details)

SCHEDULES

SCHEDULE 12

CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS CONSEQUENTIAL ON PARTS III AND IV

Family Law Act 1996 (c.27)

- 66 (1) Schedule 8 is amended as follows.
- (2) In paragraph 9—
- (a) in sub-paragraph (2)—
- (i) for “or 24A” there is substituted “, 24A or 24B”, and
- (ii) for “to 24A” there is substituted “ to 24BB”, and
- (b) in sub-paragraph (3), after paragraph (a) there is inserted—
- “(aa) for “or 24B” substitute “, 24B or 24BB”.”
- (3) In paragraph 10, in sub-paragraph (2), for “24A” there is substituted “ 24BB”.
- (4) For paragraph 11 there is substituted—
- “11 In each of sections 25B(3) and 25C(1) and (3), for “section 23” substitute “section 22A or 23”.
- 11A In section 25D—
- (a) in each of subsections (1)(a) and (2)(a) and (ab), for “section 23” substitute “section 22A or 23”, and
- (b) in subsection (3), in the definition of “shareable state scheme rights”, for “section 21A(1)” substitute “section 21(3)”.”
- (5) In paragraph 16, in sub-paragraph (2), at the end there is inserted—
- “(f) after paragraph (f) there is inserted—
- (“ a pension sharing order under section 24B which is made at a time when no divorce order has been made, and no separation order is in force, in relation to the marriage; ”
- (g) in paragraph (g), for “24B” substitute “24BB”.”
- (6) In that paragraph, after sub-paragraph (3) there is inserted—
- “(3A) In subsection (4A), after “paragraph” insert “(de), (ea), (fa) or”.”
- (7) In that paragraph, in sub-paragraph (4), for the words from “subsection (4)” to the end of the first of the inserted subsections there is substituted “ subsection (4A) insert

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—”, the second of the inserted subsections is renumbered “(4AA)” and after that subsection there is inserted—

“(4AB) No variation of a pension sharing order under section 24B above shall be made so as to take effect before the making of a divorce order in relation to the marriage.”

(8) In that paragraph, after sub-paragraph (4) there is inserted—

“(4A) In subsection (4B), after “order” insert “under section 24BB above”.”

(9) In that paragraph, after sub-paragraph (7) there is inserted—

“(8) After subsection (7F) insert—

“(“) Section 24B(3) above applies where the court makes a pension sharing order under subsection (7B) above as it applies where the court makes such an order under section 24B above.”

(9) In subsection (7G)—

- (a) for “Subsections (3) to (5) of section 24B” substitute “Section 24BA(5) to (7)”, and
- (b) for “that section” substitute “section 24B above”.”

(10) After that paragraph there is inserted—

“16A After section 31A insert—

“Discharge of pension sharing orders on making of separation order.

31B Where, after the making of a pension sharing order under section 24B above in relation to a marriage, a separation order is made in relation to the marriage, the pension sharing order is discharged. ””

(11) In paragraph 19, in sub-paragraph (3)—

- (a) after “24A” there is inserted “, 24B”, and
- (b) after “property adjustment order,” there is inserted “ any pension sharing order, ”.

(12) In paragraph 21—

- (a) after “24,” in the first place, there is inserted “ 24B, ”, and
- (b) for “24,” in the second place, there is substituted “ 24BB, ”.

(13) After paragraph 25 there is inserted—

“25A In section 52(2)(aa), for “section 21A” substitute “section 21”.”

(14) In paragraph 32, in sub-paragraph (2), for the words from “the words” to the end there is substituted “paragraph (a) substitute—

“(“) make one or more orders each of which would, within the meaning of Part II of the 1973 Act, be a financial provision order in favour of a party to the marriage or a child of the family or a property adjustment order in relation to the marriage;. ””

(15) In that paragraph, in sub-paragraph (3), for “21(a)” there is substituted “ 21(1)(a) ”.

(16) In that paragraph, after sub-paragraph (3) there is inserted—

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“(3A) For section 21(1)(ba) substitute—

- (“ sections 24BA(5) to (7) (provisions about pension sharing orders in relation to divorce);
- (baa) section 24BC(1) to (3) (provisions about pension sharing orders in relation to nullity); ”.

(3B) In section 21(3), for “section 23” substitute “section 22A or 23”.

(17) At the end of Part I insert—

“ The Welfare Reform and Pensions Act 1999

- 43A In section 24 of the Welfare Reform and Pensions Act 1999 (charges by pension arrangements in relation to earmarking orders), for “section 23” substitute “section 22A or 23”.

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