
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 9

APPLICATIONS FOR A FINANCIAL REMEDY

CHAPTER 8

PENSIONS

Duty of the court upon making a pension sharing order or a pension attachment order

9.36.—(1) A court which varies or discharges a pension sharing order or a pension attachment order, must send, or direct one of the parties to send—

(a) to the person responsible for the pension arrangement concerned; or

(b) where the Board has assumed responsibility for the pension scheme or part of it, the Board; the documents referred to in paragraph (4).

(2) A court which makes a pension sharing order or pension attachment order, must send, or direct one of the parties to send to the person responsible for the pension arrangement concerned, the documents referred to in paragraph (4).

(3) Where the Board has assumed responsibility for the pension scheme or part of it after the making of a pension sharing order or attachment order but before the documents have been sent to the person responsible for the pension arrangement in accordance with paragraph (2), the court which makes the pension sharing order or the pension attachment order, must send, or direct one of the parties to send to the Board the documents referred to in paragraph (4).

(4) The documents to be sent in accordance with paragraph (1) to (3) are—

(a) in the case of—

(i) proceedings under the 1973 Act, a copy of the decree of judicial separation;

(ii) proceedings under Schedule 5 to the 2004 Act, a copy of the separation order;

(iii) proceedings under Part 3 of the 1984 Act, a copy of the document of divorce, annulment or legal separation;

(iv) proceedings under Schedule 7 to the 2004 Act, a copy of the document of dissolution, annulment or legal separation;

(b) in the case of divorce or nullity of marriage, a copy of the decree absolute under rule 7.31 or 7.32; or

(c) in the case of dissolution or nullity of civil partnership, a copy of the order making the conditional order final under rule 7.31 or 7.32; and

(d) a copy of the pension sharing order or the pension attachment order, or as the case may be of the order varying or discharging that order, including any annex to that order relating to that pension arrangement but no other annex to that order.

Status: Point in time view as at 06/04/2012. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects for the
The Family Procedure Rules 2010, Section 9. (See end of Document for details)*

- (5) The documents referred to in [F1 paragraph (4)] must be sent—
- (a) in proceedings under the 1973 Act and the 1984 Act, within 7 days beginning with the date on which—
 - (i) the relevant pension sharing or pension attachment order [F2, or any order varying or discharging such an order,] is made; or
 - (ii) the decree absolute of divorce or nullity or decree of judicial separation is made, whichever is the later; and
 - (b) in proceedings under the 2004 Act, within 7 days beginning with the date on which—
 - (i) the relevant pension sharing or pension attachment order [F3, or any order varying or discharging such an order,] is made; or
 - (ii) the final order of dissolution or nullity or separation order is made, whichever is the later.

Textual Amendments

- F1** Words in rule 9.36(5) substituted (6.4.2012) by [The Family Procedure \(Amendment\) Rules 2012 \(S.I. 2012/679\)](#), [rules 1, 19\(a\)](#) (with [rule 30](#))
- F2** Words in rule 9.36(5)(a)(i) inserted (6.4.2012) by [The Family Procedure \(Amendment\) Rules 2012 \(S.I. 2012/679\)](#), [rules 1, 19\(b\)](#) (with [rule 30](#))
- F3** Words in rule 9.36(5)(b)(i) inserted (6.4.2012) by [The Family Procedure \(Amendment\) Rules 2012 \(S.I. 2012/679\)](#), [rules 1, 19\(b\)](#) (with [rule 30](#))

Status:

Point in time view as at 06/04/2012. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Family Procedure Rules 2010, Section 9.