
STATUTORY INSTRUMENTS

2011 No. 731

The Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc) Regulations 2011

PART 1

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc) Regulations 2011 and shall come into force on 6th April 2011.

(2) In these Regulations—

“the Act” means the Pensions Act 2008;

“the 2004 Act” means the Pensions Act 2004;

“admissible rules” has the same meaning as in paragraph 35 (scheme rules, admissible rules etc) of Schedule 7 to the 2004 Act⁽¹⁾;

“child of the family” means—

(a) a child of the transferee; or

(b) any other child who has been treated by the transferee as a child of the family, other than a child placed with the transferee as a foster parent by a local authority or voluntary organisation;

“compensation cap” has the same meaning as in paragraph 26(7) of Schedule 7 to the 2004 Act (compensation cap);

“member” means the party who is entitled to present or future payment of PPF compensation under the pension compensation provisions and includes a pension compensation credit member;

“pension compensation attachment order” means an order made under any of the provisions specified in regulation 17(1)(a) to (e);

“pension compensation credit member” means a person who has rights to PPF compensation which are attributable to a pension compensation credit;

“pension compensation debit” means a debit of the appropriate amount, to be applied to the transferor’s shareable rights to PPF compensation, on the taking effect of a pension compensation sharing order or provision (see section 111 of the Act (creation of pension compensation debits and credits));

“qualifying course” means a full time educational or vocational course at a recognised educational establishment where, in pursuit of that course, the time spent receiving instruction or tuition, undertaking supervised study, examination or practical work or taking part in any

⁽¹⁾ Paragraph 35(2) and (3) was amended by paragraphs 17 and 18 of Schedule 8 to the Pensions Act 2008.

exercise, experiment or project for which provision is made in the curriculum of the course, exceeds 12 hours per week in normal term time, and includes any gaps between the ending of one course and the commencement of another, where the person is enrolled on and commences the latter course;

“PPF” means the Pension Protection Fund;

“relevant compensation” means the payments to which the member is entitled (or will become entitled on attaining normal pension age) under the pension compensation provisions by virtue of the member’s shareable rights to PPF compensation that derive from rights under a specified scheme;

“relevant partner” means a person of either sex who was not married to, or in a civil partnership with, the transferee and who was living with the transferee—

- (a) as if that person and the transferee were husband and wife; or
- (b) in the case of two adults of the same sex, as if they were civil partners;

“surviving dependant” means—

- (a) a child of the family who was financially dependent on the transferee at the time of the transferee’s death and who is aged less than 18;
- (b) a child of the family who was financially dependent on the transferee at the time of the transferee’s death, who is aged less than 23 and who is—
 - (i) attending a qualifying course; or
 - (ii) incapable of engaging in full time paid employment due to a condition that falls within the definition of a disability under section 6 (disability) of the Equality Act 2010⁽²⁾; or
- (c) a child of the transferee who is born after the transferee’s death;

“surviving partner” means the surviving widow, widower or civil partner of a deceased transferee;

“valid nomination” means a signed written notice.

(3) “Day”, in regulations 3, 5, 9, 11, 12, 17 and 18, means any day other than—

- (a) Christmas Day or Good Friday; or
- (b) a day which is, or is to be observed as, a bank holiday under Schedule 1 (bank holidays) to the Banking and Financial Dealings Act 1971⁽³⁾;

and where the Board receives a request or order to provide information, an order or provision, a notification or other documents on a day which falls on one of the days specified in sub-paragraph (a) or (b), any period of time specified in regulation 3, 5, 9, 11, 12, 17 or 18 is to run from the next day after the day of receipt which is not a day specified in sub-paragraph (a) or (b).

(2) 2010 c.15.

(3) 1971 c. 80. Paragraph 2 of Schedule 1 was amended by section 1 of the St Andrew’s Day Bank Holiday (Scotland) Act 2007 (asp 2).