STATUTORY RULES OF NORTHERN IRELAND

2000 No. 362

PENSIONS
SOCIAL SECURITY

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

Made - - - -	*22nd November 2000*
Coming into operation	*1st December 2000*

The Department for Social Development, in exercise of the powers conferred by sections 45B(7), 55A(6), 55B(7), 171(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 21(1)(*a*), (*b*)(ii) and (*c*)(i) and (2), 46(4) and 73(4) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**2**), and now vested in it(**3**), and of all other powers enabling it in that behalf, 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 (Northern Ireland) 2000 and shall come into operation on 1st December 2000.

(2) In these Regulations—

"shareable state scheme rights" has the meaning given by Article 44(2);

"shared additional pension" means a shared additional pension referred to in section 55A(**4**).

(3) Subject to paragraph (4), the Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 7; section 45B(7) was inserted by paragraph 2 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I.1999/3147 (N.I. 11)) and substituted by section 37 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 c. 4 (N.I.); sections 55A(6) and 55B(7) were inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and substituted by section 37 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(**2**) S.I. 1999/3147 (N.I. 11)); Article 46(4) is substituted by section 37 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(**3**) *See* Article 8(*b*) of S.R. 1999 No. 481

(**4**) Section 55A was inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by section 37 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(**5**) 1954 c. 33 (N.I.)

(4) For the purposes of these Regulations, and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

(5) In these Regulations—

(a) any reference to a numbered section is a reference to the section of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 bearing that number;

(b) any reference to a numbered Article is a reference to the Article of the Welfare Reform and Pensions (Northern Ireland) Order 1999 bearing that number.

Basic information about the sharing of state scheme rights for the purposes of divorce, etc.

2.—(1) The requirements imposed on the Department for the purposes of Article 21(1)(*a*) (supply of pension information in connection with divorce etc.) are that it shall furnish—

(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 specified 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 Department 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 Department 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 Department 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 Department 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 Article 21(1)(*a*), or

(c) such shorter period specified by the court in an order requiring the Department 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),