



## SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (NO. 3) ORDER 2019

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Statutory Document No. 2019/0090



*Social Security Act 2000*

## **SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (NO. 3) ORDER 2019**

*Approved by Tynwald: 20<sup>th</sup> March 2019  
Coming into Operation in accordance with article 2*

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The Treasury makes the following Order under section 1 of the Social Security Act 2000.

### **1 Title**

This Order is the Social Security Legislation (Benefits) (Application) (No. 3) Order 2019.

### **2 Commencement**

This Order comes into operation on 6 April 2019<sup>1</sup>.

### **3 Interpretation**

- (1) In this Order “**the applied legislation**” means the Pensions Act 2014 (Pension Sharing on Divorce etc.) (Transitional Provision) Order 2016<sup>2</sup>.
- (2) Unless the context otherwise requires or it is expressly provided, a reference in the applied legislation to a provision of any such legislation or of any other legislation applied to the Island by an order under section 1 of the Social Security Act 2000 or section 1 of the Pension Schemes Act 1995 shall be construed as a reference to that legislation as it has effect in the Island.

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<sup>1</sup> Under section 2(1) of the Social Security Act 2000 an order under section 1(1) of that Act shall be laid before Tynwald as soon as may be after it is made and unless it is approved by Tynwald at the sitting at which it is laid or the next following sitting, it ceases to have effect, but without prejudice to anything done under it or to the making of a new order.

<sup>2</sup> S.I. 2016/39.

**4 Application to the Island of the applied legislation**

The applied legislation, incorporating the exceptions, adaptations and modifications subject to which it applies to the Island, is set out in the Schedule and applies to the Island as part of the law of the Island.

**5 Revocations**

For the sake of clarity the following provisions of the Social Security Legislation (Benefits) (Application) Order 2018<sup>3</sup> are revoked —

- (a) article 3(1)(c);
- (b) article 5(2)(c); and
- (c) Schedule 3.

**MADE 14 FEBRUARY 2019**

*A L CANNAN*  
*Minister for the Treasury*

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<sup>3</sup> SD 2018/0124.

SCHEDULE

[Article 4]

This Schedule sets out the text of the Pensions Act 2014 (Pension Sharing on Divorce etc.) (Transitional Provision) Order 2016 (SI 2016/39) as applied by this Order, with such exceptions, adaptations and modifications made where necessary, which appear in *bold italic* type.

STATUTORY INSTRUMENTS

**2016 No. 39**

**SOCIAL SECURITY**

**The Pensions Act 2014 (Pension Sharing On Divorce Etc.) (Transitional Provision) Order 2016**

<i>Made</i>	-	-	-	-	<i>14th January 2016</i>
<i>Coming into force</i>	-	-	-	-	<i>6th April 2016</i>

The Secretary of State for Work and Pensions makes the following Order in exercise of the power conferred by section 56(8) of the Pensions Act 2014.

**1. Citation [...] and interpretation**

(1) This Order may be cited as the Pensions Act 2014 (Pension Sharing on Divorce etc.) (Transitional Provision) Order 2016 [...].

(2) For the purposes of this Order —

- (a) a petition or application is issued on the date entered on the petition or application form by a member of the court staff;
- (b) *omitted*.

**2. Transitional provision in connection with the coming into force of amendments to pension sharing on divorce etc.**

(1) This Order applies in a case where section 49A of the Welfare Reform and Pensions Act 1999<sup>4</sup> (creation of debits and credits: transferor in new state pension system and sharing activated on or after 6 April **2019**) would otherwise apply and either —

- (a) [...]
  - (i) the petition for divorce or nullity of a marriage was issued before 6th April **2019**; *or*

<sup>4</sup> 1999 c.30 (see SD 291/01). Section 49A is to be inserted by paragraph 13 of Schedule 11 to the Pensions Act 2014 (c.19) (see SD 2018/0076).

- (ii) *omitted*
- (iii) in the case of the application for financial relief after overseas divorce or nullity of a marriage [...], the application for permission of the court for financial relief was issued before 6th April **2019** [...]

(b) *omitted*

(2) In a case where this Order applies —

- (a) section 49 of the Welfare Reform and Pensions Act 1999<sup>5</sup> (creation of state scheme pension debits and credits: transferor in old state pension system or pension sharing activated before 6 April **2019**) applies;
- (b) section 49A of that Act does not apply; and
- (c) the relevant order or provision is to be treated as taking effect on 5th April **2019**.

Signed by authority of the Secretary of State for Work and Pensions.

*Altmann*  
Minister of State,  
Department for Work and Pensions

14th January 2016

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<sup>5</sup> Section 49 was amended by section 41(1) of the Child Support, Pensions and Social Security Act 2000 (c.19) (see SD 379/01) and is amended by paragraph 12 of Schedule 11 to the Pensions Act 2014 (see SD 2018/0076).

*EXPLANATORY NOTE*

*(This note is not part of the Order)*

Section 1 of the Social Security Act 2000 (of Tynwald) enables the Treasury by Order to apply to the Island, as part of the law of the Island and incorporating such exceptions, adaptations and modifications as may be specified by the Order, any legislation to which that section applies.

Section 1 of that Act applies to (inter alia) the Pensions Act 2014<sup>6</sup> (c.19) of the UK Parliament (“the 2014 Act”) and to any statutory instrument made or having effect as if made under that Act. The 2014 Act (as applied to the Island) creates a new Manx state pension for people reaching pensionable age on or after 6 April 2019 (see Part 1 of the applied 2014 Act). It replaces the existing state pension arrangements.

This Order re-applies to the Island the Pensions Act 2014 (Pension Sharing on Divorce etc.) (Transitional Provision) Order 2016<sup>7</sup> (“the 2016 Order”), the provisions of which are summarised below. This Order also revokes the provisions of the Social Security Legislation (Benefits) (Application) Order 2018<sup>8</sup> which originally applied the 2016 Order to the Island from 6 April 2019, which were erroneous.

The 2016 Order, as re-applied to the Island under this Order, is unchanged from its original application and also has effect from 6 April 2019.

**Pensions Act 2014 (Pension Sharing on Divorce etc.) (Transitional Provision) Order 2016 (S.I. 2016/39)**

This is the first transitional provision Order in respect of Part 1 of the Pensions Act 2014 (c.19). It makes transitional provision in relation to the coming into force on 6 April 2019 of sections 13 to 15 of, and Schedules 8 to 11 to, that Act. These provisions allow for the continuation of state pension sharing on divorce or nullity of a marriage for people who reach state pension age on or after 6 April 2019 and are entitled to the Manx state pension at the transitional rate. These provisions also make amendments to existing legislation to distinguish rights to an old state pension which are shareable from rights to a Manx state pension which are shareable.

The transitional provision in this Order has the effect that where proceedings involving the sharing of state pension on divorce or nullity of a marriage have been issued before 6 April 2019, the existing legislation (section 49 of the Welfare Reform and Pensions Act 1999) will apply to those proceedings, rather than section 49A of that Act.

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<sup>6</sup> See SD 2016/0364.

<sup>7</sup> SI 2016/39.

<sup>8</sup> SD 2018/0124.