

**1996 No. 1675 (C.36)****PENSIONS****The Pensions Act 1995 (Commencement) (No. 5)  
Order 1996***Made - - - -**26th June 1996*

The Lord Chancellor, in exercise of the powers conferred on him by section 174(2) and (3) and 180(3) and (4) of the Pensions Act 1995(a), hereby makes the following Order:

1. This Order may be cited as the Pensions Act 1995 (Commencement) (No. 5) Order 1996.

2. In this Order—

- (a) every reference to a section by number alone means the section so numbered in the Matrimonial Causes Act 1973(b);
- (b) all words and phrases defined in section 25D(3) and (4) have the meanings assigned by that section.

3. Subject to the following articles of this Order, section 166 of the Pensions Act 1995 shall come into force on the following dates:—

- (a) in relation to the amendment to the Matrimonial Causes Act 1973 consisting of the insertion of section 25D(2), (3) and (4), the day following the day on which this Order was made;
- (b) for all other purposes, 1st August 1996.

4.—(1) Subject to paragraph (2), section 25B and 25C shall have effect in relation to applications for an order under section 23—

- (a) which are made on or after 1st August 1996, or
- (b) which are made before that date and amended on or after that date pursuant to rule 3 of the Family Proceedings (Amendment) (No. 2) Rules 1996(c) so as to include provision under section 25B or 25C.

(2) Where a petition for divorce, nullity of marriage or judicial separation was presented before 1st July 1996 the Matrimonial Causes Act 1973 shall have effect in relation to those proceedings, including any answer or cross petition filed in those proceedings, as if section 166 of the Pensions Act 1995 had not come into force.

5. No order under section 23 shall be made requiring the trustees or managers of a pension scheme to make periodical payments to the party without pension rights with effect from a date earlier than 6th April 1997.

*Mackay of Clashfern, C.*

Dated 26th June 1996

(a) 1995 c.26.

(b) 1973 c.18.

(c) S.I. 1996/1674.

**EXPLANATORY NOTE**

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

This Order brings into force section 166 of the Pensions Act 1995 on 1st August 1996, with the following exceptions:

- (a) the inserted section 25D(2) to (4) of the Matrimonial Causes Act 1973, empowering the Lord Chancellor to make regulations, comes into force on the day after the making of the Order;
- (b) periodical payments made by a pension fund to a spouse without pension rights may not be ordered so as to commence before 6th April 1997;
- (c) the inserted sections 25B and 25C of the Matrimonial Causes Act 1973 do not apply to proceedings commenced by petition before 1st July 1996.

**[This note as to earlier commencement orders appended to this Statutory Instrument is not reproduced. A full list of commencement dates is given at Annex 2 to the Pensions Act 1995 in Part I of this Volume.]**