WRITTEN QUESTION TO THE MINISTER FOR JUSTICE AND HOME AFFAIRS
BY DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR
QUESTION SUBMITTED ON MONDAY 2nd MARCH 2026
ANSWER TO BE TABLED ON MONDAY 9th MARCH 2026

Question

"In relation to not including pension sharing arrangements in the Draft Marriage and Civil Partnership (Dissolution And Separation) (Jersey) Law 202- (P.85/2025): Amendment, as raised during the States Assembly debate on 26th February 2026, will the Minister advise –

(a) the technical reasons, if any, that led to pensions not being included in the Law;
(b) what actions, if any, are planned to enable the inclusion of pension arrangements in the Law, including –
    (i) the resources allocated to this work;
    (ii) the timeline for each stage of the work; and
(c) when any amended Law might be brought to the Assembly?"

Answer

a) Under both the current divorce and dissolution legislation, and the draft Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202- (the "draft Law"), approved by the States on 26th February 2026, pensions may already be taken into account as part of the financial settlement stage through "offsetting." This is where one party retains their pension while the other receives assets of an equivalent value. However, offsetting is not always a practical or fair solution, and the introduction of "pension sharing" would offer a more balanced alternative.

While offsetting can occur without a specific legislative framework, formal "pension sharing" requires dedicated legislation. Pension sharing involves valuing a pension and transferring an agreed share into the other partner's name at the point of dissolution, allowing for a clean financial break. Establishing the legislative basis for this is technically complex.

The complexity is increased by the absence of standalone pension legislation in Jersey. Pension related definitions and rules currently sit within the Income Tax (Jersey) Law 1961, overseen by the Minister for Treasury and Resources, meaning that tax considerations must also be addressed. Additionally, consideration must be given to the potential implications for the States of Jersey's employee pension schemes which are themselves set in legislation.

Despite these challenges, pension sharing is widely recognised as a fairer and more flexible option than relying on offsetting alone. The draft Law enables "pension sharing" to be considered at a later date.

b) Work has commenced and will continue on the necessary legislative amendments to support the implementation of pension sharing, and any changes will be brought forward in Regulations by the Minister for Justice and Home Affairs under Article 29 of the draft Law.

Work on the amendments required to enable pension sharing has begun and is being treated as a priority. The intention to develop the necessary provisions so that they can be brought forward for consideration by the next Minister for Justice and Home Affairs. It will be for that Minister to determine their own priorities and to set the timetable for bringing Regulations to the States for approval.

c) The timetable for bringing this matter back to the States Assembly is a matter for the next Minister for Justice and Home Affairs to consider.