

Divorce

You and your partner will need to consider how to treat your benefits as part of any divorce/dissolution settlement.

You may need to get legal advice from your solicitor on how to deal with your Local Government Pension Scheme (LGPS) benefits during any divorce or dissolution of a civil partnership.

In the first instance, you will need specific information about your LGPS benefits as part of the proceedings for a divorce, judicial separation or nullity of marriage, or for dissolution, separation or nullity of a civil partnership. You or your solicitor should contact the Enfield Pension Fund for this information, including an estimate of the cash equivalent value (CEV) of your pension rights. The Court will take this value into account in your settlement.

In Scotland, only the pension rights built up during your marriage / civil partnership are taken into account, whilst in the rest of the UK, the whole of your pension rights are included in the settlement.

A CEV quotation is normally free, however there may be a cost if you or the court requires it within 3 months of the initial request.

Any other costs for supplying information or complying with a Court Order will be recovered from you and/or your ex-spouse or ex-civil partner in accordance with a schedule of charges below.

Three main areas with your Local Government Pension Scheme to consider following divorce

Your ex-spouse or ex-civil partner will cease to be entitled to a spouse's or civil partner's pension should you die before them.

Any children's pension paid to an eligible child in the event of your death will not be affected by your divorce or dissolution.

If you have nominated your ex-spouse or ex-civil partner on an expression of wish form to receive any lump sum death grant payable on your death, you may wish to now reconsider this option. If you wish to change this nomination, you simply complete a new form, this can be found on our forms pages.

If you have any questions regarding this area, please contact the Pensions Team

Please find below, our schedule of charges for work in this area.

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FORM CH1

Schedule of Charges for the Local Government Pension Scheme (LGPS) (From 10th April 2017)

A. Scheme member not yet retired – about to divorce

Procedure	Comments	Cost (In line with Note 6)
1. Produce full CETV quotation (member or Court does not stipulate deadline for production)	1. Standard annual entitlement under PSA 1993 (to be provided within 3 months of relevant date).	£0
2. Produce full CETV quotation (member or Court requires within 3 months)	2. Standard CETV under PSA 1993 (to be provided within deadline requested).	£123.00
3. Produce partial CETV quotation (for Scottish cases where the date ceased cohabiting/date of service of divorce summons was more than 12 months ago or the member married after joining the LGPS)	3. Partial CETV quote (to be provided within 3 months or deadline requested by the member or the Court).	£123.00
2. Additional CETV quotations - Based on same dates - Based on different dates		£49.00 * per additional quote £123.00 * per additional quote
3. Provision of other information	If under disclosure of information regulations. Otherwise, depending on nature of request.	£0 Maximum £123.00 *
4. Receipt of pension sharing order or consent order where the spouse (the credited member) is under 65	To cover all administration costs from receipt of pension sharing order to completion of pension payments	£694.00
5. Establish a new pensioner record where the spouse (the credited member) is 65 or over	To cover all administration costs from receipt of pension sharing order to completion of pension payments	£694.00

6. Assuming all documentation is in place, settle a transfer out (instead of 4)	This only applies if the credited member asks for a transfer out at the outset. Otherwise, the charges in 4 will apply and no additional charge will be levied if the credited member subsequently asks for a transfer out	£296.00
7. Objections to order by scheme	Onus should be on the draftsman of the order to ensure that it is correctly drafted prior to issue	Costs for dealing with inoperable orders will be passed on

B. Scheme member retired – pension in payment – about to divorce

Procedure	Comments	Cost (In line with Note 6)
1. Assess the value of the Pension in payment, Including any contingent Benefits		£329.00 *
2. Receipt of pension sharing Order or consent order. Where the spouse (the Credited member) is under 65	To cover all administration costs from receipt of pension sharing order to completion of pension payments	£694.00
3. Establish new pensioner record where the spouse (the credited member) is 65 or over	To cover all administration costs from receipt of pension sharing order to completion of pension payments	£694.00
4. Assuming all documentation is in place, settle a Transfer Out (instead of 2, above)	This only applies if the credited member asks for a transfer out at the outset. Otherwise, the charges in 2 will apply and no additional charge will be levied if the credited member subsequently asks for a transfer out	£296.00

Notes:

1. Any additional costs arising if specialist actuarial, legal, etc advice is requested will be charged in full in addition to the figures quoted above.
2. Where a scheme member has an Additional Voluntary Contribution contract under the LGPS, the insurance company, etc may charge for the provision of information. Any such charges will be charged in full in addition to the figures quoted above.
3. Any reasonable administrative costs incurred or likely to be incurred in complying with an " earmarking order" will be charged to the pensioner member.
4. Any costs incurred in relation to a "pension sharing order" which is made the subject of an application for leave to appeal out of time will be recovered by the authority administering the pension fund.
5. VAT will be payable in addition to all the above charges.
6. All charges are correct at the time of production of this charging schedule (January 2001). The authority administering the pension fund will increase its charges each April by CPI (over the 12 months to the previous September).
7. The standard practice of the authority administering the pension fund is that the full amount of the charges marked with an "*" must be paid, by either party to the divorce, before the relevant action is undertaken. All other charges can either be paid
 - a) in full at the point of action, by either party to the divorce, or
 - b) by part payment at the point of action, by either party to the divorce, with the balance being deducted from either the cash value awarded to the ex-spouse (the credited member) under the sharing order or agreement before it is converted into an annual pension value under the LGPS or, if the credit member wishes to immediately transfer the pension credit to another scheme, from the transfer value payable in respect of the credited member, or
 - c) by deduction in full from either the cash value awarded to the ex-spouse (the credited member) under the sharing order or agreement before it is converted into an annual pension value under the LGPS or, if the credit member wishes to immediately transfer the pension credit to another scheme, from the transfer value payable in respect of the credited member, or
 - d) by deduction in full from any share of a scheme member's Additional Voluntary Contribution 'pot' awarded to the ex-spouse (the credited member) under the sharing order or agreement.

The authority administering the pension fund will, however, comply with the charging requirements specified in an order or agreement.