



**LOCAL GOVERNMENT PENSION SCHEME (SCOTLAND)**

**REGULATIONS (LGPS)**

**WRITTEN CONSENT FOR VALUATION AND PROVISION OF INFORMATION FOR MATRIMONIAL PROCEEDINGS**

**PLEASE READ THE NOTES AT PAGE 3 & 4 FOR MORE INFORMATION**

You can request one current cash equivalent value (CEV) of your pension rights per year free of charge. A current CEV will not be proportioned over your period of marriage. A current CEV cannot be used for pension sharing purposes. If you are a pensioner, we can't give you a current CEV.

If you require the CEV proportioned over the period of marriage a fee is charged. A proportioned CEV is required if you are entering into a Pension Sharing Agreement. The fee is as follows:

- If you are an active member or have a deferred (preserved) pension with Lothian Pension Fund the fee is £113.00 plus VAT.
- If you are in receipt of a pension from Lothian Pension Fund the fee is £303.00 plus VAT.

If you require a proportioned CEV an invoice will be sent to you on receipt of this form by Lothian Pension Fund. No information will be provided until the fee has been paid.

Divorce or annulment proceedings must have begun under one of the following:

- Part 11 of the Matrimonial Causes Act 1973 or Part 111 of the Matrimonial and Family Proceedings Act 1984 (England and Wales powers in relation to domestic and overseas divorce, etc.), or
- Part 111 of the Matrimonial Causes (Northern Ireland) Order 1978, or Part 1V of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (corresponding Northern Ireland powers), or
- the Family Law (Scotland) Act 1985 or Part 1V of the Matrimonial and Family Proceedings Act 1984 (corresponding Scottish powers)

Please complete in block capitals.

Name: .....

(Previous name if applicable) .....

National Insurance No: .....

Address:  
.....  
.....

(Previous address if applicable)  
.....  
.....

Contact telephone number .....

Email address .....

Date of marriage or civil partnership: .....

Date of separation: .....

Please provide details of the solicitor acting for you if you have one.

Solicitor's name and address:

.....  
.....  
.....

I authorise Lothian Pension Fund to provide my solicitor named above with any pension information they ask about my LGPS membership. **YES/NO\***

I wish copies of any correspondence to be sent to my solicitor. **YES/NO\***

**Declaration**

I wish to receive a free current value CEV for division of assets. I understand that this valuation **cannot** be used for Pension Sharing Purposes. **YES/NO\***

**OR**

I wish to apply for a valuation of pension rights for the purposes of the Family Law/Pension Sharing and agree to pay the administration costs incurred. **YES/NO\***

Please answer yes for only one choice.

I consent to the Lothian Pension Fund obtaining details from my employer of my pay at the date of separation (active members only) **YES/NO\***

**Signed:** ..... **Date:** .....

(\*delete as appropriate)

**Once you have completed the form please return it to:**

**Lothian Pension Fund  
Atria One, 144 Morrison Street  
EDINBURGH EH3 8EX**

## Notes on Divorce or civil partnership dissolution

This information looks at what happens to your LGPS benefits if you get divorced or your civil partnership is dissolved.

You may wish to get legal advice from your solicitor on how to deal with your LGPS benefits as part of any divorce/dissolution settlement.

### What happens to my benefits if I get divorced or my civil partnership is dissolved?

Your ex-wife, ex-husband or ex-civil partner will cease to be entitled to a widow's, widower'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-wife, ex-husband or ex-civil partner to receive any lump sum payable on your death, this will remain in place unless you change it. You can download a new form to update your nomination at [www.lpf.org.uk/forms](http://www.lpf.org.uk/forms) or by logging into the My Pension service.

### What do I have to do now?

You will need specific information about your LGPS benefits as part of the proceedings including an estimate of the cash equivalent value (CEV) of your pension rights. If you wish to request a CEV download and complete the 'information for divorce or dissolution consent form above. A value will be provided at both the whole CETV figure as well as the apportioned for the period of the divorce or civil partnership.

Although you are entitled to a free CEV estimate each year, this to the date of request and can't be back dated to a divorce/separation date. Therefore, to obtain a CEV for a particular date there is a charge shown in the form above. It can take up to three months for a CEV to be prepared.

The Court may offset the value of your pension rights against your other assets in the divorce/dissolution settlement or it may issue a Pension Sharing Order (qualifying agreements in Scotland) or an Earmarking Order against your pension.

### Offsetting pension rights

You can offset the value of your pension rights against the value of other financial assets in your divorce/dissolution settlement. For example, you could keep your pension, and your ex-spouse or ex-civil partner could get a larger share of the value of the house.

### Pension Sharing Order

If the Court issues a Pension Sharing Order, or your benefits are subject to a qualifying agreement in Scotland, part of your benefits are transferred into your ex-spouse or ex-civil partner's possession. They will keep that share even if your or their circumstances change.

Your ex-spouse or ex-civil partner will hold those benefits in his / her own right. They can be left in the Scheme and are normally paid from age Normal Pension Age or can be transferred to another qualifying pension scheme.

Your pension and any lump sum will be reduced by the amount allocated to your ex-spouse or ex-civil partner at the point of divorce/dissolution.

The reduction to your benefits is known as a Pension Debit. The amount of the Pension Debit will be increased in line with the rise in the Consumer Prices Index between the date it was first calculated and the date your benefits are paid. When your benefits are paid, the revalued amount of the Pension Debit will be deducted from your retirement benefits.

You may be able to top up your benefits by buying extra Scheme pension, paying Additional Voluntary Contributions (AVCs) or Free Standing AVCs (FSAVCs), or by paying into a concurrent personal pension plan or stakeholder pension scheme in order to make up for the benefits 'lost' following a Pension Share.

You can find information on paying extra to increase your benefits on our website [www.lpf.org.uk/members](http://www.lpf.org.uk/members).

You can still transfer your remaining benefits to another pension arrangement on leaving the LGPS. If you transfer within the LGPS, your new fund will reduce your benefits by the Pension Debit at retirement.

In assessing the value of your benefits against the value of all the pension savings you are allowed before you become subject to a tax charge (lifetime allowance), the reduced value of your benefits after the Pension Debit has been deducted will be used. You can see the Lifetime Allowance on our website. Most scheme members' pension savings will be less than the lifetime allowance. If you are a high earner you may be affected by the introduction of the lifetime allowance from 6 April 2006, a Pension Debit may affect any lifetime allowance protection you may have.

### **What if I remarry or enter into a new civil partnership?**

If your LGPS benefits are subject to a Pension Sharing Order and you remarry, enter into a new civil or co-habiting partnership, any spouse's pension, civil or co-habiting partner's pension payable following your death will also be reduced.

If you remarry or enter into a new civil partnership and then divorce or dissolve your civil partnership again, your remaining pension rights can be subject to further division, although a Pension Sharing Order cannot be issued if an Earmarking Order has already been issued against your LGPS pension rights. Similarly, an Earmarking Order cannot be issued if your pension benefits are already subject to a Pension Sharing Order in respect of the marriage / civil partnership.