

Pensions and divorce, dissolution or annulment

A brief guide for all schemes



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This booklet explains how we deal with your pension when it is subject to a Pension Sharing Order, Pension Attachment Order or Earmarking Order as a result of an annulment or dissolution of your marriage or civil partnership, and tells you what you need to do.

If you would like more information after you have read this booklet, please contact us or visit our website. Contact details can be found in Appendix A.



Note: This guide does not cover all aspects of this subject. Further details can be found in the schemes' rules but pensions legislation will override these provisions where there is any discrepancy.

Where we have to use technical terms, we show them in bold and explain them in the back of the booklet.

Going through a divorce, dissolution or annulment - what happens?

If you are going through a divorce, dissolution or annulment, your Civil Service pension, could be subject to a Pension Sharing Order, format or Earmarking Order. This means that your spouse/civil partner may be awarded some or all of your pension and/or lump sum by the Court presiding over your divorce/dissolution settlement.

Pension Attachment Order/Earmarking Order

If your pension is subject to a Pension Attachment Order or Earmarking Order, the Court will instruct us to pay a specified amount of your pension and/or lump sum to your former spouse/civil partner when you retire. A lump sum can also be awarded to them following your death.

If the Order is for a regular payment of a pension, the payments will stop if you die before your former spouse/civil partner or if your former spouse/civil partner marries or enters enter into a civil partnership in the future.



Note: your former spouse/civil partner's right to a lump sum does not stop on remarriage unless specifically stated in the order. However, the order will stop if your former spouse/civil partner dies before you.

Pension Sharing Order

If your pension is subject to a Pension Sharing Order, your benefits will reduce by the percentage specified in the Court Order. In Scotland, the Order will state a cash amount rather than a percentage. Pension sharing is a permanent transfer of your benefits and will not revert back to you on the death of your former spouse/civil partner.

Your former spouse/civil partner will get a pension credit. This is a percentage of the Cash Equivalent Transfer Value (CETV) of your pension which is then converted into benefits for your former spouse/civil partner. You should note that your former spouse or civil partner's share of the pension is worked out using factors appropriate to their age and gender; the pension paid to them could be higher or lower than the amount you are giving up.

Your legal adviser will be able to explain the full implications of a Pension Sharing Order, Pension Attachment Order or Earmarking Order.

Applying a Court Order to your pension

You (or your solicitor) must tell us, in writing, the likely terms of the Court Order when you know them.

The Court will need details of your pension benefits when deciding whether to grant a Pension Sharing Order, Pension Attachment Order or Earmarking Order. If you are still in service, a former member not yet in receipt of your pension or a pensioner, and need an estimate of the value of the pension you have built up, you can ask us for a CETV estimate when you inform us about the divorce/dissolution proceedings.

You are likely to be asked to provide the Court with a copy of your pension scheme booklet to explain how it works. These are available (in most cases) on our website. If you can't find the relevant booklet/guide please contact us via www.civilservicepensionscheme.org.uk

You must send the actual Court Order to us as soon as you receive it, along with the Decree Absolute, Certificate of Dissolution or Extract Decree of Divorce and any other information you are asked to provide.

Retiring early and a Pension Sharing Order

If you retire early taking your Civil Service pension under the Compensation Scheme arrangements, and your Civil Service pension is subject to a Pension Sharing Order, the debit will be applied at the point the benefits begin to be paid.

Leaving on actuarially reduced or ill health retirement

If you are leaving on actuarially reduced or where necessary ill health retirement terms, the debit will be applied at the point the benefits begin to be paid; however, the debit will also be actuarially reduced.

Your questions answered

What is the process for transferring benefits under the Pension Sharing Order?

We will work out the amount of benefits to be transferred, taking into account benefits up to the effective date. (In England and Wales, the effective date is 28 days after the Court Order is made or when the Decree Absolute or Certificate of Dissolution is issued, if this is later. In Scotland the Order takes effect from the date of the Extract Decree of Divorce or Certificate of Dissolution.)

We will then apply the percentage (or amount) stated in the Order to the estimated value of your benefits at the effective date. We will then organise for this amount to be transferred, in the form of pension benefits, to your former spouse or civil partner. When dealing with Orders under Scottish law, we will transfer the amount of money quoted in the order. The Order may also state that you must transfer a percentage (or amount, as appropriate) of your benefits built up in the Civil Service Additional Voluntary Contribution Scheme (CSAVCS) to your former spouse or civil partner. If so, a percentage (worked out up to the effective date) or amount is transferred from your CSAVCS fund to an appropriate pension arrangement of their choice.

What about any benefits I have in the Civil Service Additional Voluntary Contribution Scheme?

The Order may also state that you must transfer a percentage (or amount, as appropriate) of your benefits built up in the Civil Service Additional Voluntary Contribution Scheme (CSAVCS) to your former spouse or civil partner. If so, funds will be transferred from your CSAVCS fund to an appropriate pension arrangement of their choice.

When do I have to pay the service charges?

The Court decides who is responsible for paying the service charges. It can decide that you or your former spouse or civil partner must pay the costs; alternatively, it may decide that the costs are split between you. If you do have to pay costs, you must send a payment as soon as we request it. We will not be able to proceed with implementing the Court Order without payment.

I am retired and a Pension Sharing Order has been issued on my pension – what happens?

If you are already receiving your Civil Service pension, there is likely to be an overpayment of your pension, which you will have to pay back. The overpayment is because the start of your new lower rate of pension is backdated to the **effective date**, and the pensions payroll provider cannot reduce your pension until they have received all the paperwork and associated payments for providing the service.

What happens about payment under a Pension Attachment Order or Earmarking Order when I retire?

When your employer tells **us** of your retirement date they will contact you and your former spouse or civil partner to check that the Pension Attachment or Earmarking Order is still valid, and to get bank details so that we can make the necessary payments.

Do I need to change my death benefit nomination?

Yes. If you nominated your former spouse or civil partner to receive your death benefit lump sum, the nomination will be cancelled when you are divorced or your civil partnership is dissolved. You must therefore complete a new death benefit nomination form and either nominate someone new or re-nominate your former spouse or civil partner to receive your death benefit lump sum after your divorce or dissolution. You can find a death benefit nomination form on our website.

Information for your former spouse/ civil partner

This section gives more information on the pension benefits your former spouse/civil partner might be entitled to. We have worded the questions as if your former spouse/civil partner is asking them.

What do I get under an Pension Attachment/ Earmarking Order?

You will receive an amount of pension and/or lump sum, as specified in the Court Order. If the Order is for a regular payment of a pension, the payments will stop if your former spouse/civil partner dies or if you get married/enter into a civil partnership in the future.

What pension benefits will I get under a Pension Sharing Order and when?

Under a Pension Sharing Order, an amount of money is transferred from the member's pension funds into an arrangement of your own. These funds will be converted into a pension, and, in certain circumstances, a lump sum. The pension will not provide dependant benefits but may pay a death benefit lump sum in certain circumstances.

The **pension credit** is worked out using **actuarial factors** and is payable from your Normal Pension Age (NPA). For classic, premium, classic plus and nuvos the NPA is age 60. For alpha the NPA is the later of age 65, or your State Pension Age (SPA). If you have already reached your NPA, the pension credit will be payable from the **effective date**.

You can claim your pension from age 55 (or age 57 if taken after 5 April 2028) but be aware that, if you take it before your NPA, your pension will be significantly reduced because of early payment.

If you have a health condition where your life expectancy is less than 12 months, we will convert your pension into a lump sum payment.

How will I know when the Court Order has been implemented?

We will write and confirm that we have set up your pension record.

If the Order states that you are responsible for paying some or all of the charges associated with the divorce/dissolution, we will ask you to pay your share of the service charges.

We will not implement the Court Order until we have received payment from you and, if applicable, the member.

How do I claim my pension credit?

You must contact us three months before your NPA. If you wish to take your pension before your NPA, please remember you will still need to give us three months' notice. See Appendix A for contact details.

We will send you a Personal Details Form to complete. We may already hold a lot of the information which will have been included on the Court Order (for example, your address). However, you will need to confirm that the details have remained the same, and to provide bank account details and other essential information.

What pension scheme will I be put into?

There are several schemes within the Civil Service Pension Scheme; you will be put into the same scheme as your former spouse/civil partner.

I have been put in the classic scheme. Do I get an automatic lump sum?

If your former spouse or civil partner has not already taken the lump sum, then yes.

Can I convert some of the pension into a cash lump sum?

You may be entitled to a cash lump sum provided your former spouse/civil partner has not already taken a cash lump sum in respect of the shared benefits prior to the effective date of the pension sharing order. For every £1 of the annual pension amount you give up, you will get £12 in return. If you are in the classic scheme, you can convert pension into an additional cash lump sum if:

- you become a pension credit member after 30 September 2007 and
- your former spouse or civil partner was working for an organisation covered by the Civil Service pensions arrangements after that date.

There is a limit to what you are allowed to convert; we will tell you more about this when you claim your pension.

Does the pension credit include death benefits?

Yes. The benefits are worked out according to the rules of each scheme. See Appendix C for details.

When you have been provided with details of your pension benefits, you should complete a death benefit nomination form to nominate the person you want as beneficiary (see page 7). You are allowed to nominate more than one person if you are in the premium, classic plus, nuvos or alpha scheme.

Technical terms

Actuarial factors Factors, based on mathematical assumptions, used to work out pension benefits.

CETV Cash Equivalent Transfer Value.

Decree absolute A decree absolute is the final legal order that formally ends a marriage. In England and Wales, it has been replaced by the “final order,” though the term decree absolute is still widely used.

Effective date In England and Wales the effective date is 28 days after the Court Order is made or when the Decree Absolute or Certificate of Dissolution is issued if this is later. In Scotland the Order takes effect from the date of the Extract Decree of Divorce or Certificate of Dissolution.

Normal Pension Age (NPA) The earliest age at which members can choose to leave and receive immediate payment of their pension without it being reduced.

Pension credit This is the pension and/or lump sum that is paid to the member’s former spouse or civil partner

Appendix A

Pensions payroll provider and payment process

We, as the scheme administrator pay Civil Service pensions and lump sums.

We pay the pension monthly, on a designated payment date, in arrears. We will tell you what the monthly payment date will be, either before or with the first payment of the pension. When a payment date falls on a weekend or an English bank holiday, the payment date will be the preceding working day.

The amount due for part of a month is worked out proportionately according to the number of days in the full pension month.

We will not send you a monthly payment advice note; we will only send you an advice note when the amount of your pension or your tax code changes. The note will show the monthly gross amount payable and the tax that will be deducted from next month's payment. The net amount may vary slightly due to the effect of the PAYE tax tables.

You can contact us:

Civil Service Pensions
Capita Pension Solutions
PO Box 713
Darlington
DL1 9JZ
Telephone 0300 123 6666

What about income tax?

Pensions are assessed as earned income. We will deduct income tax using the tax code notified by HM Revenue and Customs. The deduction may be provisional until we receive the proper code.

We have no part in deciding your tax liability or code, so you should direct any enquiry about your tax code to: HMRC. Please visit their website for their most up to date contact details.

For more information go to www.gov.uk/find-hmrc-contacts/income-tax-enquiries

We will send you a P60 form each year to show the amount of pension paid and tax deducted in the previous tax year.

Appendix B

Summary of pension sharing charges applicable from 1 April 2025*

The table below shows the charges in relation to the handling and implementation of Pension Sharing Orders. Please visit our website for further information:

www.civilservicepensionscheme.org.uk

Providing Information

Service Category: Provision of information:

Status	Service Description	Capita Contracted Fee	CSPS Contracted Fee
Active & Deferred	Provision of an additional divorce CETV estimate.	£250.00	£566.46
	Any additional information requests	£184.00	
Pensioners	Provision of an additional divorce PETV estimate, where the Pensioner is otherwise not entitled to a PETV free of charge.	£1,000.00	£679.74
	Any additional information requests	£184.00	£566.46

Processing a Pension Sharing Order

When a Pension Sharing Order (PSO) has been received the following charges are applicable, all fees must be paid before any work is carried out. The standard charge to implement a member's PSO is **£2,832.27 plus VAT**, the charge for future administration is included in this amount.

Service Category: Handling a PSO:

Status	Service Description	Capita Contracted Fee	CSPS Contracted Fee
Active & Deferred	This includes all activities associated with handling a PSO e.g. calculating the Benefits to be split, setting up and updating pension debit and credit member records and any other required workings to ensure accuracy of information and future required processing of benefits	£2,500.00	£2,832.27
Pensioners	This includes all activities associated with handling a PSO e.g. calculating the benefits to be split, setting up and updating pension debit and credit member records and any other required workings to ensure accuracy of information and future required processing of benefits	£3,000.00	£2,832.27

Processing an Earmarking Order

When an Earmarking Order has been received the following charges are applicable, all fees must be paid before any work is carried out.

Service Category: Handling an earmarking order:			
Status	Service Description	Capita Contracted Fee	CSPS Contracted Fee
Active & Deferred	This includes all activities associated with handling an earmarking order e.g. changing or updating records to ensure accuracy of information and any transfer or future required processing of benefits.	£250.00	£70.24
Pensioners	This includes all activities associated with handling an earmarking order e.g. changing or updating records to ensure accuracy of information and any transfer or future required processing of benefits.	£300.00	£70.24

Paying an Earmarking Order

When an Earmarking Order has been processed the following charges are applicable, all fees must be paid before any work is carried out.

Service Category: Paying an earmarking order:			
Status	Service Description	Capita Contracted Fee	CSPS Contracted Fee
Active & Deferred	This includes all activities associated with paying an earmarking order e.g. setting up and making payments and/or changes made in respect to change of circumstances workings to ensure accuracy of information and future required processing of benefits.	£2,500.00	£294.56
Pensioners	This includes all activities associated with paying an earmarking order [e.g. setting up and making payments and/or changes made in respect to change of circumstances workings to ensure accuracy of information and future required processing of benefits.	£3,000.00	£294.56

Appendix C

Scheme	Benefits Available
classic	If the pension credit member dies before benefits become payable, 25% of the value of the pension credit will be paid, as a lump sum payment, to their nominee/ personal representative.
premium, classic plus, nuvos and alpha	<p>If the pension credit member dies before age 75 and before any benefits become payable, 25% of the value of the pension credit will be paid, as a lump sum payment, to their nominee/personal representative.</p> <p>If the pension credit member dies having received benefits, then the nominee/personal representative will get the balance of 5 x initial pension and lump sum.</p>

