

Pensions on Divorce or the Dissolution of a Civil Partnership

What happens to your benefits if you get divorced or your civil partnership is dissolved?

If you get divorced, or dissolve a civil partnership, the Court will take your pension assets into account when determining any settlement.

You and your ex-spouse or partner will each need to tell the Court the value of your pension pot(s) and/or the value of the benefits you have built up. You don't have the automatic right to know the value of your ex-spouse's or partner's benefits, and vice versa but you can each decide to tell each other.

If you live in England, Wales or Northern Ireland, it is the value of your pension benefits at the date of divorce or dissolution of the civil partnership that is counted. If you live in Scotland, it's the increase in the value of your pension benefits over the course of the marriage or civil partnership that is counted. This means that pensions should be valued at the date of separation.

When you go to Court, you and your ex-spouse or partner can decide how any pension benefits are split. You can decide to accept:

- **Pension sharing** - the pension is split at the time of divorce or dissolution so that you each receive a separate pension pot and can continue to build pension benefits for the future
- **Pension offsetting** - you each keep your own pension benefits but adjust the proportion of other assets to take account of the value of the pension benefits. 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 earmarking** - arranging that when one person's pension benefits start to be drawn down, part of them will be paid to the other person

You may wish to get legal advice from your solicitor on how to deal with your LGPS benefits during any divorce or dissolution of a civil partnership.

What happens to your LGPS benefits once your divorce or dissolution is completed?

- 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 said that you would like your ex-spouse or ex-civil partner to receive any lump sum death grant payable on your death by completing and returning an expression of wish form, this will remain in place unless you change it. If your wishes change you should contact us. It is possible, however, that the Court could issue an Earmarking Order stating that all or part of any lump sum death grant is payable to your ex-spouse or ex-civil partner.

What if you 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 partnership or into a cohabiting partnership, any spouse's pension, civil partner's pension or eligible cohabiting 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.