



FPS Factsheet

Pension Sharing on Divorce



When a marriage or a civil partnership is dissolved it is necessary for the couple to divide their 'matrimonial property'. Pension rights form part of this 'matrimonial property' and the property of both parties is included.

Valuation of an Armed Forces Pension AFPS pension for divorce purposes costs £180 and is obtained by submitting an **AFPS Form 19** (On Gov.UK/Armed Forces webiste) to Veterans UK in Glasgow. If a couple can agree on how this split should occur the Court will not normally intervene. When they cannot agree, the court decides.

There are three different Orders that the Court might make on a pension:

Attachment Order in England, Wales or Northern Ireland

- Nothing is paid until the member's pension is paid.
- Payments stop when the member dies or if the 'ex' remarries or enters into a civil partnership.
- The member pays the tax on payments.
- The Order can be revisited.

Earmarking Order in Scotland

- Nothing is paid until the member's pension is paid.
- The Order can be revisited.

Pension Sharing Order (PSO) throughout the UK

- A clean break settlement giving the 'ex' an income for life.
- Neither party's award is affected by actions or death of the other. Specifically, benefits are unaffected by remarriage or entering into a civil partnership.
- Tax liability on the share transfers to the 'ex'.
- The Order cannot normally be revisited.



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When a PSO is awarded the 'ex' (to whom the PSO is awarded) becomes a Pension Credit Member (PCM).

The PCM becomes a scheme member in their own right, but in a limited way. They cannot add to the value of their pension share, join it with another pension within the scheme or transfer it out.

PSOs are normally payable at age 65 if the share is in AFPS 75 or AFPS 05, or the PCM's State Pension age if the PSO is in AFPS 15. However, they can claim their share as early as age 55 but at a reduced rate.

In the event of the PCM's death, no dependants' pensions are payable. If their pension has been in payment for less than 5 years, there may be a lump sum payable to their estate. If they die before the pension is paid, a lump sum worth three times the annual pension is payable to their estate.

This is a quick whistle stop tour of PSOs.

For those of you wishing to learn more, simply type MMP 131 into your web browser or click on the link to access the scheme booklet on the subject.