

MODEL LETTERS

These are the letters referred to in the administrative procedures set out in an earlier section.

The letters will need to be adapted according to the requirements of the fire and rescue authority but should be adequate as prompts to the information which must be supplied and collected. However, it will be for each fire and rescue authority to ensure their actions comply with the appropriate pensions and divorce/dissolution legislation.

The areas on the forms marked *[insert]* indicate places where the fire and rescue authority should enter text or figures before issue. Other instructions for completion are given in italics particularly where there are different options for text according to circumstances. As with any model letter, there will be occasions where a particular case needs additional detail. This should be included by the fire and rescue authority as appropriate.

Divorce, dissolution of civil partnership, annulment, judicial separation Model letters

LIST OF MODEL LETTERS

LET FIRE DIV A	Letter requesting completion of form giving authority for provision of information. To Scheme member.
LET FIRE DIV A (sp)	Letter requesting completion of form giving authority for provision of information. To spouse or civil partner of Scheme member.
LET FIRE DIV A (ac)	Letter acknowledging receipt of CETV request but asking for what purpose. To Scheme member.
LET FIRE DIV B	Letter acknowledging request for CETV/information. To Scheme member, solicitor of Scheme member, or court.
LET FIRE DIV C	Acknowledgement and supply of information (no CETV). To Scheme member, solicitor of Scheme member, or court. To spouse or civil partner of Scheme member or their solicitor.
LET FIRE DIV D	Supply of CETV and information. To Scheme member, solicitor of Scheme member, or court.
LET FIRE DIV E	Supply of information where notice is given that a pension sharing order may be made. To Scheme member, solicitor of Scheme member, or court.
LET FIRE DIV F	Notice where pension sharing order received but implementation <u>cannot</u> commence. Notice where pension sharing order received and implementation <u>can</u> commence. To Scheme member or solicitor of Scheme member. To former spouse or civil partner of their solicitor.
LET FIRE DIV G	Notice of discharge of liability. To active Scheme member.
LET FIRE DIV H	Notice of discharge of liability. To deferred member.
LET FIRE DIV I	Notice of discharge of liability. To pensioner member.
LET FIRE DIV J	Notice of discharge of liability. To former spouse or civil partner below age 60 (FPS), 65 (NFPS).
LET FIRE DIV K	Notice of discharge of liability. To former spouse or civil partner aged 60 or over (FPS), or 65 or over (NFPS).
LET FIRE DIV L	Notice of receipt of earmarking order – effect on benefits. To Scheme member where pension in payment.
LET FIRE DIV M	Notice of receipt of earmarking order – effect on benefits. To former spouse or civil partner of Scheme member where pension is in payment.
LET FIRE DIV N	Notice of receipt of earmarking order – effect on benefits. To Scheme member where pension not in payment.
LET FIRE DIV O	Notice of receipt of earmarking order – effect on benefits. To former spouse or civil partner of Scheme member where pension not in payment.
LET FIRE DIV P	Scheme member transfers pension rights to new pension scheme or fire and rescue authority. To new pension scheme manager or new fire and rescue authority.
LET FIRE DIV Q	Scheme member transfers pension rights to new pension scheme or fire and rescue authority. To former spouse or civil partner.

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV A

Letter requesting completion of form giving authority for provision of information.
To Scheme member.

Dear *[insert]*

THE FIREFIGHTERS' PENSION SCHEME 1992 *[insert relevant heading]*
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 *[insert relevant heading]*
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Name *[insert]* **NI Number** *[insert]*

Thank you for your telephone call of *[insert]* requesting details of pension rights for [divorce] [dissolution of civil partnership] *[insert relevant expression]* purposes.

I should be grateful if you would complete and return the enclosed Form FIRE DIV 1 to me as soon as possible. This will give me your written authority and sufficient background information to provide you (and your solicitor if you wish) with all the pensions information that will be necessary for proceedings.

Please note that, under the Pensions on Divorce etc. (Provision of Information) Regulations 2000, I may be required to provide similar information directly to the Court if so ordered and certain information (excluding a valuation of pension rights) to your [spouse] [civil partner] *[insert relevant expression]* if so requested.

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV A (spouse/civil partner)

Letter requesting completion of form giving authority for provision of information.
To spouse or civil partner of Scheme member.

Dear *[insert]*

THE FIREFIGHTERS' PENSION SCHEME 1992 *[insert relevant heading]*
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 *[insert relevant heading]*
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Member's name *[insert]* **NI Number** *[insert]*

Thank you for your telephone call of *[insert]* requesting details of pension rights for [divorce] [dissolution of civil partnership] *[insert relevant expression]* purposes.

I should be grateful if you would complete and return the enclosed form FIRE DIV 2 to me as soon as possible. This will give me your written authority and sufficient background information to provide you (and your solicitor if you wish) with all the pensions information that will be necessary for proceedings.

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV A (ack)

Letter acknowledging receipt of CETV request but asking for what purpose.
To Scheme member.

Dear *[insert]*

THE FIREFIGHTERS' PENSION SCHEME 1992 *[insert relevant heading]*
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 *[insert relevant heading]*
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

NAME *[insert]* **NI Number** *[insert]*

Thank you for your letter of *[insert]* requesting details of the cash equivalent transfer value (CETV) of your pension rights.

I am collating the information necessary for the valuation. However, the details which I must supply to you under pensions law will depend upon the reason for your request.

I would be grateful if you would let me know, as soon as possible, whether the CETV details have been requested

- for purposes of a possible transfer of pension rights to some other pension arrangement, or
- for other purposes, e.g. proceedings relating to divorce or dissolution of civil partnership.

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV B – page 1

Letter acknowledging request for CETV/information.

To Scheme member, solicitor of Scheme member, or court.

Instructions in italics indicate where text may need to be varied according to circumstances

Dear [insert]

THE FIREFIGHTERS' PENSION SCHEME 1992 [insert relevant heading]
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 [insert relevant heading]
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Name [insert] **NI Number** [insert]

Thank you for your correspondence dated [insert] requesting a valuation of pension rights and relevant information in connection with [matrimonial] [dissolution of civil partnership] [insert relevant expression] proceedings.

Your letter was received on [insert] .

The Fire and Rescue Authority are required to provide you with the details required by the Pensions on Divorce etc. (Provision of Information) Regulations 2000 [the "Information Regulations"] within the following time limits –

- (a) within 6 weeks of the date the request was received if you have advised the Fire and Rescue Authority that formal proceedings for divorce, dissolution of civil partnership, annulment or judicial separation have commenced.
- (b) within the time limit specified in a Court Order sent to the Fire and Rescue Authority (where such an Order has been made)
- (c) within 21 days of the date the Fire and Rescue Authority received notification that a pension sharing order may be made (or any longer period specified by the Court), or
- (d) within 3 months of the date the request was received.

Adapt as appropriate

[Because the Fire and Rescue Authority have not been advised that circumstances (a), (b) or (c) apply, they will provide the information in accordance with (d). Please let me know if other circumstances apply. If (a) applies please indicate whether the proceedings have begun under the relevant legislation of England and Wales, Scotland or Northern Ireland.]

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**Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters**

LET FIRE DIV B – page 2

The information which you will be sent within this time scale will be –

- a valuation of accrued pension rights in the [Firefighters' Pension Scheme 1992] [New Firefighters' Pension Scheme 2006] [*insert relevant expression*] as administered by the Fire and Rescue Authority, as required by Regulation 2(2) of the Information Regulations – this will be assessed as a Cash Equivalent Transfer Value
- basic information about pensions and divorce or dissolution of civil partnership as required by Regulation 2(3)(b) to (f) of the Information Regulations
- information about the [Firefighters' Pension Scheme 1992] [New Firefighters' Pension Scheme 2006] [*insert relevant expression*] as required by Regulation 4(2) of the Information Regulations

I can supply only that information which relates to membership of the [Firefighters' Pension Scheme 1992] [New Firefighters' Pension Scheme 2006] [*insert relevant expression*]. If pension rights are held in some other pension arrangement, the trustees or managers of that other arrangement must be approached directly for the relevant valuation and information. The same would, of course, apply to pension rights held within the State pension scheme.

If pension records indicate that the payment of a transfer value from some other pension arrangement to the Fire and Rescue Authority has been requested but not yet completed, this will be indicated in the valuation information.

Certain details have to be gathered from other sources before the information requested can be provided. For example the National Insurance Contributions Office will be required to supply information connected with the contracted-out status of the Pension Scheme. If any difficulty is experienced in obtaining this information I will let you know.

The Fire and Rescue Authority are permitted to charge for certain aspects of work connected with the proceedings and a Schedule of Charges (Form FIRE DIV 100) is enclosed with this letter.

Yours sincerely

Divorce, dissolution of civil partnership, annulment, judicial separation Model letters

LET FIRE DIV C – page 1

Acknowledgement and supply of information (no CETV).

To Scheme member, solicitor of Scheme member, or court.

To spouse or civil partner of Scheme member or their solicitor.

Instructions in italics indicate where text may need to be varied according to circumstances

Dear *[insert]*

THE FIREFIGHTERS' PENSION SCHEME 1992 *[insert relevant heading]*

THE NEW FIREFIGHTERS' PENSION SCHEME 2006 *[insert relevant heading]*

THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Name *[insert]*

NI Number *[insert]*

Thank you for your letter dated *[insert]* requesting information about pension rights in connection with *[matrimonial]* *[dissolution of civil partnership]* *[insert relevant expression]* proceedings.

Please find enclosed the following documents which have to be provided by the Fire and Rescue Authority as Pension Scheme manager:

Form FIRE DIV 4 This gives basic information which has to be provided by a Pension Scheme manager in accordance with Regulation 2(3) of the Pensions on Divorce etc. (Provision of Information) Regulations 2000.

Form FIRE DIV 5 *Do **not** include FORM FIRE DIV 5 in response to a request from a spouse/civil partner or a solicitor representing them. It may only be provided to a Scheme member or to the court.* [This gives information which has to be provided by a Pension Scheme manager in accordance with Regulation 4 of the Pensions on Divorce etc. (Provision of Information) Regulations 2000 if the Scheme manager is told that a pension order or provision may be made. There is an option for the Scheme manager to provide it at an earlier stage of the proceedings.]

Form FIRE DIV 6 This sets out information which has to be supplied to the Fire and Rescue Authority as Pension Scheme manager if a pension sharing or earmarking order is made. These details are being supplied in advance of the event which requires their issue. However it is felt to be helpful to give advance notice of the sort of information which will have to be supplied if pension rights are affected by a Court Order. The Fire and Rescue Authority must be in possession of this information before the implementation period may begin (pension sharing) or appropriate action taken (earmarking).

Form FIRE DIV 100 This is a Schedule of Charges for work undertaken by the Fire and Rescue Authority as Pension Scheme manager. Regulation 2(3)(f) of the Pensions on Divorce etc. (Provision of Information) Regulations 2000 requires that it should be issued with the basic information provided in Form FIRE DIV 4.

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**Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters**

LET FIRE DIV C – page 2

Include the following if the letter is to be sent to a Scheme member, or his/her solicitor or to the court [Your letter did not include a request for a valuation of pension rights. If this is required please let me know.]

Include the following if the letter is to be sent to a Scheme member's spouse or civil partner, or their solicitor [The Fire and Rescue Authority cannot give you a valuation of the member's pension rights but this can be provided to the member at the member's request, or to the court/member by order of the court.]

Include the following, if relevant

[Please note that as [you/the Scheme member] [have/has] not attained [two years' membership of the Firefighters' Pension Scheme 1992] [three months' membership of the New Firefighters' Pension Scheme 2006] [*insert relevant expression*], [you/the member] [are/is] [*insert relevant expression*], not presently entitled to benefits under the Scheme. Entitlement to benefits and hence to shareable rights will not be achieved until [two years'] [three months'] [*insert relevant expression*] membership of the Scheme have been completed on [ddmmy].

Yours sincerely

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**Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters**

LET FIRE DIV D – page 1

Supply of CETV and information.

To Scheme member, solicitor of Scheme member, or court.

Dear *[insert]*

THE FIREFIGHTERS' PENSION SCHEME 1992 *[insert relevant heading]*
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 *[insert relevant heading]*
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Name *[insert]* **NI Number** *[insert]*

Further to my letter dated *[insert]* I have now prepared the details you require for [matrimonial] [dissolution of civil partnership] *[insert relevant expression]* proceedings.

Please find enclosed the following documents which have to be provided by the Fire and Rescue Authority as Pension Scheme manager:

[Form This gives a valuation of pension rights as required under Regulation 2(2) of the Pensions on
FIRE Divorce etc. (Provision of Information) Regulations 2000. The details are contained in a
DIV 3 format designed to follow, and answer, the questions contained in Section 2.16 of the
 Financial Statement Form (Form E 12.00) which may be issued for completion as part of the
OR proceedings.

Form This gives the amount of CETV which has to be supplied by a Pension Scheme Manager in
FIRE accordance with Regulation 2(2) of the Pensions on Divorce etc. (Provision of Information)
DIV 3 Regulations 2000. It follows the format of Section 2.13 of the Financial Statement Form
(12.05) (Form E 12.05) as issued for cases after 5 December 2005.]

Form This gives basic information which has to be provided by a Pension Scheme manager in
FIRE accordance with Regulation 2(3) of the Pensions on Divorce etc. (Provision of Information)
DIV 4 Regulations 2000.

Form This gives information which has to be provided by a Pension Scheme manager in
FIRE accordance with Regulation 4 of the Pensions on Divorce etc. (Provision of Information)
DIV 5 Regulations 2000 if the Scheme manager is told that a pension order or provision may be
 made. There is an option for the Scheme manager to provide it at an earlier stage of the
 proceedings.

Form This sets out information which has to be supplied to the Fire and Rescue Authority as
FIRE Pension Scheme manager if a pension sharing or earmarking order is made. These details
DIV 6 are being supplied in advance of the event which requires their issue. However it is felt to be
 helpful to give advance notice of the sort of information which will have to be supplied if
 pension rights are affected by a court order. The Fire and Rescue Authority must be in
 possession of this information before the implementation period may begin (pension sharing)
 or appropriate action taken (earmarking).

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Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV D – page 2

Form FIRE DIV 100 This is a Schedule of Charges for work undertaken by the Fire and Rescue Authority as Pension Scheme manager. Regulation 2(3)(f) of the Pensions on Divorce etc. (Provision of Information) Regulations 2000 requires that it should be issued with the basic information provided in Form FIRE DIV 4.

Form P I enclose the completed Form P *[include if appropriate]*

Yours sincerely

ANNEXE 14

**Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters**

LET FIRE DIV E

Supply of information where notice is given that a pension sharing order may be made.

To Scheme member, solicitor of Scheme member, or court.

Dear *[insert]*

THE FIREFIGHTERS' PENSION SCHEME 1992 *[insert relevant heading]*
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 *[insert relevant heading]*
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Name *[insert]* **NI Number** *[insert]*

Thank you for your letter dated *[insert]* advising me that a pension sharing order or provision may be made. In accordance with Regulation 4 of the Pensions on Divorce etc. (Provision of Information) Regulations 2000, I enclose –

[choose from the following]

- [Form FIRE DIV 5 which contains the information required by that Regulation.
- a copy of Form FIRE DIV 6 as a reminder of the information which will be required by the Fire and Rescue Authority before implementation of the order or provision can begin, and
- a copy of Form FIRE DIV 100 (Schedule of Charges)].

[or]

- [The completed Form P "Pension Inquiry Form" together with relevant attachments]

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV F

Notice where pension sharing order received but implementation cannot commence.

Notice where pension sharing order received and implementation can commence.

To Scheme member or solicitor of Scheme member.

To former spouse or civil partner, or their solicitor.

Instructions in italics indicate where text may need to be varied according to circumstances

Dear *[insert]*

THE FIREFIGHTERS' PENSION SCHEME 1992 *[insert relevant heading]*
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 *[insert relevant heading]*
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Name *[insert]* **NI Number** *[insert]*

Further to previous correspondence, I have now received *[adapt as appropriate]* [a pension sharing [order/provision]] in respect of pension rights.

[Adapt as appropriate]:

[I have all the information I need to commence implementation and will write to you again when implementation has been completed.]

[I regret I am unable to implement the [order/provision] because -

- [charges must be paid as instructed in the order before implementation can commence. This letter is notice that the implementation period will be postponed until the sum of £*[insert]* payable by *[insert]* has been received [from yourself/your former spouse/your civil partner]]
- [the information highlighted in Form [5 and/or 6] remains outstanding. [I would be grateful if it could be supplied as soon as possible; the implementation period cannot commence until it is.] [I have written to your former spouse/civil partner requesting this information.]
- *[other reasons why order or provision cannot be implemented]*

Yours sincerely

ANNEXE 14

**Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters**

LET FIRE DIV G – page 1

Notice of discharge of liability.

To active Scheme member.

Instructions in italics indicate where text may need to be varied according to circumstances

Dear [insert]

THE FIREFIGHTERS' PENSION SCHEME 1992 [insert relevant heading]
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 [insert relevant heading]
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Name [insert] **NI Number** [insert]

Further to previous correspondence I can now give you details of the effect the pension sharing order or provision has had on your pension rights.

The order or provision takes effect from [insert] (the transfer date)

The Cash Equivalent Transfer Value (CETV) of your accrued pension rights valued as at [insert] (the valuation date) and calculated in accordance with the relevant legislation was £[insert]

Adapt as appropriate

The order or provision has awarded [[insert]%] or £[insert] (which represents [insert]%) of the CETV to your former [spouse] [civil partner] [insert relevant expression]. Consequently a sum of £ [insert] has been awarded to your former [spouse] [civil partner] [insert relevant expression].

According to the Fire and Rescue Authority's charging statement and any order that may have been made by the Court insert the following phrase if a deduction has to be made from the amount due to the pension credit member :

[In accordance with [the Fire and Rescue Authority's charging requirements] [the order of the Court] charges of £[insert] will be deducted from this sum, reducing it to £[insert].]

Adapt as appropriate, taking into account whether the CETV was based on actual benefits (firefighter eligible to retire at CETV assessment date) or deferred benefits (firefighter not eligible to retire at CETV assessment date). In benefit terms, the [deferred] benefits to which you would have been entitled had you ceased employment on the day before the order or provision took effect, would be –

Annual pension of £ [insert]

Contingent spouse's/civil partner's pension of £ [insert]

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV G – page 2

The implementation of the pension sharing order or provision has had the effect of reducing –

- (i) your annual pension by £ *[insert]*
- (ii) your contingent spouse's/civil partner's pension (if you were to enter a subsequent marriage or civil partnership while still an active member of the [Firefighters' Pension Scheme 1992] [New Firefighters' Pension Scheme 2006] *[insert relevant expression]*) by £ *[insert]*

and these figures will increase each year in line with inflation. They will be deducted from your benefits when your benefits become payable to (or in respect of) you. It should be noted, however, that the actuarial factors used in the CETV assessment assume retirement at age [60] [65] *[insert relevant expression]*. At the time a calculation is prepared for a serving firefighter the actual date of retirement cannot be known. Consequently, the deferred benefit payment age of [60] [65] *[insert relevant expression]* is used. If you retire and become entitled to the payment of benefits before age [60] [65] *[insert relevant expression]* the reduction is adjusted by further actuarial factors which may lessen the reduction.

If the Fire and Rescue Authority's charging principles or the court order require charges to be imposed directly on the Scheme member's benefits, this must be referred to here.

Full cover for any children's benefit entitlement remains attached to your pension rights.

Your remaining pension rights and those granted to your former [spouse] [civil partner] *[insert relevant expression]* are not detrimentally affected should either of you enter a subsequent marriage or civil partnership. However your pension rights and those of your former [spouse] [civil partner] *[insert relevant expression]* could be subject to further pension sharing or "earmarking" if any subsequent marriage or civil partnership ends by reason of divorce, dissolution, annulment, (or judicial separation in the case of "earmarking" of pension rights).

Some of the aspects of pension sharing legislation are quite complex. If you require any further information or clarification, please let me know.

If you believe the Fire and Rescue Authority have acted in any way incorrectly in respect of the pension sharing order you have a right of appeal. In the first place, however, you may find it helpful to make an informal enquiry. Most problems are resolved in this way. They are often caused by misunderstandings or wrong information which can be explained or put right quickly and easily. A leaflet explaining the appeals procedure in respect of those who have been made subject to a pension sharing order or provision is enclosed ([Form FIRE DIV 7A] [Form FIRE DIV 7B] *[insert relevant expression]*).

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV H – page 1

Notice of discharge of liability.

To deferred member.

Instructions in italics indicate where text may need to be varied according to circumstances.

Dear [insert]

THE FIREFIGHTERS' PENSION SCHEME 1992 [insert relevant heading]
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 [insert relevant heading]
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Name [insert]

NI Number [insert]

Further to previous correspondence I can now give you details of the effect the pension sharing order or provision has had on your pension rights.

The order or provision takes effect from [insert] (the transfer date)

The Cash Equivalent Transfer Value (CETV) of your accrued pension rights valued as at [insert] (the valuation date) and calculated in accordance with the relevant legislation was £ [insert]

Adapt as appropriate

The order or provision has awarded [[insert%] or £[insert] (which represents [insert%]) of the CETV to your former spouse. Consequently a sum of £ [insert] has been awarded to former [spouse] [civil partner] [insert relevant expression].

According to the Fire and Rescue Authority's charging statement and any order that may have been made by the Court insert the following phrase if a deduction has to be made from the amount due to the pension credit member :

[In accordance with [the Fire and Rescue Authority's charging requirements] [the order of the Court] charges of £[insert] will be deducted from this sum, reducing it to £[insert].]

In benefit terms, on the day before the order or provision took effect, you were entitled to deferred benefits as follows –

Annual pension of £ [insert]

Contingent spouse's/civil partner's pension of £ [insert]

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Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV H – page 2

If a Pensions Increase award has been made between the date the order takes effect (the transfer date) and the valuation date, add the following paragraph –

[On the valuation date, the deferred benefits had been increased by Pensions Increase to –

Annual pension of £ [insert]

Contingent spouse's/civil partner's pension of £ [insert]

The implementation of the pension sharing order or provision has had the effect of reducing the above benefits to –

Annual pension of £ [insert]

Contingent spouse's/civil partner's pension (if you were to enter a subsequent marriage or civil partnership) of £ [insert]

If the Fire and Rescue Authority's charging principles or the court order require charges to be imposed on the benefits, this must be referred to here.

Full cover for any children's benefit entitlement remains attached to your pension rights.

Your remaining pension rights and those granted to your former [spouse][civil partner] [insert relevant expression] are not detrimentally affected should either of you enter a subsequent marriage or civil partnership. However your pension rights and those of your former [spouse] [civil partner] [insert relevant expression] could be subject to further pension sharing or "earmarking" if any subsequent marriage or civil partnership ends by reason of divorce, dissolution, annulment, (or judicial separation in the case of "earmarking" of pension rights).

Some of the aspects of pension sharing legislation are quite complex. If you require any further information or clarification, please let me know.

If you believe the Fire and Rescue Authority have acted in any way incorrectly in respect of the pension sharing order you have a right of appeal. In the first place, however, you may find it helpful to make an informal enquiry. Most problems are resolved in this way. They are often caused by misunderstandings or wrong information which can be explained or put right quickly and easily. A leaflet explaining the appeals procedure in respect of those who have been made subject to a pension sharing order or provision is enclosed ([Form FIRE DIV 7A] [Form FIRE DIV 7B] [insert relevant expression]).

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV I – page 1

Notice of discharge of liability.

To pensioner member.

Instructions in italics indicate where text may need to be varied according to circumstances.

Dear [insert]

THE FIREFIGHTERS' PENSION SCHEME 1992 [insert relevant heading]
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 [insert relevant heading]
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Name [insert] **NI Number** [insert]

Further to previous correspondence I can now give you details of the effect the pension sharing order or provision has had on your pension rights.

The order or provision takes effect from [insert] (the transfer date)

The Cash Equivalent Transfer Value (CETV) of your accrued pension rights valued as at [insert] (the valuation date) and calculated in accordance with the relevant legislation was £ [insert]

Adapt as appropriate

The order or provision has awarded [[insert]%] or £[insert] (which represents [insert]%) of the CETV to your former [spouse] [civil partner] [insert relevant expression]. Consequently a sum of £ [insert] has been awarded to your former [spouse] [civil partner] [insert relevant expression].

According to the Fire and Rescue Authority's charging statement and any order that may have been made by the Court insert the following phrase if a deduction has to be made from the amount due to the pension credit member :

[In accordance with [the Fire and Rescue Authority's charging requirements] [the order of the Court] charges of £[insert] will be deducted from this sum, reducing it to £[insert].]

The CETV of your accrued pension rights has been reduced to £ [insert] (i.e. £ [insert] less £[insert] = £[insert]).

In benefit terms, on the day before the order or provision took effect, you were entitled to –

Annual pension of £ [insert]

Contingent spouse's/civil partner's pension of £ [insert]

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV I – page 2

If a Pensions Increase award has been made between the date the order takes effect (the transfer date) and the valuation date, add the following paragraph –

[On the valuation date, the deferred benefits had been increased by Pensions Increase to –

Annual pension of £ [insert]

Contingent spouse's/civil partner's pension of £ [insert]

The implementation of the pension sharing order or provision has had the effect of reducing the above benefits to –

Annual pension of £ [insert]

Contingent [spouse's] [civil partner's] [insert relevant expression] pension (if you were to enter a subsequent marriage or civil partnership) of £ [insert]

If the court order requires charges to be imposed on the benefits, this must be referred to here.

Full cover for any children's benefit entitlement remains attached to your pension rights.

Your remaining pension rights and those granted to your former [spouse] [civil partner] [insert relevant expression] are not detrimentally affected should either of you enter a subsequent marriage or civil partnership. However your pension rights and those of your former [spouse] [civil partner] [insert relevant expression] could be subject to further pension sharing or "earmarking" if any subsequent marriage or civil partnership ends by reason of divorce, dissolution, annulment, (or judicial separation in the case of "earmarking" of pension rights).

Some of the aspects of pension sharing legislation are quite complex. If you require any further information or clarification, please let me know.

If you believe the Fire and Rescue Authority have acted in any way incorrectly in respect of the pension sharing order you have a right of appeal. In the first place, however, you may find it helpful to make an informal enquiry. Most problems are resolved in this way. They are often caused by misunderstandings or wrong information which can be explained or put right quickly and easily. A leaflet explaining the appeals procedure in respect of those who have been made subject to a pension sharing order or provision is enclosed ([Form FIRE DIV 7A] [Form FIRE DIV 7B] [insert relevant expression]).

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV J – page 1

Notice of discharge of liability.

To former spouse or civil partner below age 60 (FPS), 65 (NFPS).

Instructions in italics indicate where text may need to be varied according to circumstances.

Dear [insert]

THE FIREFIGHTERS' PENSION SCHEME 1992 [insert relevant heading]
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 [insert relevant heading]
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Member's name [insert]

NI Number [insert]

Further to previous correspondence I can now give you details of the effect the pension sharing order or provision has on your pension rights entitlement.

Your pension credit entitlement will remain in the [Firefighters' Pension Scheme 1992] [New Firefighters' Pension Scheme 2006] [insert relevant expression].

The pension sharing order or provision takes effect from [insert] (the transfer date).

The Cash Equivalent Transfer Value (CETV) of your former [spouse's] [civil partner's] [insert relevant expression] accrued pension rights valued as at [insert] (the valuation date) and calculated in accordance with the relevant legislation was £ [insert]

Adapt as appropriate

The order or provision has awarded [[insert%] or [£[insert] (which represents [insert%])] of your former spouse's CETV. Consequently a sum of £ [insert] has been awarded to you.

According to the Fire and Rescue Authority's charging statement and any order that may have been made by the Court insert the following phrase if a deduction has to be made from the amount due to the pension credit member :

[In accordance with [the Fire and Rescue Authority's charging requirements] [the order of the Court] charges of £[insert] will be deducted from this sum, reducing it to £[insert].]

In benefit terms you are entitled to –

Annual pension of £ [insert]

If periodical charges are to be made, these are to be detailed here including how and when they will be recovered.

If, at the time of the making of the order, the firefighter had not commuted a portion of pension to lump sum, include the following –

[At the time the pension becomes payable you will have the option to commute part of it to a lump sum as allowed by the Pension Scheme.]

ANNEXE 14

**Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters**

LET FIRE DIV J – page 2

The benefits awarded to you are personal benefits. There is no provision for a contingent [spouse's] [civil partner's] [insert relevant expression] pension if you were to enter a subsequent marriage or civil partnership and predecease your spouse or civil partner. Nor would any children's benefits be payable upon your death. Children's pensions remain "attached" in full to your former [spouse's] [civil partner's] [insert relevant expression] benefits in the [Firefighters' Pension Scheme 1992] [New Firefighters' Pension Scheme 2006] [insert relevant expression].

The pension will be payable from age [60] [65] [insert relevant expression] and is payable for life.

If your pension would be a very small amount (as defined by the rules of HM Revenue and Customs) it can be commuted for a lump sum.

A pension credit in the [Firefighters' Pension Scheme 1992] [New Firefighters' Pension Scheme 2006] [insert relevant expression] will, under current legislation, be increased each year in line with the Retail Prices Index, i.e. it is inflation-proofed during the period leading up to the date of payment and for the rest of your life while in payment.

If you were to die before the benefits have been brought into payment, a lump sum equivalent to two and a quarter times the pension would be payable to your personal representatives as named in Grant of Probate or Letters of Administration [or, at the Fire and Rescue Authority's discretion, to a person or person or persons you have nominated as the recipient. If you would like to make a nomination, please complete the enclosed Nomination Form.] [insert this latter phrase if the pension credit member is a member of the NFPS]

Include if Scheme member not already in receipt of pension

[Your own pension rights as a pension credit member of the [Firefighters' Pension Scheme 1992] [New Firefighters' Pension Scheme 2006] [insert relevant expression] will be completely separate from your former [spouse's] [civil partner's] [insert relevant expression] pension rights. The date from which your benefits are payable are not linked to, or affected in any way, by the date from which your former [spouse] [civil partner] [insert relevant expression] receives benefits. Nor would any transfer of your former [spouse's] [civil partner's] [insert relevant expression] pension rights out of the Pension Scheme affect your status as a pension credit member with pension credit rights payable by the Fire and Rescue Authority.]

If you are currently, or at any time in the future should become, a member of the Pension Scheme in your own right in respect of your employment, you should note that your pension credit rights will always be kept separate from those other pension rights. They cannot be combined with other benefits under the Pension Scheme.

Your former [spouse's] [civil partner's] [insert relevant expression] pension rights and those granted to you under the pension sharing order would not be detrimentally affected should either of you enter a subsequent marriage or civil partnership. However your pension rights and those of your former [spouse] [civil partner] [insert relevant expression] could be subject to further pension sharing or "earmarking" if any subsequent marriage or civil partnership ends by reason of divorce, dissolution, annulment, (or judicial separation in the case of "earmarking" of pension rights).

Please note that you must keep me informed of any future change of name or address.

Some of the aspects of pension sharing legislation are quite complex. If you require any further information or clarification, please let me know.

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV J – page 3

If you believe the Fire and Rescue Authority have acted in any way incorrectly in respect of the pension sharing order you have a right of appeal. In the first place, however, you may find it helpful to make an informal enquiry. Most problems are resolved in this way. They are often caused by misunderstandings or wrong information which can be explained or put right quickly and easily. A leaflet explaining the appeals procedure in respect of those who have been made subject to a pension sharing order or provision is enclosed ([Form FIRE DIV 7A] [Form FIRE DIV 7B] [*insert relevant expression*]).

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV K – page 1

Notice of discharge of liability.

To former spouse or civil partner aged 60 or over (FPS), 65 or over (NFPS).

Instructions in italics indicate where text may need to be varied according to circumstances.

Dear [insert]

THE FIREFIGHTERS' PENSION SCHEME 1992 [insert relevant heading]
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 [insert relevant heading]
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Member's name [insert] **NI Number** [insert]

Further to previous correspondence I can now give you details of the effect the pension sharing order or provision has on your pension entitlement.

The pension sharing order or provision takes effect from [insert] (the transfer date)

The Cash Equivalent Transfer Value (CETV) of your former [spouse's] [civil partner's] [insert relevant expression] accrued pension rights valued as at [insert] (the valuation date) and calculated in accordance with the relevant legislation was £[insert]

Adapt as appropriate

The order or provision has awarded [[insert]%] or £[insert] (which represents [insert]%) of your former [spouse's] [civil partner's] [insert relevant expression] CETV. Consequently a sum of £ [insert] has been awarded to you.

According to the Fire and Rescue Authority's charging statement and any order that may have been made by the Court insert the following phrase if a deduction has to be made from the amount due to the pension credit member :

[In accordance with [the Fire and Rescue Authority's charging requirements] [the order of the Court] charges of £[insert] will be deducted from this sum, reducing it to £[insert].]

In benefit terms you are entitled, as a pension credit member of the [Firefighters' Pension Scheme 1992] [New Firefighters' Pension Scheme 2006] [insert relevant expression], to –

Annual pension of £ [insert]

If the Scheme member has already retired and taken a lump sum, do not include the following
[If you wish, you may commute a portion of this pension to provide a single lump sum payment. If you choose to commute the maximum you would be entitled to –

Annual pension of £ [insert]

Lump sum of £ [insert]

ANNEXE 14

**Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters**

LET FIRE DIV K – page 2

You do not have to commute the maximum if you wish to commute. You could elect to commute a smaller amount.

I would be grateful if you would return the enclosed [Form FIRE DIV 8A] [Form FIRE DIV 8B] [*insert relevant expression*] to me by [*insert*] to indicate your commutation wishes.]

If periodical charges are to be made, these are to be detailed here including how and when they will be recovered.

The benefits awarded to you are personal benefits. There is no provision for a contingent [spouse's] [civil partner's pension] if you were to enter a subsequent marriage or civil partnership and predecease your spouse or civil partner. Nor would any children's benefits be payable upon your death. Children's pensions remain "attached" in full to your former [spouse's] [civil partner's] [*insert relevant expression*] benefits in the [Firefighters' Pension Scheme 1992] [New Firefighters' Pension Scheme 2006] [*insert relevant expression*].

Adapt as appropriate

The pension [and lump sum] are payable immediately, i.e. from the "transfer date".

Payment

Give standard information issued to pensioners about payment methods and dates, etc.

Security

Give details, e.g.

[For security reasons a "life certificate" may be sent to you from time to time. Any delay in its completion and return could result in your pension being suspended pending investigation.]

Taxation

If you elect to commute, the lump sum derived from your pension credit is tax free.

Complete as appropriate

The annual pension is treated as taxable income. The assessment of tax on your pension will be made by [*insert*]Tax Office. Any queries in respect of the assessment of tax coding should be made to –

[*insert*]

When contacting the Tax Office, please quote the Fire and Rescue Authority's pension payroll reference number for Fire and Rescue Service pensioners which is – [*insert*]

Pensions Increase

The pension credit you have been awarded in the Pension Scheme will, under current legislation, be increased each year in line with the rise in the Retail Prices Index, i.e. it is inflation-proofed for the rest of your life whilst in payment.

Effect of future marriage or civil partnership

Your former [spouse's] [civil partner's] [*insert relevant expression*] pension rights and those granted to you under the pension sharing order would not be detrimentally affected should either of you enter a subsequent marriage or civil partnership. However your pension rights and those of your former [spouse] [civil partner] [*insert relevant expression*] could be subject to further pension sharing or "earmarking" if any subsequent marriage or civil partnership ends by reason of divorce, dissolution, annulment, (or judicial separation in the case of "earmarking" of pension rights).

ANNEXE 14

**Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters**

LET FIRE DIV K – page 3

Other benefits under the Firefighters' Pension Schemes

If you have entitlement to any other benefits under the Firefighters' Pension Scheme 1992 or the New Firefighters' Pension Scheme 2006, e.g. in your own right, you should note that your pension credit benefits will always be kept separate from those other pension rights. They cannot be combined with other benefits under the Pension Scheme.

Further information and rights of appeal

Some of the aspects of pension sharing legislation are quite complex. If you require any further information or clarification, please let me know.

If you believe the Fire and Rescue Authority have acted in any way incorrectly in respect of the pension sharing order you have a right of appeal. In the first place, however, you may find it helpful to make an informal enquiry. Most problems are resolved in this way. They are often caused by misunderstandings or wrong information which can be explained or put right quickly and easily. A leaflet explaining the appeals procedure in respect of those who have been made subject to a pension sharing order or provision is enclosed ([Form FIRE DIV 7A] [Form FIRE DIV 7B]).

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV L – page 1

Notice of receipt of earmarking order – effect on benefits.

To Scheme member where pension in payment and is to be earmarked

Instructions in italics indicate where text may need to be varied according to circumstances.

Dear [insert]

THE FIREFIGHTERS' PENSION SCHEME 1992 [insert relevant heading]
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 [insert relevant heading]
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Name [insert] **NI Number** [insert]

On [insert] I received an “earmarking” order in respect of your pension rights. I have set out below the effect the order will have.

The Cash Equivalent Transfer Value (CETV) of your accrued pension rights valued as at [insert] (the valuation date) and calculated in accordance with the relevant legislation was £ [insert]

In benefit terms, immediately before the order took effect you were entitled to –

Annual pension	£[insert]
Pensions Increase	£[insert]
Total	£[insert]

The order requires [insert]% of your pension to be paid to your former [spouse] [civil partner] [insert relevant expression]. Consequently, from the date of the order, your former [spouse] [civil partner] [insert relevant expression] will be entitled to –

Annual pension	£[insert]
Pensions Increase	£[insert]
Total	£[insert]

The deductions to be made to your pension in respect of your former [spouse's] [civil partner's] [insert relevant expression] entitlement must be made after tax has been assessed on your pension. Because tax deductions can be variable I cannot notify you of a fixed figure representing your net entitlement to pension after the order takes effect. However, as guidance, if no tax were due at all, your pension entitlement from the date of the order would be –

Annual pension	£[insert]
Pensions Increase	£[insert]
Total	£[insert]

The first date when a payment under the order is to be made is [insert]

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV L – page 2

Charges

The following sums are due to the Fire and Rescue Authority, representing the administrative expenses incurred or likely to be incurred by reason of the order.

Give details of amounts due in accordance with Fire and Rescue Authority policy or the directions of the court.

If member is required to pay charges:

[You are required to pay £[insert]]

[The sum of £[insert] is required by [insert] *give date by when payment of charges in part or in full is required*]

[It will be collected from your pension instalments until paid in full]

[The sum must be paid by [insert] *date*]

If former spouse or civil partner is required to pay charges:

[Your former [spouse] [civil partner] [insert relevant expression] is required to pay £[insert]]

[The sum of £[insert] is required from your former [spouse] [civil partner] [insert relevant expression] by [insert] *give date by when payment of charges in part or in full is required*]

[Your former [spouse] [civil partner] [insert relevant expression] will have an administrative charge of £[insert]/[insert]% deducted from each monthly instalment of pension]

[The sum must be paid by [insert] *date*]

Change of circumstances

If there is a change in circumstances or in the accuracy of details which could affect the Fire and Rescue Authority's obligations under the earmarking order you must let the Authority know, within 14 days of the event.

Your former [spouse] [civil partner] [insert relevant expression] will be advised that the Fire and Rescue Authority must be informed of remarriage or any change in name, address or payment details within 14 days of the event or change. If it is not reasonably practicable for the Fire and Rescue Authority to make a payment to your former [spouse] [civil partner] [insert relevant expression] because certain details have ceased to be accurate and the Fire and Rescue Authority have not been told (e.g. if bank account details are changed and the instalment of pension returned to the Authority) then the Fire and Rescue Authority will revert to making the payments to you instead. The Fire and Rescue Authority will be considered to have discharged their liability in respect of the earmarked payment.

If your former [spouse] [civil partner] [insert relevant expression] enters into a subsequent marriage or civil partnership, the earmarking order will cease to have effect and the Fire and Rescue Authority will revert to paying the full amount of pension to you.

If your former [spouse] [civil partner] [insert relevant expression] fails to inform the Fire and Rescue Authority of a subsequent marriage or civil partnership and in consequence the Authority continue to make payments to your former [spouse] [civil partner] [insert relevant expression] the Authority will still be considered to have discharged their liability to you to the extent of that payment and your former [spouse] [civil partner] [insert relevant expression] is obliged under Regulation 6(5)(b) of the Divorce etc. (Pension) Regulations 2000 to make the payment over to you within 14 days of the payment having been made.

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV L – page 3

In the event of your death, the requirement to make periodical payments of pension to your former [spouse] [civil partner] [*insert relevant expression*] under the order would cease. In the event of the death of your former [spouse] [civil partner] [*insert relevant expression*], the periodical payments would no longer be deducted from your pension, i.e. you would have your full entitlement to pension restored.

Further information

If you have any queries or if you need to get in touch with the Fire and Rescue Authority to provide any of the information referred to in these notes, please contact –

[*insert*]

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV M – page 1

Notice of receipt of earmarking order.

To former spouse or civil partner of Scheme member where pension is in payment and is to be earmarked.

Instructions in italics indicate where text may need to be varied according to circumstances.

Dear [insert]

THE FIREFIGHTERS' PENSION SCHEME 1992 [insert relevant heading]
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 [insert relevant heading]
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Member's name [insert] **NI Number** [insert]

On [insert] I received an "earmarking" order in respect of your former [spouse's] [civil partner's] [insert relevant expression] pension rights. I have set out below the effect the order will have.

The Cash Equivalent Transfer Value (CETV) of your former [spouse's] [civil partner's] [insert relevant expression] pension rights valued as at [insert] (the valuation date) and calculated in accordance with the relevant legislation was [insert]

In benefit terms, immediately before the order took effect, your former [spouse] [civil partner] [insert relevant expression] was entitled to –

Annual pension	£[insert]
Pensions Increase	£[insert]
Total	£[insert]

The order requires [insert]% of your former [spouse's] [civil partner's] [insert relevant expression] pension to be paid to you. Consequently, from the date of the order, you will be entitled to –

Annual pension	£[insert]
Pensions Increase	£[insert]
Total	£[insert]

The deduction of your entitlement to pension from your former [spouse's] [civil partner's] [insert relevant expression] entitlement must be made after tax has been assessed and paid by your former [spouse] [civil partner] [insert relevant expression] on the unreduced pension. Because tax deductions can be variable I cannot notify you of a fixed figure representing your former [spouse's] [civil partner's] [insert relevant expression] net entitlement to pension after the order takes effect. However, as guidance, if no tax were due at all, your former [spouse's] [civil partner's] [insert relevant expression] pension entitlement from the date of the order would be –

Annual pension	£[insert]
Pensions Increase	£[insert]
Total	£[insert]

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV M – page 2

The first date when a payment under the order is to be made is *[insert]*

Charges

The following sums are due to the Fire and Rescue Authority, representing the administrative expenses incurred or likely to be incurred by reason of the order.

Give details of amounts due in accordance with Fire and Rescue Authority policy or the directions of the court.

If member is required to pay charges:

[Your former [spouse] [civil partner] *[insert relevant expression]* is required to pay £*[insert]*]

[The sum of £*[insert]* is required by *[insert]* *give date by when payment of charges in part or in full is required*]

[It will be collected from your former [spouse's] [civil partner's] *[insert relevant expression]* pension instalments until paid in full]

[The sum must be paid by *[insert]* *date*]

If the former spouse or civil partner is required to pay charges:

[Your are required to pay £*[insert]*]

[The sum of £*[insert]* is required from you by *[insert]* *give date by when payment of charges in part or in full is required*]

[You will have an administrative charge of *adapt as appropriate* £*[insert]*/ *[insert]*% deducted from each monthly instalment of pension]

[The sum must be paid by *[insert]* *date*]

Change of circumstances

If there is a change in circumstances or in the accuracy of details which could affect the Fire and Rescue Authority's obligations under the earmarking order you must let the Authority know, within 14 days of the event.

In particular you must advise the Fire and Rescue Authority if –

- there is any change in your name
- there is any change in your address
- there is any change in your payment details (i.e. the bank or building society account to which the payments are made)
- you enter a subsequent marriage or civil partnership.

If it is not reasonably practicable for the Fire and Rescue Authority to make a payment to you because certain details have ceased to be accurate and the Authority have not been told (e.g. if bank account details are changed and the instalment of pension returned to the Authority) then the Fire and Rescue Authority will revert to making the payments to your former [spouse] [civil partner] *[insert relevant expression]*. The Fire and Rescue Authority will be considered to have discharged their liability in respect of the earmarked payment.

ANNEXE 14

**Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters**

LET FIRE DIV M – page 3

If you enter a subsequent marriage or civil partnership, the periodical payments of pension to you under the earmarking order will cease to have effect and the Fire and Rescue Authority will revert to paying the full amount of pension to your former [spouse] [civil partner] [*insert relevant expression*]. If you fail to inform the Fire and Rescue Authority of the subsequent marriage or civil partnership and in consequence the Authority continues to make payments to you, the Authority will still be considered to have discharged their liability to the extent of that payment and you would be obliged under Regulation 6(5)(b) of the Divorce etc. (Pension) Regulations 2000 to make the payment over to your former [spouse] [civil partner] [*insert relevant expression*] within 14 days of the payment having been made.

In the event of your death or that of your former [spouse] [civil partner] [*insert relevant expression*], entitlement to the “earmarked” portion of your former [spouse's] [civil partner's] [*insert relevant expression*] pension will cease.

Payment

Give normal details issued to pensioners about payment methods, dates, etc, e.g.

[To enable payment to commence, please complete and return the enclosed payment details form to me as soon as possible.]

Taxation

In accordance with the instructions of HM Revenue and Customs, your periodic payments of pension will be deducted from your former [spouse's] [civil partner's] [*insert relevant expression*] pension after tax deductions have been made from that pension. Your periodic payments of pension will not, therefore, be treated as taxable.

Security

Give details, e.g.

[For security reasons, a “life certificate” may be sent to you from time to time. Any delay in completion and return could result in your periodic payment of pension being redirected to your former [spouse] [civil partner] [*insert relevant expression*].]

Further information and contact address

If you have any queries or if you need to get in touch with the Fire and Rescue Authority to provide any of the information referred to in these notes, please contact –

[*insert*]

Yours sincerely

ANNEXE 14

**Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters**

LET FIRE DIV N – page 1

Notice of receipt of earmarking order – effect on benefits.

To Scheme member where pension not in payment.

Instructions in italics indicate where text may need to be varied according to circumstances

Dear [insert]

THE FIREFIGHTERS' PENSION SCHEME 1992 [insert relevant heading]
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 [insert relevant heading]
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Name [insert]

NI Number [insert]

On [insert] I received an earmarking order in respect of your pension rights.

The order requires –

Set out details, e.g.

*percentage of pension to paid, if any
percentage of lump sum to be paid, if any
percentage of death grant to be paid, if any*

Adapt as appropriate

The order will not have effect until the above benefit[s] become payable (i.e. on your retirement [and/or death]).

Notification of change in circumstances

If there is a change in circumstances or in the accuracy of details which could affect the Fire and Rescue Authority's obligation under the earmarking order, you must let the Authority know within 14 days of the event.

Your former [spouse] [civil partner] [insert relevant expression] will be advised that the Fire and Rescue Authority must be informed of any subsequent marriage or civil partnership and of any change of name, address, or payment details, within 14 days of the event.

Adapt as appropriate

If your former [spouse] [civil partner] [insert relevant expression] enters a subsequent marriage or civil partnership, [the earmarking order will cease to have effect in respect of periodical payments due to be made to your former [spouse] [civil partner] [insert relevant expression] from your pension] [the earmarking of your [lump sum] [death grant] will not be affected if your former [spouse] [civil partner] [insert relevant expression] enters a subsequent marriage or civil partnership unless the order directs otherwise]

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV N – page 2

Transfer of pension rights

In the event that you should transfer your pension rights from this Fire and Rescue Authority to another pension arrangement, details of the earmarking requirements and all other relevant documents will be transferred to the manager of that new arrangement and notice of the transfer will be given to your former [spouse] [civil partner] [*insert relevant expression*]. The manager of the new pension scheme would have full responsibility for application of the order; the obligations of this Fire and Rescue Authority would cease. Similarly, if you were to transfer to another fire and rescue authority the earmarking requirements would be transferred to that authority. Your new authority would have full responsibility for application of the order; the obligations of this Fire and Rescue Authority would cease.

Charges

Set out charging requirements under Fire and Rescue Authority policy or, if directed otherwise, in accordance with the court order.

Further information

Some of the aspects of pensions earmarking legislation are quite complex. If you require further information or clarification, please let me know.

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV O – page 1

Notice of receipt of earmarking order – effect on benefits.

To former spouse or civil partner of Scheme member where pension not in payment.

Instructions in italics indicate where text may need to be varied according to circumstances

Dear [insert]

THE FIREFIGHTERS' PENSION SCHEME 1992 [insert relevant heading]
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 [insert relevant heading]
THE PENSIONS ON DIVORCE ETC. (PROVISION OF INFORMATION) REGULATIONS 2000

Member's name [insert] **NI Number** [insert]

On [insert] I received an earmarking order in respect of the pension rights of your former [spouse] [civil partner]. [insert relevant expression]

The order requires –

Set out details, e.g.

percentage of pension to be paid, if any
percentage of lump sum to be paid, if any
percentage of death grant to be paid, if any

Adapt as appropriate

The order will not have effect until the above benefit[s] become payable (i.e. on retirement [and/or death]).

Notification of change in circumstances

If there is a change in circumstances or in the accuracy of details which could affect the Fire and Rescue Authority's obligation under the earmarking order, you must let the Fire and Rescue Authority know within 14 days of the event.

In particular you must advise the Fire and Rescue Authority if –

- there is any change in your name
- there is any change in your address
- there is any change in your payment details (i.e. the bank or building society account to which the payments are made)
- you enter a subsequent marriage or civil partnership.

ANNEXE 14

**Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters**

LET FIRE DIV O – page 2

Adapt as appropriate

If you enter a subsequent marriage or civil partnership, [the earmarking order will cease to have effect in respect of periodical payments due to be made to you from your former [spouse's] [civil partner's] [*insert relevant expression*] pension] [the earmarking of the [lump sum] [death grant] would not be affected unless the order directs otherwise]

Transfer of pension rights

In the event that your former [spouse] [civil partner] [*insert relevant expression*] should transfer pension rights from this Fire and Rescue Authority to another pension arrangement, details of the earmarking requirement and all other relevant documents will be transferred to the manager of that new arrangement and notice of the transfer will be given to you. The manager of the new pension scheme will have full responsibility for the application of the order; this Fire and Rescue Authority's obligations will cease. Similarly, if your former [spouse] [civil partner] [*insert relevant expression*] were to transfer to another fire and rescue authority, details of the earmarking requirements would be transferred to that Fire and Rescue Authority. The new Fire and Rescue Authority would have full responsibility for application of the order; the obligations of this Fire and Rescue Authority would cease.

Charges

Set out charging requirements under the Fire and Rescue Authority policy or, if directed otherwise, in accordance with the court order.

Further information

Some of the aspects of pensions "earmarking" legislation are quite complex. If you require further information or clarification please let me know.

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV P

Scheme member transfers pension rights to a new pension scheme or a new fire and rescue authority.

To new pension scheme manager or new fire and rescue authority.

Instructions in italics indicate where text may need to be varied according to circumstances.

Dear *[insert]*

THE FIREFIGHTERS' PENSION SCHEME 1992 *[insert relevant heading]*

THE NEW FIREFIGHTERS' PENSION SCHEME 2006 *[insert relevant heading]*

THE DIVORCE ETC. (PENSIONS) REGULATIONS 2000 *[insert relevant heading]*

THE DISSOLUTION ETC. (PENSIONS) REGULATIONS 2005 *[insert relevant heading]*

Member's name *[insert]*

NI Number *[insert]*

An "earmarking" order in respect of the pension rights of the above-named was issued on *[insert]*

In accordance with Regulation 4 of the [Divorce etc (Pensions) Regulations 2000] [Dissolution etc (Pensions) Regulations 2005] *[insert relevant expression]*, I enclose copies of the following documents

the order(s) made under [the Matrimonial Causes Act 1973] [the Civil Partnership Act 2004] *[insert relevant expression]*

any order(s) varying the above order(s)

adapt as appropriate all information or particulars which the member's former [spouse] [civil partner] *[insert relevant expression]* was required to supply to enable [this Fire and Rescue Authority/ the managers of a previous pension arrangement] –

- to provide information, documents or representations to the court to enable it to decide what, if any, requirement should be imposed on that person, or

- to comply with any order or imposing such a requirement

adapt as appropriate any other notice given by the former [spouse] [civil partner] *[insert relevant expression]* to [this Fire and Rescue Authority/ the managers of a previous pension arrangement] regarding a change of circumstance

where rights transferred to this Fire and Rescue Authority were covered by an "earmarking" order, the notice issued under the provisions to the Fire and Rescue Authority by the previous scheme managers.

Yours sincerely

ANNEXE 14

Divorce, dissolution of civil partnership, annulment, judicial separation
Model letters

LET FIRE DIV Q

Scheme member transfers pension rights to a new pension scheme or a new fire and rescue authority.

To former spouse or civil partner

Instructions in italics indicate where text may need to be varied according to circumstances.

Dear [insert]

THE FIREFIGHTERS' PENSION SCHEME 1992 [insert relevant heading]
THE NEW FIREFIGHTERS' PENSION SCHEME 2006 [insert relevant heading]
THE DIVORCE ETC. (PENSIONS) REGULATIONS 2000
THE DISSOLUTION ETC. (PENSIONS) REGULATIONS 2005 [insert relevant heading]

Member's name [insert] **NI Number** [insert]

On [insert] the Fire and Rescue Authority were issued with an earmarking order in respect of the pension rights of your former [spouse] [civil partner]. [insert relevant expression]

The purpose of this letter is to give you notice under Regulation 4 of the [Divorce etc (Pensions) Regulations 2000] [Dissolution etc (Pensions) Regulations 2005] [insert relevant expression] that your former [spouse] [civil partner] [insert relevant expression] has transferred pension rights covered by the order away from this Fire and Rescue Authority.

The pension rights were transferred on [insert] (date all required transfer payments were made)

They were transferred to [insert] (name and address of the person responsible for the new arrangement).

Adapt as appropriate

From the date of the transfer, the earmarking order will have effect as if it had been made in respect of [the managers of the above pension scheme] [the Fire and Rescue Authority named above] rather than this Fire and Rescue Authority.

Adapt as appropriate

Please note that if there is any change in circumstance which may affect the application of the order (see my letter dated [insert] copy enclosed) you should now inform [the manager of the new pension scheme] [your former [spouse's] [civil partner's] [insert relevant expression] new Fire and Rescue Authority] not this Fire and Rescue Authority.

Yours sincerely