

## RULE C10 Pension debit members

**Rule C10 requires certain benefits payable to a spouse or civil partner under Part C to be reduced to take account of pension sharing orders.**

- Pension debit members** A pension debit member is a member of the FPS whose benefits have been made subject to a pension sharing order issued by a court on divorce, dissolution of civil partnership or annulment. Under s31 of the Welfare Reform and Pensions Act 1999, the amount or percentage of pension rights quoted in the pension sharing order must be deducted from the capital value of the scheme member's benefits as at the date of the order. So the rights are "debited" (hence the expression "pension debit member") to provide benefits for the former spouse or civil partner (who is known as "the pension credit member").
- Benefits affected** Rule C10 lists the following benefits as those affected under Part C by a pension sharing order –
- spouse's or civil partner's ordinary pension (Rule C1)
  - spouse's or civil partner's accrued pension (Rule C4)
  - widow's or civil partner's requisite benefit and temporary pension (Rule C6)
  - spouse's or civil partner's award where no other award payable (Rule C7).
- The following provisions also take account of the benefits as affected by a pension sharing order –
- limitation on award to widow or civil partner with reference to date of marriage or formation of civil partnership (Rule C5)
  - limitation where spouses or civil partners living apart (Rule C8)
  - effect of remarriage or formation of civil partnership in the case of a widow(er), or formation of subsequent civil partnership or marriage in the case of a surviving civil partner (Rule C9).
- Action required** When assessing an award payable under Rules B1, B2, B3 or B5 to a firefighter, the fire and rescue authority must reduce the award according to the directions of a pension sharing order and in line with guidance and tables provided by the Government Actuary (these are given at Annexe 14).
- Similarly, when assessing a spouse's or civil partner's award under Rules C1, C4, C6 and C7, account must be taken of the reduction to the firefighter's pension by the pension sharing order and the award to the spouse or civil partner will be reduced accordingly.
- Useful reference source**
- FSC 17/2001: advance issue of Annexe 14
  - FPSC 5/2005: introduction of survivor's benefits for civil partners

**Rule C10 (continued)**

**Points To Note**

1. Fire and rescue authorities should take note of tax and DWP requirements in addition to the guidelines given in Annexe 14.
2. Annexe 14 procedures cover actions required where the pension sharing order has been made by an English or Welsh Court. Slightly different procedures may apply where the order is made by a Scottish court.
3. The spouse's or civil partner's awards referred to in Rule C10 are those payable to the spouse or civil partner of a marriage or civil partnership after the divorce, dissolution of civil partnership, or annulment which gave rise to the pension sharing order. A former spouse or civil partner is not entitled to a surviving spouse's or civil partner's pension following the death of his or her former wife/husband/civil partner.
4. Note that if the spouse or civil partner elects for a flat rate award under Schedule 3 Part I, paragraph 2, that award must be apportioned in line with the pension sharing order, e.g. if the order instructs that a firefighter's ex-spouse is to receive 40% of the value of the firefighter's benefits, the flat rate award otherwise payable must be reduced by 40% (see Rule E9(9)).
5. Benefits for surviving civil partners were introduced into the FPS on 5 December 2005 but are based on service after 5 April 1988 only.
6. Injury awards which, up to and including 31 March 2006, were paid under Rule C2 (spouse's or civil partner's special award) and Rule C3 (spouse's or civil partner's augmented award), are not affected by a pension sharing order. (With effect from 1 April 2006 injury provisions were transferred to the Firefighters' Compensation Scheme.)