



UODSS & Your Pension Benefits

University of Dundee Superannuation and Life Assurance Scheme (UODSS)

Factsheet 16 – Divorce

Under UK law, the courts are required to take pension benefits into account when assessing and distributing marital assets on divorce. As a result, your UODSS benefits will be taken into account if you get divorced. Pension benefits can be dealt with by the courts in a number of ways and this factsheet provides information on the different options that exist and how they work.

This factsheet is intended as a guide for members, their spouses and any other interested parties on how a divorce would affect your UODSS benefits. The factsheet does not provide any form of legal or financial advice with respect to pensions and divorce.

You and your ex-spouse should obtain your own advice when agreeing on how to deal with your pension benefits in the divorce settlement.

For the purposes of this factsheet, the term divorce also includes annulment of marriage, nullity proceedings and the dissolution of civil partnerships. In addition, the term spouse includes civil partners.

WHAT OPTIONS ARE AVAILABLE IF I GET DIVORCED?

If you get divorced, the following options are available to the courts for dealing with pension assets, including your UODSS pension. However, it is up to you and your ex-spouse to obtain advice and agree which option you wish to take. You will need to contact the Pensions Office to confirm what information can be provided.

1. Offsetting

In an offsetting arrangement, a value is placed on your former spouse's share of your UODSS benefits. This value is then offset against other matrimonial assets such as property or cash.

The advantages of an offsetting arrangement are that it achieves a clean break and it does not require the pension benefit to be split.

2. Earmarking

Under an earmarking arrangement, the UODSS pension would remain in your name but the Scheme would be required to make an agreed form of payment to your former spouse when you retire or when you die.

Earmarking is enforced using a court order which would require that a specified part of your pension and death benefits are paid to your former spouse when you retire or die. The court order, which would be agreed between you and your former spouse, is sent to the Trustees and it is their responsibility to implement the order.

The **key features** of an earmarking arrangement are:

- On your retirement, an agreed part of your UODSS pension is paid to your former spouse;
- On your retirement, an agreed part of your UODSS retirement lump sum is paid to your former spouse;
- On your death an agreed part of your UODSS death benefit is paid to your former spouse;
- On your death any pension payments to your former spouse will cease;
- If your former spouse remarries, the earmarking order lapses and your full UODSS pension will be restored to you.

3. Pension Sharing

Pension sharing could be better described as pension splitting. Under a pension sharing arrangement, your UODSS benefits would be split between you and your former spouse in a once-and-for-all clean break arrangement.

The offsetting and earmarking arrangements do not require any changes to your UODSS benefits although an earmarking arrangement would mean that some of your benefits are paid to your ex-spouse. However, a pension sharing arrangement means that your UODSS benefits would be split. You may be able to rebuild all or part of your reduced pension from pension sharing by paying AVCs.

WHAT ABOUT STATE BENEFITS?

Some State pension benefits are taken into account on divorce and some are not. For more information on the treatment of State pension benefits on divorce please use the following link:

<http://www.pensionsadvisoryservice.org.uk/state-pensions/divorce>

IMPORTANT NOTE

This factsheet provides a summary of how your benefits can be treated on divorce. However, your legal rights are governed by the relevant legislation. If there are any differences between this factsheet and legislation, the legislation will override the factsheet.

