



Government  
Actuary's  
Department

## **Local Government Pension Scheme (Scotland)**

Application of a pension debit for divorced members  
Transfer date before 1 April 2015

Factors and guidance

Date: 18 March 2020





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## 1 Introduction

- 1.1 Scottish Ministers are required under the Local Government Pension Scheme Regulations to issue actuarial guidance on the calculation of the pension debit applicable to a member's pension following divorce proceedings.
- 1.2 The purpose of this note is to provide Scottish Ministers with factors to be used to calculate the pension debit applicable following the implementation of a Pension Sharing Order and accompanying guidance to demonstrate how these factors should be applied.
- 1.3 This guidance should only be used when the Transfer day is before 1 April 2015. Where the Transfer day is on or after 1 April 2015, the guidance note *Local Government Pension Scheme (Scotland) Application of a pension debit for divorced members: Transfer date from 1 April 2015* should be applied.
- 1.4 The remainder of this introduction contains:
  - details of the implementation and future review of this guidance
  - the relevant legislative references, and
  - statements about third party reliance and liability
- 1.5 In the remainder of this note:
  - The second section provides background information
  - The third section describes the calculation of the pension debit
  - The fourth section provides some worked examples
  - Appendix A sets out the principal assumptions underlying the factors contained in this guidance note.
  - Appendix B contains the table of factors for the reduction in pension debits where the member subsequently retires early in ill-health
  - Appendix C contains the table of factors for the reduction in pension debits where the member subsequently retires early in normal health
  - Appendix D sets out some important limitations.



## Implementation and Review

- 1.6 Scottish Ministers are required to consult GAD before issuing actuarial guidance under Regulation 2(3) of the Local Government Pension Scheme Regulations 2018 (SSI 2018/141) ('the 2018 Regulations').
- 1.7 As part of this consultation, Scottish Ministers have asked GAD to recommend actuarial guidance in respect of the regulations detailed above and in the regulatory references below. This document forms GAD's recommendation for the actuarial guidance required by these regulations.
- 1.8 This note has effect only when this guidance is issued by Scottish Ministers in accordance with Regulation 2(3) of the 2018 Regulations, and is subject to the implementation instructions provided at that time.
- 1.9 The factors provided in this note have been prepared in light of our advice to SPPA dated 30 October 2018 and its instructions following that advice.
- 1.10 This guidance is intended to supersede any factors or advice previously issued for the purposes of pension debit calculations, which rely on input from the scheme actuary. In particular, this guidance supersedes:  
  
"The Local Government Pension Scheme (Scotland): Application of a pension debit for divorced members." dated 7 March 2013.  
  
Factors contained in this note have been updated but the calculation methodology remains unchanged.
- 1.11 This guidance has been written for pension administrators and assumes some knowledge of general pension terminology, and some familiarity with retirement calculations for the Local Government Pension Scheme (Scotland). Any questions concerning the application of the guidance should, in the first instance, be referred to SPPA.
- 1.12 In line with best practice and in order to make sure that factors are being used as intended and the instructions are fit for purpose, we suggest that some example calculations are sent to GAD for review.
- 1.13 The factors contained in this guidance will be subject to review periodically. This will depend on external circumstances, for example whenever there is a change in the SCAPE basis; when changes in the actuarial assumptions adopted for other scheme factors take place; or following each future actuarial valuation where mortality and other relevant experience is reviewed or if other credible and material information comes to light.



### **Regulatory References**

- 1.14 This guidance is designed to be consistent with the Welfare Reform and Pensions Act 1999 ('the Act') and associated Regulations (principally the Pension Sharing (Implementation and discharge of Liability) Regulations 2000).
- 1.15 Regulations 83(1) of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 (SSI 2008/228) ('the Administration Regulations') states that benefits payable to a pension debit member shall be reduced to take into account the debit to which the shareable rights of the pension debit member are subject under a pension sharing order. Regulation 83(2) further states that the amount of reduction shall be calculated in accordance with guidance issued by the Scheme Actuary.
- 1.16 Regulation 42 of the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008 (SSI 2008/230) ('the Benefits Regulations') states that the administering authorities shall have regard to guidance issued by the Scheme Actuary as to the reduction of benefits payable in consequence of a pension debit created under Section 29 of the Welfare Reform and Pensions Act 1999 ('the Act').
- 1.17 Regulation 50(1) of the 2018 Regulations states that the administering authorities shall have regard to guidance issued by the scheme actuary as to the reduction of benefits payable in consequence of a pension debit.
- 1.18 Regulation 3(10) of the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014 (SSI 2014/233) ('the Transitional Regulations') requires that guidance issued by the Government Actuary under earlier regulations is to be treated as actuarial guidance issued by Scottish Ministers as defined by the 2018 Regulations.

### **Third party reliance**

- 1.19 This guidance has been prepared for the use of SPPA for the purposes of demonstrating the application of the factors covered by this guidance only. This guidance may be published on SPPA's website but must not otherwise be reproduced, distributed or communicated in whole or in part to any other person without GAD's prior written permission.
- 1.20 Other than SPPA, no person or third party is entitled to place any reliance on the contents of this guidance, except to any extent explicitly stated herein. GAD has no liability to any person or third party for any action taken or for any failure to act, either in whole or in part, on the basis of this guidance, whether or not GAD has agreed to the disclosure of its advice to the third party.



## 2 Background information

- 2.1 Where a pension sharing order is issued by a Scottish Court, the former partner is normally allocated a monetary amount. The member's benefits are reduced accordingly, and the former partner will hold benefits in their own right, independent of the scheme member.
- 2.2 The member's benefits will be reduced to reflect the monetary amount awarded to their former partner. This reduction is known as a 'pension debit'.
- 2.3 The general principle is that the savings to the LGPS (Scotland) arising from the pension debits are used to provide actuarially equivalent benefits to the member's former partner (the "pension credit" member).
- 2.4 It is assumed that the cash equivalent of a member's benefits for divorce purposes has already been determined in accordance with the latest GAD note 'Pension Sharing Following Divorce – Calculation of Cash Equivalents'.
- 2.5 For active and deferred members, the divorce cash equivalent used in the pension sharing order may be made up of separate cash equivalents calculated in respect of Critical Retirement Age ("CRA") membership and Pension Age 65 ("PA65") membership. Furthermore, some elements of such membership will also be differentiated by whether the membership is based on eightieths or sixtieths accrual. For consistency, a debit should be calculated in respect of each element (tranche) of the cash equivalent. For further information on these membership elements, please refer to the GAD note on the calculation of divorce cash equivalents.
- 2.6 For active and deferred members, their pension debits should be revalued up to retirement in line with usual scheme rules applying to a deferred pension. In retirement, the pension debit increases in line with usual scheme rules and should be deducted from the member's total pension benefits. Note that GMP pension debits should be increased in line with GMP increases (in deferment and in payment). **Note that following the requirement to equalise GMPs, as set out in our letter "GMP Equalisation: Calculations involving actuarial factors" dated 24 December 2019, for members who reach State Pension age (SPA) on or after 6 April 2016 full pension increases in payment apply to GMP pension benefits and debits.**
- 2.7 On the member's death, if the member had formed a new qualifying partnership, the pension debit will reduce the survivor's benefit available to a new qualifying partner.
- 2.8 No partner's benefits will be payable to the member's ex-partner who was party to the divorce resulting in the pension sharing order (except in the event that the member entered into a new qualifying partnership with his or her ex-partner).
- 2.9 If the member has dependent children, any child allowance payable should not be reduced as a result of a pension debit.
- 2.10 No debit should be applied to the death grant payable on the death of a member who was contributing to the scheme at their death.



- 2.11 The methodology and instructions described in this note can be adopted and applied in respect of benefits for Councillor members.



### 3 Calculation of the pension debit

- 3.1 This section sets out the methodology for calculating the pension debit to be applied to the member's benefits following the issue of a pension sharing order by the Court.
- 3.2 This guidance applies where the transfer date is **before 1 April 2015**. Therefore, it is expected that the initial amount of the debit will have been calculated using previous versions of the guidance. The material relating to that calculation is retained for reference purposes only.

#### Appropriate percentage

- 3.3 At times, most commonly under Scottish law, the pension sharing order will specify a monetary amount ("MA"). In this case, the appropriate percentage for the pension debit (the "appropriate percentage") should be calculated as the ratio of the monetary amount and the cash equivalent of the member's benefits based on the member's total service at the Transfer day ("CE"):

$$\text{appropriate percentage} = (MA \div CE) \times 100\%$$

- 3.4 At other times, most commonly for divorces in England and Wales, the pension sharing order will specify the percentage of the member's benefits that the ex-partner will be entitled to (the "appropriate percentage").

#### Calculation

- 3.5 There are two dates which are of relevance when determining the reduction to benefits to take into account for pension debits; the 'Transfer day' and the 'Valuation day'.
- 3.6 Section 29(8) of the Act and Regulation 87(4) of the Administration Regulations define the Transfer day as the day on which the pension sharing order or provision takes effect. (The Transfer day is sometimes also referred to as the Effective date.)
- 3.7 Regulation 86(5) of the Administration Regulations defines the Valuation day as a day within the Implementation Period for the discharge of the pension credit as the administering authority may specify by notice in writing to the transferor and transferee. Section 34(1) of the Act and Regulation 93(1) of the Administration Regulations define the Implementation Period as the four-month period that starts on the Transfer day, or if later, on the date the pension scheme has the prescribed information needed to implement the pension sharing order. (The Valuation day is sometimes referred to as the Implementation date or the Calculation date i.e. the date on which the administrators process the calculation.)
- 3.8 The calculation of the pension debit should be based on the status of the member at the Transfer day – i.e. whether they are an active, deferred or pensioner member at this date. The amount of benefits which the member is entitled to should also be taken at the Transfer day. This approach is consistent with the calculation of the cash equivalent which assumes that the member left service on the day immediately before the Transfer day.



- 3.9 In cases where the status of a member changes between the Transfer day and the Valuation day, paragraph 3.8 above still applies. For the avoidance of doubt, this may lead to cases where benefits need to be clawed back by the administering or employing authority. For example, the retirement grant paid to a member who is active on the Transfer day but a pensioner on the Valuation day should be reduced even though it has already been paid because the member was active on the Transfer day. If authorities require any assistance with such cases then these cases could be referred to GAD, via SPPA.

#### **Pension debit for a pensioner**

- 3.10 Where the member is a pensioner, the debit will apply to the member's own pension with effect from the Transfer day, and also to the pension payable to a future qualifying partner on the death of the member.

- 3.11 The debit applying to the member's pension ('MEMDEB') will be:

$$\mathbf{MEMDEB = Current\ member's\ pension\ x\ appropriate\ percentage\ / 100\%}$$

- 3.12 The current member's pension is the rate of pension in payment at the Transfer day (inclusive of any prior divorce debits and scheme pays debits). The last Pensions Increase ('PI') should be that awarded up to and including the April increase immediately before the Transfer day.

- 3.13 The full amount of pension may have been paid between the Transfer day and the Valuation day, for pensioner members. The authority may therefore need to recoup the debit that should have been applied to the member's pension in payment between the Transfer day and the Valuation day.

- 3.14 The debit applying to any future surviving qualifying partner's pension ('SURDEB') will be:

$$\mathbf{SURDEB = Current\ survivor's\ pension\ x\ appropriate\ percentage\ / 100\%}$$

- 3.15 The current survivor's pension should be the rate of pension payable to the survivor if the member had died immediately before the Transfer day.

- 3.16 The debit applying to the Guaranteed Minimum Pension ('GMP') – where 'PREGMPDEB' relates to annual GMP accrued before 6 April 1988 and 'POSTGMPDEB' relates to annual GMP accrued after 6 April 1988 – will be:

$$\mathbf{PREGMPDEB = Pre\ 88\ GMP\ x\ appropriate\ percentage\ / 100\%}$$

$$\mathbf{POSTGMPDEB = Post\ 88\ GMP\ x\ appropriate\ percentage\ / 100\%}$$

The section on Guaranteed Minimum Pension gives more details on the GMP.



- 3.17 For the avoidance of doubt, the member's pension, contingent survivor's pension, and GMP should be the same as used to calculate the member's cash equivalent for divorce purposes in accordance with the GAD note. For the member's pension, the pension used is the post-commutation pension.
- 3.18 Debits applying to the member's pension, contingent survivor's pension and GMP should be subtracted from the member's benefits. The reduced member's pension, contingent survivor's pension and GMP should then be increased in line with usual scheme rules – i.e. the reduced member's pension and contingent survivor's pension should be increased in line with PI each year from the April immediately before the Transfer day (unless the pensioner is under age 55 and not entitled to PI until age 55). The reduced GMP should be increased each year from the April immediately before the Transfer day in line with the GMP increases set out in paragraph 3.57
- 3.19 For the avoidance of doubt, there is no debit to any retirement grant, which will already have been paid, or to any contingent children's pensions.

#### **Pension debit for a deferred pensioner**

- 3.20 Where the member is a deferred pensioner, the pension debit will apply to the member's pension at the point when the member's benefits come into payment. The debit should be applied separately to the different elements (tranches) of the divorce cash equivalent, i.e. to the member's benefits for CRA membership and PA65 membership.
- 3.21 It may therefore be necessary to calculate several debits in relation to CRA membership, taper membership and PA65 membership.
- 3.22 Debits will also apply to any automatic retirement grant and to the pension payable to a future surviving qualifying partner on the member's death but not to any contingent children's pensions.
- 3.23 The principle for a deferred member is that the debits for each type of membership act like a deferred pension, which is subtracted from the member's benefits at retirement (see paragraph 3.29).
- 3.24 Debits are calculated by reference to the benefits at exit i.e. to the pre-commutation pension and any automatic retirement grant.
- 3.25 The debit applying to each tranche of the member's pension will be:

$$\mathbf{MEMDEB = Member's\ pension\ at\ exit\ x\ appropriate\ percentage\ / 100\%}$$

- 3.26 The retirement grant debit only applies to the automatic retirement grant (i.e. on service up to 31 March 2009 and membership from added years contracts that include a retirement grant). The debit applying to each tranche of the retirement grant will be:

$$\mathbf{RGDEB = Retirement\ grant\ at\ exit\ x\ appropriate\ percentage\ / 100\%}$$



There will not be any retirement grant debit in respect of service on or after 1 April 2009 (which is based on 1/60ths accrual).

- 3.27 The debit applying to any future surviving qualifying partner's pension will be:

$$\mathbf{SURDEB = Survivor's\ pension\ at\ exit\ x\ appropriate\ percentage\ / 100\%}$$

- 3.28 The debit applying to the GMP will be:

$$\mathbf{PREGMPDEB = Pre\ 88\ GMP\ at\ exit\ x\ appropriate\ percentage\ / 100\%}$$

$$\mathbf{POSTGMPDEB = Post\ 88\ GMP\ at\ exit\ x\ appropriate\ percentage\ / 100\%}$$

The section on Guaranteed Minimum Pension gives more details on the GMP.

- 3.29 At retirement, both the benefits and the debits should be revalued from the date of exit to the April immediately before the date of retirement, and the revalued debits should be subtracted from the respective revalued benefits. In the case of the member's pension, retirement grant and contingent survivor's pension, the benefit and the debit should be revalued in line with PI (but noting that the GMP is increased in accordance with paragraph 3.57).
- 3.30 From retirement, the reduced benefits should be increased in line with usual scheme rules.

**Deferred benefits coming into payment before age 65 or CRA**

- 3.31 If the member's deferred pension comes into payment before age 65 or CRA (as relevant), whether on (voluntary) early retirement or on grounds of ill health, the debit applied should be reduced. This is because the debit will be applied over a longer period than was assumed when calculating the original debit, so a lower amount should be deducted.

For each tranche, the pension and retirement grant debits will be:

$$\mathbf{MEMDEB\ x\ PI\ x\ (1 - MEMERF_{ret})}$$

$$\mathbf{RGDEB\ x\ PI\ x\ (1 - RGERF_{ret})}$$

where:

$MEMDEB$  = Pension debit to the member's pension at exit

$RGDEB$  = Pension debit to the retirement grant at exit

$PI$  = Pensions increase uprating factor between the date of exit and the April immediately before the date of retirement

$MEMERF_{ret}$  = Early retirement factor applied to the member's pension – see also below



$RGERF_{ret}$  = Early retirement factor applied to the retirement grant – see also below

- 3.32 In the case of ill health retirement,  $MEMERF_{ret}$  and  $RGERF_{ret}$  can be found in table 0-316 in the latest consolidated factor workbook (the current table as at the date of this guidance note is reproduced as Table A in Appendix B). In all other cases,  $MEMERF_{ret}$  and  $RGERF_{ret}$  can be found in table 0-317 in the consolidated factor workbook (the current table as at the date of this guidance note is reproduced as Table B in Appendix C).

Different factors will apply to CRA membership and PA65 membership. These will usually be the same as those applied to the member's pension and retirement grant, as described in the latest GAD guidance note on early retirement, except, for example, on retirement before age 60 but after the rule of 85 retirement age. (In these cases, members may be entitled to unreduced pension and retirement grant, but the debit should still be reduced.)

- 3.33 The early retirement adjustments for members who retire earlier than age 65 or CRA (as relevant) do not apply to the debit applied to the spouse, civil partner or other qualifying partner's pension, or the debit applied to the GMP. GMP debits are only applied from GMP Pension Age (which is age 60 for females and age 65 for males).

#### **Rule of 85 treatment**

- 3.34 Pension debits are generally reduced by the same factors as the member's pension, except for a member with a Rule of 85 age below 60 who retires before age 60. The member's benefits in respect of Rule of 85 service are not reduced if they are retiring at or above their Rule of 85 age, but the debit should be reduced.
- 3.35 The debit should be reduced by the number of years early between (i) the age at which the member draws their benefits and (ii) age 60.

#### **Deferred benefits coming into payment after age 65**

- 3.36 For a member who defers drawing benefits until later than age 65, the debit applied should be increased. This is because the debit will be applied over a shorter period than was assumed when calculating the original debit, so a higher amount should be deducted. However, no late retirement increases will apply to retirements between CRA and age 65, similar to main scheme benefits, but see paragraph 3.58. The late retirement factors should be applied to the debit in accordance with the latest GAD guidance note on late retirement. However, where the member is already over age 65 on the Transfer day the late retirement factors should only be applied in respect of the period between the Transfer day and the date of retirement.

The pension and retirement grant debits will be:

$$MEMDEB \times PI \times MEMLRF_{ret}$$

$$RGDEB \times PI \times RGLRF_{ret}$$

where:



$MEMDEB$  = Pension debit to the member's pension at exit

$RGDEB$  = Pension debit to the member's retirement grant at exit

$PI$  = Pensions increase uprating factor between the date of exit and the April immediately before the date of retirement

$MEMLRF_{ret}$  = Late retirement factor applied to the member's pension at retirement age

$RGLRF_{ret}$  = Late retirement factor applied to the member's retirement grant at retirement age

- 3.37 The late retirement adjustments for members who retire later than age 65 do not apply to the debit applied to the qualifying partner's pension. The debit applied to the GMP should be increased for late retirement as described in paragraph 3.58.

#### **Pension debit for an active member**

- 3.38 Where the member is an active member of the scheme, separate debits should be calculated for the different elements (tranches) of the divorce cash equivalent i.e. on the member's benefits for CRA membership and PA65 membership.
- 3.39 Debits will also apply to any automatic retirement grant and to the pension payable to a future surviving qualifying partner on the member's death but not to any contingent children's pension.
- 3.40 The principle for an active member is that the debit acts like a deferred pension, which is subtracted from the member's benefits at retirement (see paragraph 3.46 and 3.47).
- 3.41 The debits are calculated by reference to the benefits used to calculate the divorce cash equivalent i.e. to the pre-commutation pension and any automatic retirement grant.
- 3.42 The debit applying to each tranche of the member's pension will be:

**$MEMDEB = \text{Member's pension at Transfer day} \times \text{appropriate percentage} / 100\%$**

- 3.43 The retirement grant debit only applies to the automatic retirement grant (i.e. on service up to 31 March 2009 and membership from added years contracts that include a retirement grant). The debit applying to each tranche of the retirement grant will be:

**$RGDEB = \text{Retirement grant at Transfer day} \times \text{appropriate percentage} / 100\%$**

There will not be any retirement grant debit in respect of service on or after 1 April 2009 (which is based on 1/60ths accrual).



3.44 The debit applying to any future surviving qualifying partner's pension will be:

$$\mathbf{SURDEB = Survivor's\ pension\ at\ Transfer\ day\ x\ appropriate\ percentage\ / 100\%}$$

3.45 The debit applying to the GMP will be:

$$\mathbf{PREGMPDEB = Pre\ 88\ GMP\ at\ Transfer\ day\ x\ appropriate\ percentage\ / 100\%}$$

$$\mathbf{POSTGMPDEB = Post\ 88\ GMP\ at\ Transfer\ day\ x\ appropriate\ percentage\ / 100\%}$$

The section on Guaranteed Minimum Pension gives more details on the GMP.

3.46 The debit should be revalued from the Transfer day to the April immediately before the date of retirement in line with PI (but noting that the GMP is revalued in accordance with paragraph 3.57).

3.47 When the member retires, their benefits are first calculated in the normal way for the different elements of service based on final pensionable pay; their benefits are then reduced to allow for the revalued debits.

3.48 From retirement, the reduced benefits should be increased in line with usual scheme rules.

#### **Active members retiring before age 65 or CRA**

3.49 If the member's pension comes into payment before age 65 or CRA (as relevant), whether on (voluntary or involuntary) early retirement or on grounds of ill health, the debit applied should be reduced. This is because the debit will be applied over a longer period than was assumed when calculating the original debit, so a lower amount should be deducted.

The pension and retirement grant debits will be:

$$\mathbf{MEMDEB\ x\ PI\ x\ (1 - MEMERF_{ret})}$$

$$\mathbf{RGDEB\ x\ PI\ x\ (1 - RGERF_{ret})}$$

where:

$MEMDEB$  = Pension debit to the member's pension at Transfer day

$RGDEB$  = Pension debit to the member's retirement grant at Transfer day

$PI$  = Pensions increase uprating factor between the Transfer day and the April immediately before the date of retirement

$MEMERF_{ret}$  = Early retirement factor applied to the member's pension debit – see also below

$RGERF_{ret}$  = Early retirement factor applied to the retirement grant debit – see alsobelow



- 3.50 In the case of ill health retirement,  $MEMERF_{ret}$  and  $RGERF_{ret}$  can be found in table 0-316 in the latest consolidated factor workbook (the current table as at the date of this guidance note is reproduced as Table A in Appendix B). In all other cases,  $MEMERF_{ret}$  and  $RGERF_{ret}$  can be found in table 0-317 in the latest consolidated factor workbook (the current table as at the date of this guidance is reproduced as Table B in Appendix C).

Different factors will apply to CRA membership and PA65 membership. These will usually be the same as those applied to the member's pension and retirement grant, as described in the latest GAD guidance note on early retirement, except, for example, on redundancy or on retirement before age 60, but after the rule of 85 retirement age. (In these cases, members may be entitled to unreduced pension and retirement grant, but the debit should still be reduced.)

- 3.51 The early retirement adjustments for members who retire earlier than age 65 or CRA (as relevant) do not apply to the debit applied to the qualifying partner's pension, or the debit applied to the GMP. GMP debits are only applied from GMP Pension Age (which is age 60 for females and age 65 for males).

#### **Active members retiring after age 65**

- 3.52 For a member who retires later than age 65, the debit applied should be increased. This is because the debit will be applied over a shorter period than was assumed when calculating the original debit, so a higher amount should be deducted. However, no late retirement increases will apply to retirements between CRA and age 65 similar to main scheme benefits, but see paragraph 3.58. The late retirement factors should be applied to the debit in accordance with the latest GAD guidance note on late retirement. However, where the member is already over age 65 on the Transfer day, the late retirement factors should only be applied in respect of the period between the Transfer day and the date of retirement.

The pension and retirement grant debits will be:

$$MEMDEB \times PI \times MEMLRF_{ret}$$

$$RGDEB \times PI \times RGLRF_{ret}$$

where:

$MEMDEB$  = Pension debit to the member's pension at Transfer day

$RGDEB$  = Pension debit to the member's retirement grant at Transfer day

$PI$  = Pensions increase uprating factor between the Transfer day and the April immediately before the date of retirement

$MEMLRF_{ret}$  = Late retirement factor applied to the member's pension at retirement age



$RGLRF_{ret}$  = Late retirement factor applied to the retirement grant at retirement age

- 3.53 The late retirement adjustments for members who retire later than age 65 do not apply to the debit applied to the qualifying partner's pension. The debit applied to the GMP should be increased for late retirement as described in paragraph 3.58.
- 3.54 Where the member is aged over 65 or has passed CRA (as relevant) and would be entitled to the immediate unreduced payment of a pension if they left on the Transfer day, the debit should be increased by PI up to age 65 and by  $PI \times LRF$  after age 65.

#### **Flexible retirement**

- 3.55 Where a member opts to draw-down their membership, the debit relating to that part of the membership which is being drawn-down should be applied at the point of flexible retirement (and having regard to paragraphs 3.49 to 3.54 where relevant). Where the member elects to only draw-down a proportion of the membership, the debit should be pro-rated (in proportion to the membership being drawn-down) and applied to the relevant benefit being drawn-down. The remaining debit should be applied when the member eventually retires.

#### **Guaranteed Minimum Pension**

- 3.56 Pre 88 GMP is the annual GMP accrued before 6 April 1988, and Post 88 GMP is the annual GMP accrued after 6 April 1988.
- 3.57 Where the member is below GMP Pension Age, the GMP should include revaluation using Section 148 orders. Where members reach State Pension Age (SPA) before 6 April 2016 have retired, the pre 88 GMP should be at the same rate as at GMP Pension Age. The post 88 GMP should include increases granted by the scheme on that part of the benefits (i.e. 3% per annum or the pensions increase order if less). Where members who reach State Pension age on or after 6 April 2016 have retired, both the pre 88 and the post 88 GMP should include the full indexation increases.
- 3.58 Where the member has passed GMP Pension Age but has not started drawing a pension, the pre 88 GMP should be increased by 1/7% per week and the post 88 GMP should be increased by 1/7% per week plus the annual increases granted by the scheme (i.e. 3% per annum or the pensions increase order if less). This is our understanding of the requirements under Section 15 of the Pension Schemes Act 1993.
- 3.59 Annual GMP figures can be obtained by multiplying the weekly GMP figures by 52.

#### **Additional Voluntary Contributions**

- 3.60 Where the member has purchased added years of service or additional pension, the pension debit will apply to added years of service or additional pension purchased up to the Transfer day. These benefits will be treated in the same way as main scheme benefits.



- 3.61 If the member has a Money Purchase AVC fund at the Transfer day, then the pension debit at the Transfer day in respect of the Money Purchase AVCs is the appropriate percentage times the value of the fund at the Transfer day.
- 3.62 If the other party to the debit order transfers their share from the AVC fund, then the application of any further debit is unnecessary. Otherwise, new money invested in the AVC fund should be invested and recorded separately from the fund available at Transfer day (the "shareable fund"). The pension debit at retirement is the appropriate percentage times the value of the shareable fund at retirement.

#### **Pension Increase when there is a 100% sharing order**

- 3.63 In the case where a pension sharing order directs that 100% of a deferred pension is to be awarded to the ex-partner of the member, a residual amount of pension increases may arise as the deferred benefit is increased for the full year, whereas the debit is increased from the transfer day.
- 3.64 In this situation, SPPA have confirmed that the residual pension increases are payable to the debited member. Where appropriate the fund may choose to pay the amount due as a trivial commutation or De Minimis payment.

#### **Pre-existing divorce pension debits and scheme pays offsets**

- 3.65 A member subject to a pension sharing order may have previously opted to use the scheme pays mechanism and this have scheme pays offsets applying to their benefits. They may also have existing pension debits from a previous divorce pension sharing order. The valuation of pension benefits shared by the court to provide benefits to the ex-partner will have allowed for any debits or offsets as reductions in the total value as set out in the note Local Government Pension Scheme (Scotland) Pension Sharing Following Divorce.
- 3.66 Following the principle set out in 2.2, where the new debits are calculated to implement the latest (pension sharing order), either:
- 3.66.1 The new debit should be calculated with reference to the member's unadjusted full pension benefits. Existing debits and offsets should also be reduced by the appropriate percentage (reflecting the debit as a share of all of the member's pension benefits both positive accrued and purchased and negative debits and offsets).
- 3.66.2 The new debit should be calculated with reference to the member's pension benefits after they have been adjusted to account for existing pension debits and offsets. Existing debits and offsets should be revalued to the transfer day before being deducted from the respective elements of the member's benefits. This avoids the need to revise the existing debits and offsets themselves.



## 4 Examples

### 4.1 EXAMPLE 1: Debit calculation for an active member with CRA pre-2009 service and NRA65 post-2009 service

#### Member data:

Date of birth:	1 November 1967
Sex:	Male
Date of joining:	1 November 1986
Transfer day:	1 November 2012
Total service:	26 years 0 days
Pre 2008 Membership:	21 years 151 days
2008-2009 Membership:	1 year
Post 2009 Membership:	3 year 214 days
Final pensionable salary:	£20,000

Appropriate Percentage specified in the pension sharing order (or Monetary Amount / Cash Equivalent based on total service) = 40%

#### Initial Calculations

##### Pre 2008 Membership

Critical retirement age = 60

<b><u>Benefit</u></b>	<b><u>Calculation</u></b>	<b><u>Amount</u></b>
Member's pension	$(21+151/365) \times £20,000.00 / 80$	£5,353.42 pa
Member's retirement grant	$3 \times £5,353.42$	£16,060.26
Contingent survivor's pension	$£5,353.42 / 2$	£2,676.71 pa
Pre-88 GMP		£100 pa
Post-88 GMP		£500 pa

##### 2008-2009 Membership

Critical retirement age = 65

<b><u>Benefit</u></b>	<b><u>Calculation</u></b>	<b><u>Amount</u></b>
Member's pension	$1 \times £20,000.00 / 80$	£250.00 pa
Member's retirement grant	$3 \times £250.00$	£750.00
Contingent survivor's pension	$£250.00 / 2$	£125.00 pa



Post 2008 Membership

Critical retirement age = 65

<b><u>Benefit</u></b>	<b><u>Calculation</u></b>	<b><u>Amount</u></b>
Member's pension	$(3+214/365) \times \text{£}20,000.00 / 60$	£1,195.43 pa
Contingent survivor's pension	$(3+214/365) \times \text{£}20,000.00 / 160$	£448.29 pa

**Debits Calculated at Transfer day**

Pre 2008 Membership (CRA 60)

Pension debit	(MEMDEB)	= £5,353.42 x 40 / 100	= £2,141.37 pa
Retirement Grant debit	(RGDEB)	= £16,060.26 x 40 / 100	= £6,424.10
Survivor's debit	(SURDEB)	= £2,676.71 x 40 / 100	= £1,070.68 pa
Pre-88 GMP debit	(PREGMPDEB)	= £100.00 x 40 / 100	= £40.00 pa
Post-88 GMP debit	(POSTGMPDEB)	= £500.00 x 40 / 100	= £200.00 pa

2008-2009 Membership (PA 65)

Pension debit	(MEMDEB)	= £250.00 x 40 / 100	= £100.00 pa
Retirement Grant debit	(RGDEB)	= £750.00 x 40 / 100	= £300.00
Survivor's debit	(SURDEB)	= £125.00 x 40 / 100	= £50.00 pa

Post 2009 Membership (PA 65)

Pension debit	(MEMDEB)	= £1,195.43 x 40 / 100	= £478.17 pa
Survivor's debit	(SURDEB)	= £448.29 x 40 / 100	= £179.32 pa

**Debits to be applied at retirement**

**Scenario 1: Member retires at age 60 (normal health)**

<b><u>Factors (Male)</u></b>	
MEMERF <sub>ret</sub> (5 years early retirement pension factor for PA65 service)	23.1%
RGERF <sub>ret</sub> (5 years early – retirement grant factor for PA 65 service)	11.2%
PI factor (illustrative)	1.35 <sup>1</sup>
GMP revaluation factor (to age 65 for a male) (Illustrative)	1.85 <sup>1</sup>

<sup>1</sup> Please note that the figures used in these examples are for illustrative purposes only



Pre 2008 Membership (CRA 60)

Pension debit	= £2,141.37	x 1.35	= £2,890.85 pa
Retirement Grant debit	= £6,424.10	x 1.35	= £8,672.54
Survivor's debit	= £1,070.68	x 1.35	= £1,445.42 pa
Pre-88 GMP debit *	= £40.00	x 1.85	= £74.00 pa
Post-88 GMP debit *	= £200.00	x 1.85	= £370.00 pa

2008-2009 Membership (PA 65)

Pension debit	= £100.00 x 1.35 x (1 - 0.231)	= £103.82 pa
Retirement Grant debit	= £300.00 x 1.35 x (1 - 0.112)	= £359.64
Survivor's debit	= £50.00 x 1.35	= £67.50 pa

Post 2009 membership (PA 65)

Pension debit	= £478.17 x 1.35 x (1 - 0.231)	= £496.41 pa
Survivor's debit	= £179.32 x 1.35	= £242.08 pa

\* applicable from GMP pension age which is age 65 for a male

**Scenario 2: Member retires at age 59**

<b>Factors (Male)</b>	
MEMERF <sub>ret</sub> (1 year early retirement pension factor for CRA60 service)	5.4%
RGERF <sub>ret</sub> (1 year early retirement grant factor for CRA60 service)	2.3%
MEMERF <sub>ret</sub> (6 years early retirement pension factor for PA65 service)	26.8%
RGERF <sub>ret</sub> (6 years early retirement pension factor for PA65 service)	13.3%
PI factor (from Transfer day to April preceding date of retirement) - illustrative	1.3 <sup>1</sup>
GMP revaluation factor (to age 65 for a male) - illustrative	1.8 <sup>1</sup>

Pre 2008 Membership (CRA 60)

Pension debit	= £2,141.37	x 1.3 x (1 - 0.054)	= £2,633.46 pa
Retirement Grant debit	= £6,424.10	x 1.3 x (1 - 0.023)	= £8,159.25
Survivor's debit	= £1,070.68	x 1.3	= £1,391.88 pa
Pre-88 GMP debit *	= £40.00	x 1.8	= £72.00 pa
Post-88 GMP debit *	= £200.00	x 1.8	= £360.00 pa

2008-2009 Membership (PA 65)

Pension debit	= £100.00	x 1.3 x (1 - 0.268)	= £95.16 pa
Retirement Grant debit	= £300.00	x 1.3 x (1 - 0.133)	= £338.13
Survivor's debit	= £50.00	x 1.3	= £65.00 pa



Post 2009 Membership (PA 65)

Pension debit	= £478.17	x 1.3 x (1 - 0.268)	= £455.03 pa
Survivor's debit	= £179.32	x 1.3	= £233.12 pa

\*applicable from GMP pension age which is age 65 for a male

**Scenario 3: Member retires at age 68**

<b>Factors (Male)</b>	
MEMLRF <sub>ret</sub> (late retirement pension factor applied over 1,095 days)	12.41%
RGLRF <sub>ret</sub> (late retirement grant factor applied over 1,095 days)	1.10%
PI factor (illustrative)	1.6 <sup>1</sup>
Pre-88 GMP revaluation factor (illustrative)	2.5 <sup>1</sup>
Post-88 GMP revaluation factor (illustrative)	2.7 <sup>1</sup>

Pre 2008 Membership (CRA 60)

Pension debit	= £2,141.37	x 1.6 x (1 + 0.1241)	= £3,851.38 pa
Retirement Grant debit	= £6,424.10	x 1.6 x (1 + 0.0110)	= £10,391.62
Survivor's debit	= £1,070.68	x 1.6	= £1,713.09 pa
Pre-88 GMP debit	= £40.00	x 2.5	= £100.00 pa
Post-88 GMP debit	= £200.00	x 2.7	= £540.00 pa

2008-2009 Membership (PA 65)

Pension debit	= £100.00	x 1.6 x (1 + 0.1241)	= £179.86 pa
Retirement Grant debit	= £300.00	x 1.6 x (1 + 0.0110)	= £485.28
Survivor's debit	= £50.00	x 1.6	= £80.00 pa

Post 2009 Membership (PA 65)

Pension debit	= £478.17	x 1.6 x (1 + 0.1241)	= £860.02 pa
Survivor's debit	= £179.32	x 1.6	= £286.91 pa



**4.2 EXAMPLE 2: Debit Calculation for a deferred pensioner with only CRA pre-2009 service**

Date of birth: 1 August 1962  
Sex: Female  
CRA: 60

**Deferred benefits at exit**

Member pension: £2,000  
Member's retirement grant: £6,000  
Spouse's pension: £1,000

Pre-88 GMP: nil  
Post-88 GMP: nil

Pension Increase factor from exit to Transfer day: 1.06

Appropriate Percentage specified in the pension sharing order (or Monetary Amount / Cash Equivalent based on total service) = 40%

Pension at Transfer day = £2,000.00 x 1.06 = £2,120.00 pa  
Retirement grant at Transfer day = 3 x £2,120.00 = £6,360.00  
Survivor's pension at Transfer day = £1,000.00 x 1.06 = £1,060.00 pa

**Debits Calculated at Transfer day**

CRA 60 Debits

Pension debit	(MEMDEB)	= £2,120.00 x 40 / 100	= £848.00 pa
Retirement grant debit	(RGDEB)	= £6,360.00 x 40 / 100	= £2,544.00
Survivor's debit	(SURDEB)	= £1,060.00 x 40 / 100	= £424.00 pa
Pre-88 GMP debit	(PREGMPDEB)	= £0 x 40 / 100	= £0 pa
Post-88 GMP debit	(POSTGMPDEB)	= £0 x 40 / 100	= £0 pa



**Debits to be applied at retirement**

**Scenario 1: Member retires at age 60**

**Factors**

PI factor from Transfer day to age 60 (i.e. to April immediately before)	1.1*
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\* Please note that the figures used in these examples are for illustrative purposes only

CRA 60 membership

Pension debit	= £848.00	x 1.1	= £932.80
Retirement grant debit	= £2,544.00	x 1.1	= £2,798.40
Survivor's debit	= £424.00	x 1.1	= £466.40

**Scenario 2: Member retires at age 59**

**Factors (Female)**

MEMERF <sub>ret</sub> (1 year early retirement pension factor for CRA service)	5.4%
RGERF <sub>ret</sub> (1 year early retirement grant factor for CRA service)	2.3%
PI factor from Transfer day to age 59 (i.e. to April immediately before)	1.06*

\* Please note that the figures used in these examples are for illustrative purposes only

CRA 60 membership

Pension debit	= £848.00	x 1.06 x (1 - 0.054)	= £850.34
Retirement grant debit	= £2,544.00	x 1.06 x (1 - 0.023)	= £2,634.62
Survivor's debit	= £424.00	x 1.06	= £449.44



#### 4.3 **EXAMPLE 3: Debit calculation for a Pensioner (for divorce purposes only)**

**Member data:**

Date of birth: 1 October 1955  
Sex: Male

Current Pension: £6,000  
Spouse's Pension: £3,000

Pre-88 GMP £80 pa  
Post-88 GMP £300 pa

Appropriate Percentage specified in the pension sharing order (or Monetary Amount / Cash Equivalent based on total service) = 40%

Pension debit	(MEMDEB)	= £6,000.00 x 40 / 100	= £2,400.00 pa
Survivor's debit	(SURDEB)	= £3,000.00 x 40 / 100	= £1,200.00 pa
Pre-88 GMP debit	(PREGMPDEB)	= £80.00 x 40 / 100	= £32.00 pa
Post-88 GMP debit	(POSTGMPDEB)	= £300.00 x 40 / 100	= £120.00 pa



## Appendix A: Assumptions underlying factors

### Financial assumptions

Nominal discount rate	4.448%
CPI	2.00%
Real discount rate (in excess of CPI)	2.40%

### Mortality assumptions

Base mortality tables and adjustments – normal health	122% of S2NMA (Males) and 117% of S2NFA (Females) (as per 2017 valuation)
Base mortality tables and adjustments – ill health	137% of S2NMA (Males) and 131% of S2NFA (Females) (as per 2017 valuation)
Base mortality tables and adjustments – dependants	159% of S2NMA (Males) and 131% of S2NFA (Females) (as per 2017 valuation)
Future mortality improvement	Based on ONS principal UK population projections 2016
Year of Use	2020

### Other assumptions

Proportion of male members for unisex factors	40%
Allowance for commutation	Nil except for mandatory lump sum cases



## Appendix B: Reduction to pension debits on early retirement in ill health

Table A (Table 316 in consolidated factors spreadsheet): Reduction to pension and retirement grant debits on ill health retirement

<b>Years</b>	<b>Pension Reduction (%)</b>		<b>Retirement Grant Reduction</b>
	<b>Males</b>	<b>Females</b>	
<b>Early</b>			<b>All Members %</b>
0	0.0	0.0	0.0
1	6.1	6.1	2.3
2	11.7	11.7	4.6
3	16.9	16.9	6.9
4	21.6	21.6	9.1
5	25.9	25.9	11.2
6	29.9	29.9	13.3
7	33.6	33.6	15.3
8	37.1	37.1	17.3
9	40.2	40.2	19.2
10	43.1	43.1	21.1
11	45.9	45.9	23.0
12	48.4	48.4	24.8
13	50.8	50.8	26.5
14	53.0	53.0	28.3
15	55.1	55.1	29.9
16	57.0	57.0	31.6
17	58.9	58.9	33.2
18	60.6	60.6	34.7
19	62.2	62.2	36.3
20	63.8	63.8	37.8
21	65.2	65.2	39.2
22	66.6	66.6	40.7
23	67.9	67.9	42.0
24	69.2	69.2	43.4
25	70.3	70.3	44.7
26	71.5	71.5	46.0
27	72.5	72.5	47.3
28	73.5	73.5	48.5



**Table A (Table 316 in consolidated factors spreadsheet): Reduction to pension and retirement grant debits on ill health retirement - continued**

<i>Years Early</i>	<i>Pension Reduction (%)</i>		<i>Retirement Grant Reduction All Members %</i>
	<i>Males</i>	<i>Females</i>	
29	74.5	74.5	49.7
30	75.4	75.4	50.9
31	76.3	76.3	52.1
32	77.1	77.1	53.2
33	77.9	77.9	54.3
34	78.7	78.7	55.4
35	79.4	79.4	56.4
36	80.1	80.1	57.4
37	80.7	80.7	58.4
38	81.4	81.4	59.4
39	82.0	82.0	60.3
40	82.5	82.5	61.3
41	83.1	83.1	62.2
42	83.6	83.6	63.1
43	84.1	84.1	63.9
44	84.6	84.6	64.8
45	85.1	85.1	65.6

**Notes:**

- (1) The number of *Years Early* is the period between the dates (i) and (ii) below, where:
  - (i) is the date of the member's ill health early retirement.
  - (ii) is the date (or dates) on which the member would have been entitled to unreduced benefits **without** employer consent on normal retirement- i.e. CRA (between 60 and 65) or PA65, depending on the membership being considered.
- (2) Practitioners may need to refer to this table twice (with different values of *Years Early*) when preparing calculations. If tapered factors are required they are derived from these two sets of factors.
- (3) If the date in (1)(i) is later than the date in (1)(ii), then it should be clear that no reductions are to be applied (to the relevant part of the membership under consideration, if applicable).
- (4) Where the number of *Years Early* is not an integer number, the reduction factors from the table should be interpolated for part years.



## Appendix C: Reduction to pension and retirement grant debits on early retirement in normal health

**Table B (Table 317 in consolidated factors spreadsheet): Reduction to pension and retirement grant debits on normal health early retirement**

<i>Years Early</i>	<i>Pension Reduction (%)</i>		<i>Retirement Grant Reduction All Members %</i>
	<i>Males</i>	<i>Females</i>	
0	0.0	0.0	0.0
1	5.4	5.4	2.3
2	10.4	10.4	4.6
3	14.9	14.9	6.9
4	19.2	19.2	9.1
5	23.1	23.1	11.2
6	26.8	26.8	13.3
7	30.2	30.2	15.3
8	33.3	33.3	17.3
9	36.2	36.2	19.2
10	39.0	39.0	21.1

**Notes:**

- (1) The number of *Years Early* is the period between the dates (i) and (ii) below, where:
  - (i) is the date of the member's (voluntary or involuntary) early retirement.
  - (ii) is the date (or dates) on which the member would be entitled to unreduced benefits **without** employer consent – i.e. CRA (between 60 and 65) or PA65, depending on the membership being considered. Please note that this is different to the definition for the member's early retirement factors as described in the latest version of Government Actuary's Department guidance note on early retirement, since a reduction is applied to pension debits taken before age 60 even if the rule of 85 is satisfied before age 60.
- (2) Practitioners may need to refer to this table twice (with different values of *Years Early*) when preparing calculations. If tapered factors are required they are derived from these two sets of factors.
- (3) If the date in (1)(i) is later than the date in (1)(ii), then it should be clear that no reductions are to be applied (to the relevant part of the membership under consideration, if applicable).
- (4) Where the number of *Years Early* is not an integer number, the reduction factors from the table should be interpolated for part years.



## Appendix D: Limitations

- D.1 This guidance should not be used for any purpose other than those set out in this guidance.
- D.2 The factors contained in this guidance are subject to regular review. Scheme managers and administrators need to ensure that they are using the latest factors, as relevant, when processing cases.
- D.3 Advice provided by GAD must be taken in context and is intended to be considered in its entirety. Individual sections, if considered in isolation, may be misleading, and conclusions reached by a review of some sections on their own may be incorrect. GAD does not accept responsibility for advice that is altered or used selectively. Clarification should be sought if there is any doubt about the intention or scope of advice provided by GAD.
- D.4 This guidance only covers the actuarial principles around the calculation and application of divorce pension debit factors. Any legal advice in this area should be sought from an appropriately qualified person or source.
- D.5 Scheme managers and administrators should satisfy themselves that divorce pension debit calculations and benefit awards comply with all legislative requirements including, but not limited to, tax and contracting-out requirements.
- D.6 This guidance is based on the Regulations in force at the time of writing. It is possible that future changes to the Regulations might create inconsistencies between this guidance and the Regulations. If users of this guidance believe there to be any such inconsistencies, they should bring this to the attention of SPPA and GAD. Under no circumstances should this guidance take precedence over the Regulations. Administrators should ensure that they comply with all relevant Regulations.