***Notes Re. model PAO***

1 The attached draft Pension Adjustment Order (PAO) is for guidance only. It is not a legal document but PAOs drafted after this manner, provided they conform to the requirements of the Family Law Legislation, are acceptable to the Trustees and will be implemented by them. It is not comprehensive and is designed to cover payments to spouses only, though it is possible to secure a PAO in favour of a child or children.

2 All items marked in bold type (e.g. **County**) refer to information which must be entered by the parties or the officers of the Courts.

3 **Retirement Benefits** means all benefits payable following the retirement of the member, ***including*** benefit payable to his/her surviving spouse and/or children following death after retirement. The model PAO shows each element of the retirement benefits separately, as it is possible to use different periods and percentages for each of the elements and it is possible to secure a PAO for one or more of the benefits while ignoring the others.

4 **Reckonable Service** is the period of the member’s service under the scheme which is taken into account when calculating the benefit payable to the non-member. The start date and the end date (which cannot be later than the date of the decree) must be stated in each instance.

5 **Percentage** this is the percentage of the benefit accrued during the period of reckonable service (where **Retirement Benefit** is concerned) mentioned in the PAO which is to be paid to the non-member spouse. In the case of **Contingent Benefits** it is the percentage of the benefit which is to be paid to the non-member spouse.

6 **Contingent Benefits** refers to the benefits accruing following the member’s death in service and includes death gratuity and survivors’ pensions.

7 In the case of **Retirement Benefits,** for the PAO to be valid, it must mention both **Percentage and Reckonable Service.** Pensions Adjustment Orders based on **Contingent Benefits**should be based on the **Percentage** only.

8 The name of the schemes must be entered in the PAO for it to be valid. The terms **Retirement** and **Contingent Benefit** cover benefits under both the Main Scheme and the Spouses and Childrens’ Scheme and where it is the intention that a PAO should cover benefits under both schemes, both schemes should be named.

9 It is the responsibility of the parties seeking the PAOs, not the Trustees, to ensure that any PAO obtained is valid and that it reflects, in so far as the legislation allows, any agreement reached by the parties on how the superannuation benefits should be split.

10 “*Nil”* PAOs are not valid and will not be accepted by the Trustees, it should state 0.000001%.

11 It is not possible to obtain a Variation Order on PAOs for payment of Contingent Benefit.

12 It is not valid to attach conditions not covered by the legislation to payments due under PAOs.

MODEL PENSION ADJUSTMENT ORDER

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 [**RECORD NUMBER**]

**THE CIRCUIT FAMILY COURT**

[**CIRCUIT**] [**COUNTY**]

**IN THE MATTER OF THE FAMILY LAW ACT 1995**

BETWEEN

[**Name of Applicant**]

 Applicant

 PPSN

And

[**Name of Respondent**]

 Respondent

 PPSN

ORDER

Upon notice having been given to the trustees of the schemes named below in accordance with **Section 12(18)** of the **Family Law Act 1995** of the application of **(Name of applicant Spouse)** for pension adjustment orders under **Section 12** of the **Family Law Act 1995** and upon hearing...

1 (By consent) the Court doth Order under **Section 12(2)** of the **Family Law Act 1995** that the trustees of the **Single Public Service Pension Scheme** shall pay to **(Non-Member Spouse)** (and, in the case of his/her death, to his/her personal representative) a benefit consisting of a part of the retirement pension accrued under the scheme in respect of **(Member Spouse)** and that, for the purpose of determining the benefit,

 (a) the period of **accrued referable amounts** of **(Member Spouse)** prior to the granting of the Order for the decree in these proceedings to be taken into account shall be all such **accrued referable amounts** between **(start date)** and **(end date)**, and

 (b) the percentage of the retirement benefit accrued during that period to be paid in accordance with this Order shall be **(- %).**

2 [By consent] the Court doth Order under **Section 12(2)** of the **Family Law Act 1995** that the trustees of the **Single Public Service Pension Scheme** shall pay to **(Non-Member Spouse)** (and, in the case of his/her death, to his/her personal representative) a benefit consisting of a part of the retirement gratuity accrued under the scheme in respect of **(Member Spouse)** and that, for the purpose of determining the benefit,

(a) the period of **accrued referable amounts** of **(Member Spouse)** prior to the granting of the Order for the decree in these proceedings to be taken into account shall be all such **accrued referable amounts** between **(start date)** and **(end date)**, and

 (b) the percentage of the retirement benefit accrued during that period to be paid in accordance with this Order shall be **(- %)**.

3 And [by consent] the Court doth further Order under **Section 12(2)** of the **Family Law Act 1995** that the trustees of the **Spouses’ and Children’s Single Public Service Pension Scheme** shall pay to **(Non-Member Spouse)** a benefit consisting of a part of the Spouse’s Pension on death in retirement accrued under the scheme in respect of **(Member Spouse)** and that, for the purpose of determining the benefit,

 (a) the period of **accrued referable amounts** of **(Member Spouse)** prior to the granting of the Order for the decree in these proceedings to be taken into account shall be all such **accrued referable amounts** between **(start date)** and **(end date)**, and

 (b) the percentage of the retirement benefit accrued during that period to be paid in accordance with this Order shall be **(- %)**.

4 And [by consent] the Court doth further Order under **Section 12(3)** of the **Family Law Act 1995** that the trustees of the **Single Public Service Pension Scheme** shall pay on the death of **(Member Spouse)** to **(Non-Member Spouse)** **(- %)** of any contingent benefit death gratuity under the scheme.

5 And [by consent] the Court doth further Order under **Section** **12(3)** of the **Family Law Act 1995** that the trustees of the **Spouses’ and Children’s Single Public Service Pension Scheme** shall pay on the death of **(Member Spouse)** to **(Non-Member Spouse)** **(- %)** of any contingent benefit Spouse’s Pension payable on death in service of **(Member Spouse)** under the scheme.

**(And [by consent] the Court doth further Order that Section 13(1) of the Family Law Act 1995 shall apply to this Order.)**

**(And [by consent] the Court doth further Order, under Section 12(26) of the Family Law Act 1995, that the application of Section 18 of the Family Law Act 1995 is excluded in relation to the orders made under Section 12(2) of that Act.)**

Until further notice from **(Non-Member Spouse)** to the trustees concerned the address to which payments to be made under this Order are to be remitted is **(address of Non-Member Spouse)**.

 By the Court

 **County Registrar**