Pension Attachment Order (Earmarking)

March 2024

What is a Pension Attachment Order (Earmarking)?

A Pension Attachment Order is one of the options available on divorce or the dissolution of a civil partnership. Earmarking can only apply as a result of an order from a UK court under the Matrimonial Causes Act. It can't apply as a part of an out of court settlement. If it applies when you start to draw retirement benefits, part of your benefits will be paid to your ex-spouse or partner. It's important that you, your former spouse or, civil partner notify us of any address changes.

Which benefits can be earmarked?

A Pension Attachment Order can apply to your pension, any lump sum due when you retire or a death grant. The court can instruct us to pay a part or all of this to your former spouse or civil partner.

Are there any benefits that can't be earmarked?

If part of your pension benefits have already been earmarked then that element can't be subject to a further earmarking order. If you retire on premature grounds the mandatory element paid by your employer can't be earmarked, nor can any discretionary compensation that your employer grants you.

What information is required?

You need to provide a copy of the draft order and pension attachment annex for our approval which should include a reference to our costs. Please ensure the documentation contains your full name and address. You will be sent an invoice for the cost after which your former spouse/civil partner must complete an identification document for security purposes.

What happens once arrangements have been set up?

When you take your benefits the earmarking benefits will be paid to your former spouse or civil partner.

What happens if either of us dies?

The order ceases to apply when either party dies. If you die before retiring, provided the order covered it, a death grant will be paid to your former spouse.

What happens if my ex-spouse or partner remarries or registers another civil partnership?

The order ceases to apply to earmarked pensions if the former spouse or civil partner remarries or enters into another civil partnership. This doesn't affect any earmarked lump sum.

Where there is any difference between the legislation governing the Teachers' Pension Scheme and the information in this fact sheet the legislation will apply.

What if I am affected by the Transitional Protection changes?

If you're a member who is affected by the changes and is divorced or going through a divorce, then you'll need to make a choice regarding any service built up between 1 April 2015 – 31 March 2022 (known as the remedy period).

We suggest you read our bespoke webpage on divorce and Transitional Protection.

Please note, your name and the contact details provided for this application will be shared with Capita in India for the purpose of raising the invoice. Such transfers of personal data will be managed in accordance with applicable UK law and carefully managed to protect your privacy rights and interests.