

Reference is made in this letter to notes E1 to E9, however these are not intended to be considered by the Pensions on Divorce expert (PODE), rather they are notes consulted by the instructing parties in writing this letter as defined in Appendix E of the Pension Advisory Group publication "A Guide to the Treatment of Pensions on Divorce (Second Edition)" a link to which is attached here for convenience

<https://www.nuffieldfoundation.org/wp-content/uploads/2023/A-guide-to-the-treatment-of-pensions-on-divorce-2nd-edition.pdf>

Southdown Consultants Ltd
5 Perton Farm Barns
Jenny Walkers Lane
Perton
Wolverhampton
WV6 7HB

DD/MM/YYYY

Dear Sir/Madam

Pension Report for the Purposes of Family Proceedings - Mr and Mrs Jones

This letter is written on the joint instruction of Mr and Mrs Jones, who are involved in divorce and *[associated financial proceedings]* in the Family Court sitting at [] – Reference VVF17XXXXXXX.

Mr Jones is represented by Mr White of A Firm LLP (*Telephone number XXXX Email Address: XXX Ref XXX*) and Mrs Jones is represented by Ms Green of B Firm LLP of XXX (*Telephone number XXXX Email Address: XXX Ref XXX*).

[It has been agreed] / [An order has been made] by District Judge Brown in the Family Court sitting at [] on [] that a report should be prepared by a single joint expert about *[Mr Jones’][Mrs Jones’] [the parties’] pension provision and pension sharing [or attachment orders]. [A copy of the order is enclosed.]*

The purpose of this letter is to set out your formal instructions to act as the Single Joint Expert in this matter.

Overall the aim of the instruction is for the court and parties to understand *[insert brief details as to what the parties and court need to understand]*

Background

Mr Jones’ date of birth is [] and he works as a [].

Mrs Jones’ date of birth is [] and she works as a [].

You may ask such questions about the parties’ health as you think relevant.

The parties’ respective pension resources and Cash Equivalent (CEs) are summarised in the table below:

Pensions	Mr Jones (CE) £	Mrs Jones (CE) £
Pension 1		
Pension 2		
Pension 3		
Total CEs		

We enclose the following documentary evidence: [E1]

Paragraph 2.13 from each party's Form E and supporting documents, including evidence of CEs; [E2]

Form P for each policy and the response from the pension provider;

State Pension forecasts for each party.

We anticipate that you will need to obtain additional information. Letters of authority from both parties to enable you to obtain that information directly from the pension providers are also enclosed.

Nature of instructions [E3]

You are therefore instructed, as a single joint expert, to provide a report advising on:

- the Pension Sharing Order or orders that would achieve equalisation of pension benefits in retirement, both in respect of income and lump sum (where possible), based on the current benefits of the parties' pensions; *and/or*
- the Pension Sharing Order or orders that would be required to achieve capital equalisation of the parties' pensions based on an assessment of the capital value of the parties' respective pensions; *and/or*
- *[If offsetting is required]* Please set out the offsetting valuation options available and an analysis of them; [Note here that clarification should be provided as to whether the parties require:
 - *an offset valuation of each pension arrangement for placing in a Schedule of Assets for settlement purposes, a calculation of the amount of capital to be passed between the parties in lieu of a pension share being implemented;*
 - *a calculation of the amount by which any pension share may be reduced in exchange for a given capital sum being passed between the parties]; [E4]*
 - *please consider the issue of how taxes may impact upon the calculation; [E5]*
 - *we do not require you to give any adjustment on account of any perceived 'utility' as that will be a matter for the parties or the court;*
 - *please state the factors for and against any approach to be taken if there is to be some pension sharing and some offsetting.*
- any other issues which you feel are relevant or require consideration by either party.

It should be assumed for the purposes of your report that: [E6]

- the benefits are to be equalised at the following age(s)/date(s) *[include age/date at which benefits should be calculated]; [E7]*
- State Pension entitlements should/should not be taken into account;
- pensions increase in payment at equal rates; [E8]
- there will be no income from other sources (so that income tax treatment will be equal).

As you will be aware, the instruction of experts in family proceedings is set out in Part 25 of the Family Procedure Rules (FPR). Please note in particular Part 25.14, which sets out details of the contents of an expert's report and the statement required at the end of your report under Part 25.14 (2).

We are attaching a copy of Part 25 and of the relevant Practice Directions to Part 25, known as PD 25A, B, D and E.

Please confirm that you are able to sign a statement of truth and self-certify in accordance with the Pension Advisory Group Appendix D as attached. If you feel unable to sign any element of this statement, because in your view it is inappropriate to this case, please state which of the numbered paragraphs this relates to.

As a jointly instructed expert you should not enter into correspondence or engage in conversations with one party or their advisers without copying it to the other party or their solicitor, as your role in the proceedings is an impartial one.

If there is any aspect of this letter which is unclear, please write to both **A Firm LLP and Firm B Law & Co Solicitors** to raise any issues or questions which may arise, including proportionality, lack of clarity or completeness in the instructions and/or the possible effect on fees of complying with the instructions.

You should be aware that, although it is very unlikely, you may be required to give evidence in person to the Court following your report, by attending a hearing in the case. If this eventuality arises we will contact you further to ascertain your available and non-available dates.

Timing

[The court has ordered] or [It has been agreed] that this report should be produced by no later than [].

If you believe that you cannot prepare your report within that timescale please let us know as soon as possible and provide an indication of the timescale that you would consider realistic to complete your report.

We will keep you informed of any changes to the court dates.

Your fees [E9]

Mr and Mrs Jones accept that they will each be responsible for 50% of your charges and each solicitor should be invoiced for one half of your fees *[or alternative details as agreed or ordered]*. Separate invoices should be addressed to *[each firm of solicitors] [each client]*.

You have indicated that you envisage your fee will be *[£]* plus VAT for the production of your report *[inclusive or exclusive of expenses/disbursements]*. *[Please do not start work on your report until you have provided us with your costs estimate and that estimate has been accepted by both parties.] [Please advise us if having now received the letter of instruction your fee estimate has changed.]*

Please also indicate what your fees will be for attendance at a hearing, in the unlikely event that this is required.

Firm B Law & Co Solicitors have confirmed their agreement to these instructions by countersigning this letter/writing to you direct.

Could you please send one copy of your report to each solicitor and one additional copy to us for filing at court.

We look forward to hearing from you.

Yours faithfully

A FIRM LLP

B LAW & CO SOLICITORS

Dated: []