



Letter of instruction to Actuary to carry out a pension sharing and offsetting calculation and report directly to the clients (with the option of sending the report to the mediator and solicitors)

Actuary address

Date

Dear Sir/Madam

Re Names of parties X and Y

X full name, NI number

Y full name, NI number

X and Y are in mediation to resolve financial matters and reach a financial settlement including an agreement in respect of their pensions.

Solicitors

X is represented by (Name of solicitor and firm)

Y is represented by (Name of solicitor and firm)

Mediator

X and Y are in mediation with (Name of mediator)

Documents

Please find attached/enclose the following documents for your information

- Memorandum

This confidential and privileged document sets out among other things the financial options X and Y wish to explore including their pension options

- Open financial summary

This documents sets out X and Ys net assets, liabilities, pensions, income and outgoings.

Introduction

X and Y are in mediation with A, mediator.

A and B propose to instruct you to report to them in relation to their pension options.

They wish to instruct you directly to report to them (with a copy of your report to the mediator and their solicitors)

Their addresses and contact details are set out below

X

Y

Documents

X and Y will provide you with the cevs relating to the pensions referred to in their open financial summary OR

Please find attached/enclosed a letter of authority to obtain any information and documentation you require in relation to the following pension schemes, X and Y have identified using a pension tracing table, which is also attached/enclosed.

Pension schemes

Name and address of schemes

-

Your instructions

You are instructed as follows;

Please prepare a report dealing with the following;

Is the CEV appropriate?

In general, do you consider that the CEV/CBW are appropriate valuations for the pensions in divorce. If not, please explain your reasoning. What would be an appropriate value for these pensions?

Pension sharing

Please calculate a pension division between X and Y if they wish to achieve equality of pension capital based on the current pension valuations.

- Based on the entirety of service and pension accrual to date, and
- Based on length of service and pension accrual from the date of (cohabitation) marriage to the date of separation.

Please calculate a pension division between X and Y if they wish to achieve equality of pension benefits on retirement (at the ages of 60 and 65), including income and lump sum entitlement, based on the current pension valuations.

- Based on the entirety of service and pension accrual to date, and
- Based on length of service and pension accrual from the date of (cohabitation) marriage to the date of separation.

Pension Offsetting

Please calculate what capital sum would be appropriate to offset the X/Y's claim.

In addition, please calculate how much 10%, 20%, 30%, 40% and 50% of X/Y 's pension is worth in cash terms

Your duty

This is a joint instruction by X and Y.

(Even though there are no court proceedings) We should be grateful if you would ensure that your report is prepared in accordance with the Family Procedure Rules 2010.

Of relevance to you as an expert witness to the Court is Part 25 of the Family Procedure Rules 2010.

Your duties to the Court are set out in more detail in the accompanying Practice Direction of Part 25; Practice Direction 25 (b) "duty of an expert, the experts report and arranging for an expert to attend Court". This can be downloaded from www.justice.gov.uk/court/procedure-rules/family/parts/part25

Your report must be verified by a statement of truth in the following form:-

"I confirm that I have made clear which facts and matters are referred to in this report are within my knowledge and which are not. Those that are within my knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matter to which they refer".

Discussions with the parties

If you need to discuss matters with X or Y we would ask that any correspondence/emails are copied in to the other party (and the mediator/ and both solicitors).

Timetable

As there is no Court Order in place with a deadline for filing of the report, there is no set deadline.

However, X and Y are eager to progress matters so would you please provide a broad time estimate and inform X and Y should this change at any point and the reasons for this.

Your fee

X and Y have agreed to ;

- Divide you fee equally or
- X will pay your fee or
- Y will pay your fee

Before you begin any work please provide X and Y with your terms of business and an estimate of your fee for the work, recognising that this may need to be reviewed once you have all the pension information you need and fully understand the extent of the work involved.

X and Y look forward to hearing from you.

Your faithfully

X.....

Y.....