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Circulation and Publication of New Public Service Family Law Guidelines

Dear HR Managers in Government Departments, Offices and Public Service Bodies,

Please find attached the new Public Service Family Law Guidelines which replace the 2001 Letter to Personnel Officers *“Family Law Legislation and the Administration of Public Service Pensions”* and the 2010 Letter to Personnel Officers *“Family law legislation and its interaction with public service superannuation schemes”*.

Family law legislation makes provision for the court to grant certain orders, including pension adjustment orders (PAOs), to ensure that adequate and reasonable financial provision can be made for the spouse, civil partner, qualified cohabitant or dependent child in the context of judicial separation, divorce, dissolution of civil partnership or redress in respect of qualified cohabitants.

Under family law legislation, responsibility for compliance with the legislation, in so far as it affects the administration of public service pension schemes, falls on the trustees of the schemes. Please note that for pre-existing Civil Service Superannuation Schemes, HR Shared Services (PeoplePoint) are the trustees for family law purposes for clients under their remit.

These guidelines aim to assist trustees of public service pension schemes in the administration and implementation of PAOs in respect of the benefits payable under their schemes.

The new Guidelines take into account the following pieces of legislation:

- Family Law Act, 1995
- Family Law (Divorce) Act, 1996
- Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010
- Children and Family Relationships Act 2015
- Pensions Act 1990
- Pension Schemes (Family Law) Regulations, 1997 (S.I. 107/1997)



- Pension Schemes (Family Law) (Amendment) Regulations 2012 (S.I. 254/2012)
- Occupational Pension Schemes (Disclosure of Information) Regulations 2006 (as amended)
- Circuit Court Rules (Family Law) 2018 S.I. No. 427 of 2018
- Circuit Court Rules (Civil Partnership and Cohabitation) 2011 S.I. No 385 of 2011

Please note these guidelines are not intended to be a legal interpretation of the legislation and should be read in conjunction with the relevant legislation and the Pension Authority's Guidance Notes. Where trustees are in doubt in relation to the implementation of a PAO, legal advice should be sought.

The guidelines are written based on Civil Service pre-2013 Superannuation Schemes but can be adapted and applied to other public service pension schemes based on the rules and entitlements available thereunder. It is intended that the guidelines will be updated in the near future to provide specific guidance relating to the application of family law for members of the Single Public Service Pension scheme.

The document will be updated periodically to take account of any new public service pension policy or family law developments. The most up-to-date version of the guidelines will be available on the Public Service Pensions page of the gov.ie website.

Please bring these guidelines to the attention of staff within your organisation dealing with superannuation matters and circulate to all offices and bodies under your aegis.

Yours sincerely,

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