

SAMPLE LETTER OF INSTRUCTION

Actuaries for Lawyers
24 Victoria Street
Wetherby
LS22 6RE

Dear Sirs,

Pensions on Divorce

This letter is written on the joint instruction of Mr and Mrs X who are involved in divorce and associated financial proceedings in the Family Court sitting at [TOWN] – Case reference XXXXXXX.

Mr X is represented by [acting solicitor] at A Firm LLP at [address, including email address] and Mrs X is represented by [acting solicitor] at B Firm LLP at [address, including email address].

[It has been agreed] / [An order has been made by the Court] that a report should be prepared by a single joint expert regarding the parties' pension provision and pension sharing. [A copy of the order is enclosed for your reference].

The purpose of this letter is to set out your formal instructions to act as a single joint expert in this matter.

Mrs X's date of birth is <<date>> and <she works as a [current job title]/ she is not working at present/ she is now retired>.

Mr X's date of birth is <<date>> and <he works as a [current job title]/ he is not working at present/ he is now retired>.

[Both parties are in good health and neither party is a smoker.]

The parties' respective pension arrangements are summarised as follows:

Mr X – [list names of all pension arrangements, including CEV and date prepared for each pension]

Mrs X - [list names of all pension arrangements including CEV and date prepared for each pension]

We enclose the following documentary evidence:

- Paragraph 2.13 from each party's Form E and supporting documents, including evidence of CEVs,
- [State Pension Statements for each party, if State Pensions are to be included in the report].

Nature of instructions

You are instructed as a single joint expert to report on the pension rights of Mr and Mrs X. We should like you to prepare a report regarding Mr and Mrs X's pension rights and advise on the following: -

1. An analysis of the current pension rights of the parties,
2. A summary of the options available to the parties for settlement,
3. Calculation of the Pension Sharing Order required to achieve equality of pension income for the parties in respect of pension rights earned to date,
4. *(If offsetting is required)* <Please advise your opinion of the offset values of each of the parties' pension entitlements> OR <Please advise your opinion as to the offset equivalent of each of the pension shares calculated in 3 above>,
5. <Insert any other requirements>
6. Anything else that you consider relevant.

We should like you to assume that:

- Each party will retire at <insert age> and to make the standard assumption that accrued rights in pension schemes will increase in line with statutory revaluation even where the member is still in service.
- Pensions should increase in payment at equivalent rates or an explanation given as to any differences.
- There will be no income from other sources (so that income tax treatment will be equal.
- The parties' State Pensions [should / should not] be taken into account.

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 would ask that you make yourself aware of the content of Part 25 and of the relevant Practice Directions to Part 25, known as PD 25A, B, D and E. These can also be accessed via the website www.justice.gov.uk/courts/procedure-rules/family/parts/part25.

Timing

[The Court has ordered] / [It has been agreed] that the report should be produced by no later than <<date>>.

This case is listed for hearing by the Court on <<date>>.

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

Your fees

Mr and Mrs X 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].

Please confirm your fee before commencement of work. Please do not commence work on the report until you have provided us with your costs estimate and that estimate has been accepted by both parties.

B Firm LLP have confirmed their agreement to these instructions by countersigning this letter.

We look forward to hearing from you.

Yours faithfully,

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A Firm LLP
Dated:

.....
B Firm LLP
Dated: