

The PSS trust deed sets out strict rules around withdrawals to settle a division of relationship property. Your application must be supported by a copy of either a court order or an agreement between you and your former spouse or partner under the Property (Relationships) Act 1976.

Wording an agreement

To comply with the trust deed, the wording of the agreement or court order needs to be quite specific. It must:

- state that you are required to make a relationship property settlement to your former partner
- specify the amount you are required to pay to your former partner
- state that the amount to be paid is to be sourced from your PSS benefit.

Suggested wording to be added into the agreement or court order is:

'That the trustee of the Police Superannuation Scheme shall vest to [applicant name], from [his/her] retirement accumulations within the scheme, \$[dollar value], an amount that is equal to the maximum amount [or X%] payable to [former partner] from accumulations within the scheme at the date of separation.'

If your application is supported by an agreement, the agreement must meet the following requirements:

- It must be in writing and signed by both parties.
- Each party to the agreement must have taken legal advice before signing.
- Each party's signature must be witnessed by a solicitor.
- The solicitor who witnesses each party's signature must certify that, before witnessing the signature, he or she explained the effect and implications of the agreement.

How much can you withdraw?

You can only access your savings to pay the other party as part of the relationship property settlement. In other words, you can't make a withdrawal for your own benefit. If you need additional funds – for example, to pay legal bills – you would need to apply separately for a partial withdrawal or a significant financial hardship benefit.

The maximum amount payable depends on whether you provide a court order or a written agreement.

The maximum amounts are:

- 100% of your resignation benefit under a court order
- 50% of your resignation benefit under an agreement.

These maximum amounts are set out in the trust deed, and the trustee has no discretion to vary them.

Any payment is made in equal portions from your member's account and your employer's account.

Repayment of personal loans secured against your benefit

Please be aware that, when any benefit becomes payable from the scheme, Mercer, the scheme's administration manager, will notify any lending organisation that holds a charge over your benefit. The lender may elect to claim some or all of the benefit payable in order to reduce or repay the outstanding loan amount.

Who to contact

Ask your solicitor to contact Mercer if you need further clarification:

Telephone: 0800 777 243

Fax: (04) 819 2699

Email: psscheme@mercer.com

Postal address: PO Box 1849, Wellington 6140

