
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART F

SURVIVING SPOUSES' PENSIONS

General provisions relating to surviving spouse's pensions

Post retirement marriages

F6.—(1) Where a widow was not her husband's wife at some time while he was in local government employment after 31st March 1972 and before the date on which he became entitled to a retirement pension—

- (a) the long-term pension under regulation F3,
- (b) the short-term pension under regulation F4, and
- (c) the long-term pension under regulation F5,

shall be calculated in accordance with paragraph (2).

(2) Where paragraph (1) applies the references in regulations F3(2), F4(2) and F5(2) to the retirement pension are to be construed as references to the part of the pension which is attributable to the period of his membership in contracted-out employment after 5th April 1978.

Remarriage and cohabitation

F7.—(1) Except where paragraph (2) applies, where a widower or widow would otherwise be entitled to a pension by virtue of this Part—

- (a) he or she is not so entitled during any subsequent marriage or any period of cohabitation outside marriage, and
- (b) he or she is so entitled from the end of any such marriage or period only if the appropriate administering authority in their discretion so decide.

(2) Where a widower and a widow who are each entitled to a pension under this Part marry each other or cohabit with each other outside marriage—

- (a) only such one of them as they determine shall be entitled to his or her pension, and
- (b) the other shall cease to be entitled to his or her pension until the marriage or cohabitation ends.

Widowers: requirement for post 5th April 1988 service and consequent adjustments to "retirement pension"

F8.—(1) For the purpose of determining entitlement to a widower's pension under regulations F3(1), F4(1) and F5(1), in those regulations—

“retirement pension” means a retirement pension of which at least part is attributable to a period of membership after 5th April 1988;

“local government employment” means local government employment of which at least part was employment after that date; and

“preserved benefits” means preserved benefits of which at least part are attributable to a period of membership after that date.

(2) For the purposes of calculating a widower’s short-term pension under regulation F4(2) or long-term pension under regulation F2(2), F3(2) or F5(2), in those regulations “retirement pension” means a retirement pension calculated—

- (a) by reference to the length in years of the wife’s period of membership after that date; and
- (b) if the widower was his wife’s husband at some time while she was in local government employment after 31st March 1972, by reference also to—
 - (i) the length in years of any period treated under paragraph (3) as a period of membership after 5th April 1988,
 - (ii) the length in years of any period of which notice is given in accordance with paragraph 1(1) of Schedule F1, and
 - (iii) the length in years of any period of membership in respect of which payment under regulation C14 has been or is treated as having been completed.

(3) For the purposes of paragraph (2)(b)(i) the following periods are to be treated as periods of membership after 5th April 1988, namely—

- (a) membership which the deceased became entitled to count after that date by virtue of regulation D7(2),
- (b) membership which the deceased was entitled to count under regulation C9 of or paragraph 5 of Schedule M4 (transitional provisions) to these regulations or regulation D4, D5 or D9 of the 1986 regulations where the necessary payment was made or commenced after that date.
- (c) membership which the deceased was entitled to count by virtue of a resolution passed under regulation B16 or B17 of these regulations or regulation D7 of the 1986 regulations after that date,
- (d) membership which is treated as membership after that date by virtue of paragraph 7 of Schedule M4 (transitional provisions) to these regulations or regulation D13(3) of the 1986 regulations.
- (e) membership which the deceased was entitled to count under regulation K14 where the relevant transfer value—
 - (i) was not a transfer value to which paragraph 17(1)(b) of Schedule M4 (transitional provision in relation to interchange) applies, and
 - (ii) was accepted after that date.

Widowers: elections for added years etc.

F9. Schedule F1 shall have effect for the purpose of making provision as to elections by women members affecting their widowers' pensions.

Adjustments to pensions of surviving spouses of certain-employed pensioners

F10. The provisions of this Part have effect subject to Part IV of Schedule D5 (re-employed pensioners).