
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 117

**The National Health Service Superannuation
Scheme (Scotland) Regulations 2011**

PART G

SURVIVING PARTNER PENSIONS

Widow's pension

G1.—(1) Subject to the following provisions of this regulation, if a male member dies in the circumstances described in any of regulations G2 to G6 and leaves a surviving widow, the widow is entitled to receive a pension as described in whichever of regulations G2 to G6 applies.

(2) Paragraphs (3) to (11) apply if a member's pensionable employment ceases before 1st April 2008.

(3) Subject to paragraphs (7) to (9)—

- (a) no widow's pension shall be payable in respect of any period during which the widow and a man to whom she is not married are living as husband and wife; and
- (b) the widow ceases to be entitled to the widow's pension if she remarries.

(4) Subject to paragraphs (7) to (9)—

- (a) no widow's pension will be payable in respect of any period during which the widow and a woman who is not her civil partner are living together as if they were civil partners; and
- (b) the widow ceases to be entitled to a widow's pension if she forms a civil partnership.

(5) Paragraph (4) does not apply where the member dies before 5th December 2005.

(6) For the purposes of this regulation, two people of the same sex are to be regarded as living together as if they were civil partners if they would be regarded as living together as husband and wife if they were not of the same sex.

(7) Nothing in paragraphs (3) or (4) affects any entitlement to a widow's guaranteed minimum pension under this Section of the scheme.

[^{F1}(8) If the Scottish Ministers are satisfied that the widow will otherwise suffer severe financial hardship, the Scottish Ministers may pay a pension to a widow who—

- (a) has remarried;
- (b) has formed a civil partnership;
- (c) is living together as husband and wife with a man to whom the widow is not married;
- (d) is living together as if in a civil partnership with a woman who is not the widow's civil partner.

(9) If the Scottish Ministers are satisfied that the widow will otherwise suffer hardship, the Scottish Ministers may pay a pension to a widow who has—

- (a) remarried and that later marriage has come to an end,

(b) formed a civil partnership which has come to an end.]

(10) The amount of any pension payable under paragraph (8) or (9) may, at the Scottish Minister's discretion, be equal to, or less than, the original widow's pension and the Scottish Ministers may (subject to any widow's guaranteed minimum pension) vary the amount, or stop paying the pension, at any time.

(11) If a dependent child is born after the member's death, any entitlement to a widow's pension under regulation G2 (member dies in pensionable employment) or G3 (member dies after a pension becomes payable) will be recalculated (if necessary) as if the child had been born before the member died.

Textual Amendments

- F1** Reg. G1(8)(9) substituted (with effect in accordance with reg. 1(5) of the amending S.S.I.) by [The National Health Service Superannuation Scheme \(Miscellaneous Amendments\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/96\)](#), regs. 1(2), 9

Widow's pension when member dies in pensionable employment

G2.—(1) The widow's pension payable on a member's death in pensionable employment before reaching age 75 will be as described in this regulation.

(2) The widow's pension for the first three months after the member's death (six months if the member leaves at least one dependent child who is dependent on the widow) will be equal to the rate of the member's pensionable pay when the member died if that amount is greater than the amount of widow's pension and child allowance that would otherwise be payable under these Regulations.

(3) Except while the widow's pension is payable at the rate mentioned in paragraph (2), if the member dies with at least 2 years' qualifying service, the widow's pension will be equal to one-half of the pension that would have been payable to the member under this Section of the scheme if the member had retired through ill-health with a pension under regulation E2 (early retirement pension (ill-health)) on the day the member died.

(4) Paragraphs (5) to (8) apply if a member dies on or after 1st April 2008.

(5) The widow's pension for the first 6 months after the member's death will be equal to the rate of the member's pensionable pay when the member died if that amount is greater than the amount of widow's pension that would otherwise be payable under these Regulations.

(6) Except while the widow's pension is payable at the rate mentioned in paragraph (5), if the member dies with 2 years or more qualifying service, the widow's pension will be equal to one-half of the pension to which the member would have been entitled if, on the date of death, the member had become entitled to an upper tier pension under regulation E3 (ill health pension on early retirement).

(7) Except while the widow's pension is payable at the rate mentioned in paragraph (2) or (5), if the member dies with less than 2 years' qualifying service but after reaching age 60, the widow's pension will be equal to one-half of the pension that would have been payable to the member under this Section of the scheme if the member had retired with a pension under regulation E1 (normal retirement pension) on the day the member died.

(8) Except while the widow's pension is payable at the rate mentioned in paragraph (2) or (5), if the member dies with less than 2 years' qualifying service and before reaching age 60, the widow will receive a pension equal to her guaranteed minimum pension under this Section of the scheme, unless the Scottish Ministers discharge their liability to provide this pension by paying a contributions equivalent premium under section 55(2) of the 1993 Act.

(9) The widow's pension payable on a member's death where, on the day the member dies, the member is—

- (a) under the age of 70;
- (b) in NHS employment;
- (c) no longer required to pay contributions pursuant to regulation D1(26) or (27) (contributions by members); and
- (d) except where regulation R4(4) applies, not in receipt of any pension under any of regulations E1 to E11,

will be as described in paragraphs (2) and (3), but with the modifications set out in paragraph (10).

(10) The modifications referred to in paragraph (9) are—

- (a) in paragraph (2), for “member's pensionable pay when the member died” substitute “member's final year's pensionable pay”; and
- (b) in paragraph (3), for “on the day the member died” substitute “on the member's last day of pensionable employment”.

(11) The widow's pension payable on a member's death if, on the day the member died, the member is—

- (a) under the age of 75 if not a special class officer or under the age of 70 if a special class officer;
- (b) in NHS employment;
- (c) no longer required to pay contributions on or after 2nd April 2008 pursuant to regulation D1(26) or (27) (contributions by members); and
- (d) except where regulation R4(6) (members doing more than one job) applies, not in receipt of a pension under any of regulations E1 to E11,

will be as described in paragraphs (5) and (6), but with the modifications set out in paragraph (12).

(12) The modifications referred to in paragraph (11) are—

- (a) in paragraph (5), for “member's pensionable pay when the member died” substitute “member's final year's pensionable pay”; and
- (b) in paragraph (6), for “on the date of death” substitute “on the member's last day of pensionable employment.”.

Widow's pension when member dies after pension becomes payable

G3.—(1) Except where regulation G6 applies (member marries after leaving pensionable employment) and regulation S5 (benefits on death in pensionable employment after pension becomes payable), the widow's pension payable on a member's death after a pension becomes payable under this Section of the scheme will be as described in this regulation.

(2) Subject to paragraph (3), the widow's pension for the first three months after the member's death (six months if the member leaves at least one dependent child who is dependent on the widow) will be equal to the member's pension if that amount is greater than the amount of widow's pension and child allowance that would otherwise be payable under these Regulations.

(3) For the purpose of paragraph (2), no account is to be taken of any reduction to the member's pension under regulation S2 (reduction of pension on return to NHS employment) unless—

- (a) the member is—
 - (i) a 2008 Section Optant within the meaning of regulation 2.K.1 or regulation 3.K.1 of the 2008 Section of the Scheme, or
 - (ii) a Waiting Period Joiner within the meaning of regulation 2.L.1 or 3.L.1 of that Section, and

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service Superannuation Scheme (Scotland) Regulations 2011, PART G. (See end of Document for details)

(b) on the date of the member's death the member is an active or non-contributing member of that Section.

(4) Except while the widow's pension is payable at the rate mentioned in paragraph (2), the widow's pension will be equal to one half of the member's pension calculated without regard to any reduction under regulation E11.

(5) If a member who was in receipt of a substitute pension under regulation E5 (further employment after a benefit is paid under regulation E3) dies before the end of the protection period that applies to the member under regulation E5(6)(a) or (b), the member's pension referred to in paragraph (2) means that member's original upper tier pension.

(6) For the purposes of paragraphs (2) and (4), no account will be taken of any reduction to the member's pension under regulation E17 (general option to exchange part of pension for lump sum).

Modifications etc. (not altering text)

C1 Reg. G3 applied (with modifications) (1.4.2015) by [The National Health Service Pension Scheme \(Transitional and Consequential Provisions\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/95\), regs. 1\(b\), 25\(7\)\(a\)](#)

Widow's pension when member dies with preserved pension

G4.—(1) Except where regulation G6 applies (member marries after leaving pensionable employment), the widow's pension payable on the death of a member with a preserved pension under regulation E12 (preserved pension) that had not yet become payable at the date of death will be as described in this regulation.

(2) If a member leaves pensionable employment before 1st April 2008 and dies within 12 months after leaving, the widow's pension will be equal to one-half of the pension that would have been payable to the member under this Section of the scheme if the member had retired through ill health with a pension under regulation E2 (early retirement pension (ill health) on the day the member left pensionable employment.

(3) If a member leaves pensionable employment on or after 1st April 2008 and dies within 12 months after leaving, the widow's pension will be equal to one-half of the pension that would have been payable to the member under this Section of the scheme if the member had retired through ill health with an upper tier pension under regulation E3 (ill health pension on early retirement) on the day the member left pensionable employment.

(4) If the member dies 12 months or more after leaving pensionable employment, the widow's pension will be equal to one-half of the member's preserved pension.

Widow's pension when member dies within 12 months after leaving pensionable employment without immediate or preserved pension

G5.—(1) This regulation applies if a member leaves pensionable employment without becoming entitled to a pension under E1 to E12 and dies within 12 months after leaving.

(2) If the member dies before receiving a refund of contributions under regulation E15 (refund of contributions) or before a transfer payment is made under regulation M4 (applications for transfer value payments - general), the widow shall be entitled to a widow's guaranteed minimum pension unless the Scottish Ministers discharge their liability to provide this pension by paying a contributions equivalent premium under section 55(2) of the 1993 Act.

Widow's pension when member marries after leaving pensionable employment

G6.—(1) This regulation applies where the member and his wife were not married to each other during any period of pensionable employment.

(2) Subject to paragraph (3), the widow's pension will be equal to one-half of a pension calculated as described in regulation E1 (normal retirement pension) on the basis of the member's pensionable service on or after 6th April 1978.

(3) If the member dies after the pension under this Section of the scheme became payable, the widow's pension for the first three months after the member's death (six months if the member dies leaving at least one dependent child dependent on the widow) will be equal to the amount of the pension that would have been payable under regulation G3 (member dies after pension becomes payable) if this regulation had not applied.

[^{F2}(4) Where the nominated partner referred to in G14 (surviving nominated partner's pension) becomes the member's widow on the member's death, the widow's pension will, if it would be more beneficial to the widow, be equal to the nominated partner pension that would have been payable if the widow and the member had not been married to each other.]

Textual Amendments

- F2** Reg. G6(4) inserted (with effect in accordance with reg. 1(4) of the amending S.S.I.) by [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/109\)](#), regs. 1(2), **12** (with reg. 71)

Widower's pension

G7.—(1) Subject to the following provisions of this regulation, if a female member dies in the circumstances described in any of regulations G2 to G6 and leaves a surviving widower, the widower shall be entitled to receive a pension as described in this regulation.

(2) Subject to paragraph (3), regulations G1 to G6 (pensions for widows) apply to the calculation and payment of pensions for widowers in like manner as they apply to pensions for widows.

(3) Subject to regulations G8 and G9, when calculating a widower's pension, any part of a member's benefit that is based on pensionable service before 6th April 1988 will, subject to paragraphs (4) and (5), be disregarded.

(4) If regulation G2(3), G2(6), G4(2) or G4(3) applies to the calculation of the widower's pension on a member's death in pensionable employment or with a preserved pension—

- (a) the whole of the member's pensionable service will be taken into account when calculating whether and (if so) to what extent there would have been an increase, by virtue of regulation E2(3) (early retirement pension (ill health) or E3(4) (ill health pension or early retirement), in the pensionable service on which the member's pension under regulation E2 or E3 would have been based; and
- (b) the whole period (if any) by which the member's pension would have been increased will be treated as pensionable service after 5th April 1988.

(5) Where regulation G3(2) applies to the calculation of the widower's pension, so that the widower's pension is equal to the member's pension for a limited period, the widower's pension for that limited period will be equal to the whole of the member's pension (including any part of the member's pension that is based on pensionable service before 6th April 1988).

(6) Any reference in these Regulations to regulations G1 to G6 means, in relation to benefits in respect of a female member, those regulations as applicable to the member's widower (if any).

Dependent widower's pension

G8.—(1) A female member may, by giving notice in writing to the Scottish Ministers, nominate her husband to receive a dependent widower's pension on her death in respect of any pensionable service before 6th April 1988 for which she did not elect to purchase an increased widower's pension.

(2) The member must give notice to the Scottish Ministers before leaving pensionable employment or, if earlier, reaching age 70.

(3) The Scottish Ministers will accept the member's nomination only if they are satisfied that the member's husband is permanently incapable of earning a living because of physical or mental infirmity and is wholly or mainly dependent on the member.

(4) If the Scottish Ministers have accepted the member's nomination and the member subsequently dies before her husband, the dependent widower will be entitled to a dependent widower's pension.

(5) The dependent widower's pension will be calculated in the same way as a widow's pension under regulations G1 to G6 (pensions for widows), and will be based on all of the member's pensionable service; in which case no widower's pension will be payable under regulation G7.

(6) If the Scottish Ministers accept a member's nomination for a dependent widower's pension and the member's pensionable service started before 25th March 1972 any lump sum payable to the member under regulation E13 (lump sum on retirement) will be reduced by an amount equal to 2 times the yearly rate of the part of the member's pension that is based on pensionable service before 25th March 1972 except to the extent that the reduction has been off-set by payments made under regulation Q2 (right to buy an unreduced retirement lump sum).

Increased widower's pension

G9.—(1) If a female member elected, before 1st July 1989, to buy an increased widower's pension, the widower's pension described in regulation G7 will be based on pensionable service from 6th April 1988 plus the period of pensionable service before that date that the member elected to buy for this purpose under regulation 20(2) of the 1980 Regulations ^{M1} (widower's pension).

(2) Subject to paragraph (3), any retirement lump sum payable to a member under regulation E13 in respect of any period of pensionable service that the member elected to buy as described in paragraph (1), will be reduced by 2/80ths of final year's pensionable pay for each complete year of pensionable service before 25th March 1972, and by 1/80th of final year's pensionable pay for each complete year of pensionable service after 24th March 1972 plus, in each case, the relevant daily proportion of that rate for each additional day.

(3) Where the member elected to buy an unreduced retiring allowance under regulation 29 of the 1980 Regulations, regulations Q2 (right to buy an unreduced retirement lump sum) and Q7 (part payment for additional service or unreduced retirement lump sum) will apply to the reduction in benefits described in paragraph (2) of this regulation as if the election had been made under regulation Q2.

(4) If a female member who has made an election under this regulation—

^{F3}(a)

(b) dies without leaving a widower but leaving a surviving civil partner or, as the case may be, a surviving nominated partner,

the widower's pension described in paragraph (1) shall be paid to that surviving partner.

Textual Amendments

- F3** Reg. G9(4)(a) and word omitted (with effect in accordance with reg. 1(3) of the amending S.S.I.) by virtue of [The National Health Service Superannuation Scheme \(Miscellaneous Amendments\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/96\)](#), regs. 1(2), **10**

Marginal Citations

- M1** Regulation 20(2) was inserted into the 1980 Regulations by regulation 13 of [S.I. 1989/1749](#).

Surviving civil partner's pension

G10.—(1) Subject to the following provisions of this regulation, if a member who is in a civil partnership dies in the circumstances described in any of regulations G2 to G6 and leaves a surviving civil partner, the surviving civil partner shall be entitled to a pension as described in this regulation.

(2) Subject to paragraph (3), regulations G1 to G6 (pensions for widows) apply to the calculation and payment of pensions for surviving civil partners in like manner as they apply to pensions for widows.

(3) When calculating a surviving civil partner's pension, any part of the member's benefit that is based on pensionable service before 6th April 1988 will, subject to paragraphs (4) and (5), be disregarded.

(4) If regulation G2(3), G2(6), G4(2) or G4(3) applies to the calculation of the surviving civil partner's pension on a member's death in pensionable employment or with a preserved pension—

- (a) the whole of the member's pensionable service will be taken into account when calculating whether and (if so) to what extent there would have been an increase, by virtue of regulation E2(3) or E3(4), in the pensionable service on which the member's pension under regulation E2 or E3 would have been based; and
- (b) the whole period (if any) by which the member's pension would have been increased will be treated as pensionable service after 5th April 1988.

(5) Where regulation G3(2) applies to the calculation of the surviving civil partner's pension, so that the surviving civil partner's pension is equal to the member's pension for a limited period, the surviving civil partner's pension for that limited period will be equal to the whole of the member's pension (including any part of the member's pension that is based on pensionable service before 6th April 1988).

(6) Any reference in these Regulations to regulations G1 to G6 means, in relation to benefits in respect of a member who has formed a civil partnership, those regulations as applicable to the member's surviving civil partner (if any).

(7) For the purposes of this regulation, two people of the same sex are to be regarded as living together as if they were civil partners if they would be regarded as living together as husband and wife if they were not of the same sex.

Dependent surviving civil partner's pension

G11.—(1) A member who has formed a civil partnership may, by giving notice in writing to the Scottish Ministers prior to leaving pensionable employment, nominate the other party to the civil partnership to receive a dependent surviving civil partner's pension on the member's death.

(2) The Scottish Ministers will accept a member's nomination only if they are satisfied that the member's civil partner is permanently incapable of earning a living because of physical or mental infirmity and is wholly or mainly dependent on the member.

(3) If the Scottish Ministers have accepted a member's nomination and the member subsequently dies before the other party to the civil partnership, the dependent surviving civil partner is entitled to a dependent surviving civil partner's pension.

(4) The dependent surviving civil partner's pension will be calculated in the same way as a widow's pension under regulations G1 to G6, but based only on the member's pensionable service before 6th April 1988.

(5) If the Scottish Ministers have accepted a member's nomination for a dependent surviving civil partner's pension and the member's pensionable service started before 6th April 1988 any lump sum payable to the member will be reduced by an amount equal to 1.4 times the yearly rate of the part of the member's pension that is based on pensionable service before 6th April 1988 (except to the extent that any reduction has been off-set under regulation Q2 (right to buy an unreduced retirement sum)).

(6) Where regulation E2(10), regulation E3(10) or regulation E12(10) applies to a member who has formed a civil partnership, any reference in those regulations to a lump sum payable on retirement means, in relation to a member to whom paragraph (5) of this regulation refers, a lump sum which is not reduced as described in that paragraph.

Purchase of surviving civil partner's pension in respect of service prior to 6th April 1988

G12.—(1) Subject to the following provisions of this regulation an officer or a practitioner, unless the officer or practitioner is a person in respect of whom a pension has already become payable under regulation E2 (early retirement provision (ill health)) and to whom E2(12) applies, may, in respect of the whole or any part of the officer or practitioner's contributing service prior to 6th April 1988, elect to purchase an increase in the amount of any surviving civil partner's pension which may become payable by virtue of regulation G10 (surviving civil partner's pension).

(2) The purchase of an increase pursuant to paragraph (1) may be made only in respect of complete years of service unless the officer or practitioner wishes to purchase an increase in respect of all of the officer or practitioner's service before 6th April 1988 in which case the whole of the requisite period may be purchased whether or not it constitutes a multiple of complete years of service.

(3) An election pursuant to paragraph (1)—

- (a) must not be made later than 28th February 2007;
- (b) must be made by giving notice in writing to the Scottish Ministers specifying the period in respect of which the election is made;
- (c) must be accompanied by a declaration in writing signed by the officer or practitioner that the officer or practitioner is of sound health for the officer or practitioner's age; and
- (d) is irrevocable.

(4) Schedule 3, tables 2 and 4, multiplied by a factor of 0.7 shall have effect with regard to the cost of providing the increase provided pursuant to paragraph (1).

Increased surviving civil partner's pension

G13.—(1) If a member, who has formed a civil partnership, elects before 28th February 2007 to buy an increased surviving civil partner's pension pursuant to regulation G12(1), the surviving civil partner's pension described in regulation G10 (surviving civil partner's pension) will be based on pensionable service after 5th April 1988 plus the period of pensionable service before that date that the member elected to buy for this purpose under regulation G12(1).

(2) Subject to paragraph (3) any retirement lump sum payable to a member under regulation [F⁴E13] (lump sum on retirement), in respect of any period of pensionable service that the member elected to buy as described in paragraph (1), will be reduced by 1.4 times the yearly rate of the member's pension plus the relevant daily portion of that rate for each additional day (except to the

extent that any lump sum reduction has been set off under regulation Q2 (right to buy an unreduced retirement lump sum)).

(3) Where regulation E2(10), regulation E3(10) or regulation E12(10) applies to a member who has formed a civil partnership, any reference in those regulations to a lump sum payable on retirement means, in relation to a member whom paragraph (2) of this regulation refers, a lump sum which is not reduced as described in that paragraph.

(4) Subject to paragraph (5), where by virtue of an election under regulation G12(1), the amount of the retirement lump sum would fall to be reduced by 1.4 times the yearly rate of the member's pension plus the relevant daily proportion of that rate for each additional day, the member may, prior to 28th February 2007, make an election to purchase an unreduced lump sum under regulation Q2 (right to buy an unreduced retirement lump sum).

(5) A member who has purchased additional service in accordance with regulation Q1 (right to buy additional service) by way of a payment under regulation Q6 (paying for additional service or an unreduced retirement lump sum by regular additional contributions) may not make an election under paragraph (4) in respect of the purchase of an unreduced lump sum.

(6) If a member who has made an election under this regulation—

^{F5}(a)

(b) dies without leaving a civil partner but leaving a surviving widower or, as the case may be, a surviving nominated partner,

the surviving civil partner's pension described in paragraph (1) will be paid to that surviving widower, or as the case may be, that surviving nominated partner.

Textual Amendments

F4 Word in reg. G13(2) substituted (with effect in accordance with reg. 1(7) of the amending S.S.I.) by [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/364\)](#), regs. 1(2), **8**

F5 Reg. G13(6)(a) and word omitted (with effect in accordance with reg. 1(3) of the amending S.S.I.) by virtue of [The National Health Service Superannuation Scheme \(Miscellaneous Amendments\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/96\)](#), regs. 1(2), **11**

Surviving nominated partner's pension

G14.—(1) A member whose pensionable employment ceases on or after 1st April 2008 may, by giving notice in writing to the Scottish Ministers, nominate a person (“the nominated partner”) to receive a surviving nominated partner pension on the member's death and such a nomination is effective from the date the Scottish Ministers accept it.

(2) The Scottish Ministers must accept a member's nomination if—

- (a) the member and the nominated partner have jointly made and signed a declaration in the form required by the Scottish Ministers that remains effective at the member's death; and
- (b) the nominated partner satisfies the Scottish Ministers that for a continuous period of at least two years ending with the member's death—
 - (i) the member and the nominated partner were living together as if they were husband and wife or civil partners;
 - (ii) the member and the nominated partner were not prevented from marrying or entering into a civil partnership;
 - (iii) the member and the nominated partner were financially interdependent or the nominated partner was financially dependent on the member; and

- (iv) neither the member nor the nominated partner was living with a third person as if they were husband and wife or as if they were civil partners.
- (3) A declaration under paragraph (2)(a) ceases to have effect if—
- (a) it is revoked by the member or the nominated partner by a signed notice in writing given to the Scottish Ministers in the required form (if any);
 - (b) the member makes a later declaration under paragraph (2)(a); or
 - (c) the member or the nominated partner marries or enters into a civil partnership [^{F6}with a person who is not, respectively, the nominated partner or the member].
- (4) If the Scottish Ministers have accepted a member's nomination and the member subsequently dies before the member's nominated partner in the circumstances described in any of regulations G2 to G6, the nominated partner is entitled to a pension as described in paragraphs (6) to (10) of this regulation.
- (5) Subject to paragraph (6), regulations G1 to G6 apply to the calculation and payment of pensions for nominated partners in the same manner as they apply to pensions for widows and regulation G6(1) shall be read as if, for the words “where the member and his wife were not married to each other [^{F7}during any period of pensionable employment]” it said “where a nomination for a surviving partner pension [^{F8}becomes effective after all pensionable employment has ceased]”.
- (6) When calculating a nominated partner's pension, any part of the member's benefit that is based on pensionable service before 6th April 1988 will, subject to paragraphs (7) and (8), be disregarded.
- (7) If regulation G2(3) or (6) or regulation G4(2) or (3) apply to the calculation of the nominated partner's pension on a member's death in pensionable employment or with a preserved pension—
- (a) the whole of the member's pensionable service will be taken into account when calculating whether and (if so) to what extent there would have been an increase, by virtue of regulation E2(3) or E3(4) in the pensionable service on which the member's pension under regulation E2 or E3 would have been based; and
 - (b) the whole period (if any) by which the member's pension would have been increased will be treated as pensionable service after 5th April 1988.
- (8) If regulation G3(2) applies to the calculation of the nominated partner's pension, so that the nominated partner's pension is equal to the member's pension for a limited period, the nominated partner's pension for that limited period will be equal to the whole of the member's pension (including any part of the member's pension that is based on pensionable service before 6th April 1988).
- (9) Any reference in these Regulations to regulations G1 to G6 means, in relation to benefits in respect of a member who has nominated a partner, those regulations as applicable to the member's nominated partner (if any).
- (10) In the case of a Waiting Period Joiner, a declaration or notice given by a member for the purposes of regulation 2.E.2 or 3.E.2 of the 2008 Section of the Scheme will be treated as a declaration or notice given by that member for the purposes of this regulation.

Textual Amendments

- F6** Words in reg. G14(3)(c) inserted (with effect in accordance with reg. 1(7) of the amending S.S.I.) by [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/364\)](#), regs. 1(2), **9**
- F7** Words in reg. G14(5) inserted (with effect in accordance with reg. 1(4) of the amending S.S.I.) by [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/109\)](#), regs. 1(2), **13(a)** (with reg. 71)

F8 Words in reg. G14(5) substituted (with effect in accordance with reg. 1(4) of the amending S.S.I.) by [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/109\)](#), regs. 1(2), **13(b)** (with reg. 71)

Dependent surviving nominated partner's pension

G15.—(1) A member may, by giving notice in writing to the Scottish Ministers before leaving pensionable employment, apply for the member's nominated partner to receive a dependent surviving nominated partner's pension on the member's death.

(2) The Scottish Ministers must accept a member's application only if they are satisfied that the member's nominated partner is—

- (a) permanently incapable of earning a living because of physical or mental infirmity; and
- (b) wholly or mainly dependent on the member.

(3) If the Scottish Ministers have accepted a member's application and the member subsequently dies before the member's nominated partner, the dependent surviving nominated partner is entitled to a dependent surviving nominated partner's pension.

(4) The dependent surviving nominated partner's pension is to be calculated in the same way as a widow's pension under regulations G1 to G6 but based only on the member's pensionable service before 6th April 1988.

(5) If the Scottish Ministers have accepted a member's application for a dependent surviving nominated partner's pension and the member's pensionable service started before 6th April 1988 any lump sum payable to the member will be reduced by an amount equal to 1.4 times the yearly rate of the part of the member's pension that is based on pensionable service before 6th April 1988 (except to the extent that any reduction has been off-set under regulation Q2).

(6) If regulation E2(10), E3(10) or E2(10) applies to a member who has a nominated partner, any reference in those provisions to a lump sum payable on retirement means, in relation to a member to whom paragraph (5) of this regulation refers, a lump sum that is not reduced as described in that paragraph.

Purchase of surviving partner's pension in respect of service before 6th April 1988

G16.—(1) Subject to this regulation, an officer in respect of whom a pension has not already become payable under regulations E2 or E3 may, in respect of the whole or any part of his contributing service before 6th April 1988, elect to purchase an increase in the amount of any survivor's pension that becomes payable under this Section of the scheme.

(2) The purchase of an increase under paragraph (1) may be made only in respect of complete years of service, unless the officer wishes to purchase an increase in respect of all of the officer's service before 6th April 1988, in which case the whole of the requisite period may be purchased whether or not it constitutes a multiple of complete years of service.

(3) An election under paragraph (1)—

[^{F9}(a) must be made—

- (i) during the period beginning on 28th June 2008 and ending on 27th September 2009;
or
- (ii) during the period beginning on 16th December 2014 and ending on 31st December 2015;]

- (b) must be made by notice in writing, given to the Scottish Ministers;
- (c) must specify the period in respect of which the election is made;

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- (d) must be accompanied by a declaration in writing signed by the officer that the officer is of sound health for the officer's age; and
 - (e) is irrevocable.
- (4) Each figure in tables 2 and 4 of Schedule 3 is multiplied by a factor of 0.7 in respect of the cost of providing the increase provided under paragraph (1).
- (5) In this regulation “survivor's pension” means a pension that becomes payable by virtue of—
- (a) regulation G7;
 - (b) regulation G10; or
 - (c) regulation G14.

Textual Amendments

- F9** Reg. G16(3)(a) substituted (with effect in accordance with reg. 1(3) of the amending S.S.I.) by [The National Health Service Superannuation Scheme \(Miscellaneous Amendments\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/96\), regs. 1\(2\), 12](#)

Increased surviving partner's pension

G17.—(1) If a member [^{F10}makes a valid election pursuant to] regulation G16(3)(a) to buy an increased surviving partner's pension under regulation G16(1), any survivor's pension that becomes payable in respect of that member will be based on pensionable service after 5th April 1988 plus any period of pensionable service before that date that the member elected to buy for this purpose under regulation G16(1).

(2) Any survivor's pension payable in respect of the member shall be paid to (as the case may be) the member's surviving widower, civil partner or nominated partner regardless of whether that pension is payable by virtue of regulation G7, regulation G10 or regulation G14.

(3) Subject to paragraph (4), any retirement lump sum payable to a member under regulation E13, in respect of any period of pensionable service that the member elected to buy as described in paragraph (1), will be reduced by 1.4 times the yearly rate of the member's pension plus the relevant daily proportion of that rate for each additional day (except to the extent that any lump sum reduction has been off-set under regulation Q2).

(4) If regulation E2(10), E3(10) or E12(10) applies to a member to whom this regulation refers, any reference in those regulations to a lump sum payable on retirement must be taken to mean a lump sum that is not reduced as described in paragraph (2) of this regulation.

(5) Subject to paragraph (6) if, by virtue of an election under regulation G16(1), the amount of the retirement lump sum would fall to be reduced by 1.4 times the yearly rate of a member's pension plus the relevant daily proportion of that rate for each additional day, the member may make an election to purchase an unreduced lump sum under regulation Q2 (right to buy an unreduced retirement lump sum) provided that the election is made [^{F11}during either of the periods specified in regulation G16(3)(a)].

(6) A member who has purchased additional service in accordance with regulation Q1 (right to buy additional service) by way of a payment under regulation Q6 (electing to buy additional service or unreduced retirement lump sum) is not entitled to make an election under paragraph (4) in respect of the purchase of an unreduced lump sum.

Textual Amendments

- F10** Words in reg. G17(1) substituted (with effect in accordance with reg. 1(3) of the amending S.S.I.) by [The National Health Service Superannuation Scheme \(Miscellaneous Amendments\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/96\)](#), regs. 1(2), **13(a)**
- F11** Words in reg. G17(5) substituted (with effect in accordance with reg. 1(3) of the amending S.S.I.) by [The National Health Service Superannuation Scheme \(Miscellaneous Amendments\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/96\)](#), regs. 1(2), **13(b)**

Status:

Point in time view as at 01/04/2015.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service Superannuation Scheme (Scotland) Regulations 2011, PART G.