
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 117

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

PART G

SURVIVING PARTNER PENSIONS

Dependent surviving [^{F1}scheme partner's] pension

G15.—[^{F2}(1) A member may apply for the member's scheme partner to receive a dependent surviving scheme partner's pension on the member's death.

(1A) An application must—

- (a) be made by the member giving notice in writing to the Scottish Ministers before leaving pensionable employment, and
- (b) be in relation to a person who has been the member's scheme partner for a continuous period of at least two years on the member's last day of pensionable service.]

(2) The Scottish Ministers must accept a member's application only if they are satisfied that the member's [^{F3}scheme partner] is—

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

[^{F4}(3) If the Scottish Ministers have accepted a member's application and the member subsequently dies before the member's scheme partner, a scheme partner entitled to a surviving scheme partner's pension is entitled to a dependent surviving scheme partner's pension.]

(4) The dependent surviving [^{F5}scheme 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 [^{F6}scheme 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 [^{F7}scheme 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.

Textual Amendments

- F1** Words in [reg. G15](#) heading substituted (with effect in accordance with [reg. 1\(4\)](#) of the amending S.S.I.) by [The National Health Service Superannuation and Pension Schemes \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/102\)](#), [regs. 1\(2\)](#), **13(2)**
- F2** [Reg. G15\(1\)\(1A\)](#) substituted for [reg. G15\(1\)](#) (with effect in accordance with [reg. 1\(4\)](#) of the amending S.S.I.) by [The National Health Service Superannuation and Pension Schemes \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/102\)](#), [regs. 1\(2\)](#), **13(3)**
- F3** Words in [reg. G15\(2\)](#) substituted (with effect in accordance with [reg. 1\(4\)](#) of the amending S.S.I.) by [The National Health Service Superannuation and Pension Schemes \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/102\)](#), [regs. 1\(2\)](#), **13(4)**
- F4** [Reg. G15\(3\)](#) substituted (with effect in accordance with [reg. 1\(4\)](#) of the amending S.S.I.) by [The National Health Service Superannuation and Pension Schemes \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/102\)](#), [regs. 1\(2\)](#), **13(5)**
- F5** Words in [reg. G15\(4\)](#) substituted (with effect in accordance with [reg. 1\(4\)](#) of the amending S.S.I.) by [The National Health Service Superannuation and Pension Schemes \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/102\)](#), [regs. 1\(2\)](#), **13(6)**
- F6** Words in [reg. G15\(5\)](#) substituted (with effect in accordance with [reg. 1\(4\)](#) of the amending S.S.I.) by [The National Health Service Superannuation and Pension Schemes \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/102\)](#), [regs. 1\(2\)](#), **13(7)**
- F7** Words in [reg. G15\(6\)](#) substituted (with effect in accordance with [reg. 1\(4\)](#) of the amending S.S.I.) by [The National Health Service Superannuation and Pension Schemes \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/102\)](#), [regs. 1\(2\)](#), **13(8)**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service Superannuation Scheme (Scotland) Regulations 2011, Section G15.