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STATUTORY INSTRUMENTS

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**1995 No. 1019**

**The Local Government Pension Scheme Regulations 1995**

**PART F**

**SURVIVING SPOUSES' PENSIONS**

*Contracting-out requirements: GMP rule*

**Surviving spouse's guaranteed minimum pension**

**F11.**—(1) Where—

- (a) the employment of a member in any local government employment is contracted-out employment; and
- (b) the member has a guaranteed minimum under section 14 of the Pension Schemes Act 1993<sup>(1)</sup> in relation to benefits under these regulations,

then, if the member dies at any time leaving a widow or widower, the widow or widower is entitled to a pension at a weekly rate equal to the widow's or, as the case may be, the widower's guaranteed minimum (within the meaning of section 17 of that Act minimum pensions for widows and widowers) during any period for which that section provides that a pension of not less than that amount is to be payable to the widow or, as the case may be, the widower (unless the widow or widower is entitled to a surviving spouse's pension at a higher rate).

(2) The guaranteed minimum referred to in paragraph (1) shall, so far as it is attributable to earnings factors for the tax year 1988 89 or for subsequent tax years, be increased in accordance with the requirements of section 109 of the Pension Schemes Act 1993 (annual increase of guaranteed minimum pensions).

(3) Where this regulation applies it overrides any provision in these regulations to the extent to which it conflicts with it, except—

- (a) regulation H4 (forfeiture of rights); and
- (b) regulation H5 (commutation of small pensions).

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(1) 1993 c. 48.