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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**

*Death of a member*

**Member's spouse's short-term pension**

**F1.**—(1) Subject to regulations F7 (remarriage and cohabitation) and G8(3), if a member dies living a surviving spouse or spouses, that spouse is entitled or, as the case may be, they are jointly entitled, to a spouse's short-term pension—

- (a) if the spouse has one or more eligible children in his or her care, for six months after the member's death, or
- (b) otherwise for three months after the member's death.

(2) Where paragraph (1) applies then, subject to paragraph 21 of Schedule D5 (re-employed pensioners), the annual rate of the short-term pension is a rate equal to the spouse's pensionable remuneration.

(3) Paragraph 7 of Schedule D1 (by virtue of which member is, in respect of any period of part-time local government employment, to be treated as having received the remuneration which would have been paid in respect of a single comparable whole-time employment) does not apply to the application of regulation D1 and that Schedule to this regulation.

**Member's spouse's long-term pension**

**F2.**—(1) Subject to regulation F7 (remarriage and cohabitation), if a member who has a statutory pension entitlement dies leaving a surviving spouse or spouses, that spouse is entitled or, as the case may be, they are jointly entitled, at the end of the period in respect of which a short-term pension is payable under regulation F1, to a spouse's long-term pension.

(2) Where paragraph (1) applies then, subject to Part IV of Schedule D5 (re-employed pensioners), the annual rate of the long-term pension is—

- (a) if the member's total period of membership was not less than two years, half the annual rate of the retirement pension to which the spouse would have been entitled if on the date of death the spouse had become entitled under regulation D7 (permanent ill-health, etc.); and
- (b) otherwise, one one hundred and sixtieth of the member's pensionable remuneration, multiplied by the length in years of the member's total period of membership.

(3) For the purposes of paragraph (2)(a)—

- (a) any increase in the deceased's retirement pension by virtue of regulation D2(2)(i), and
- (b) any reduction in that pension under regulation H2, or by virtue of a surrender under regulation D14, shall be disregarded.