
STATUTORY INSTRUMENTS

2019 No. 418

The National Health Service Pension Schemes,
Additional Voluntary Contributions and Injury
Benefits (Amendment) Regulations 2019

PART 6

Amendments to the National Health Service (Injury Benefits) Regulations 1995

General

99. The National Health Service (Injury Benefits) Regulations 1995⁽¹⁾ are amended in accordance with this Part.

Amendment of regulation 2

100.—(1) Regulation 2 (interpretation) is amended as follows.

(2) At the appropriate place in the alphabetical order insert—

““scheme partner” has the meaning given in regulation 2D;”;

““surviving scheme partner” has the meaning given in regulation 2E;”.

(3) In the definition of “surviving partner”⁽²⁾ for “nominated partner” substitute “scheme partner”.

New regulations 2D and 2E

101. After regulation 2C (meaning of “average remuneration”)⁽³⁾ insert—

“Meaning of scheme partner

2D. A person (person B) is the “scheme partner” of a person to whom these regulations apply (person A) if—

- (a) person A and person B are living together as if they were husband and wife or civil partners,
- (b) person A and person B are not prevented from marrying or entering into a civil partnership,
- (c) person A and person B are financially interdependent or person B is financially dependent on person A, and
- (d) neither person A nor person B is living with a third person as if they were husband and wife or civil partners.

⁽¹⁾ [S.I. 1995/866](#). Relevant amending instruments are [S.I. 2008/655](#) and [2015/96](#).

⁽²⁾ The definition of “surviving partner” was inserted by regulation 3(1) and (2)(b) of [S.I. 2008/655](#).

⁽³⁾ Regulation 2C was inserted by regulations 47 and 50 of [S.I. 2015/96](#).

Meaning of surviving scheme partner

2E. A person (person B) is a “surviving scheme partner” of a person to whom these regulations apply (person A) if the Secretary of State is satisfied that for a continuous period of at least two years, ending with person A’s death, person B was the scheme partner of person A.”

Amendment of regulation 7

102. In regulation 7 (surviving partner allowances), for paragraph (3)(4) substitute—

“(3) Except if paragraph (3A) applies, a surviving partner is not entitled to receive an allowance—

- (a) if the marriage took place or the civil partnership was formed after the later of the date on which—
 - (i) the deceased last ceased to be employed as person to whom these Regulations apply; or
 - (ii) the earning ability of the deceased was permanently reduced as a result of the injury or disease; or
- (b) if the Secretary of State is not satisfied that the deceased’s partner was the deceased’s scheme partner for a continuous period of at least two years ending with the later of the dates referred to in (a).”

Amendment of regulation 8

103. In regulation 8 (child’s allowance), in paragraph (2), in sub-paragraph (c), for “nominated partner”(5) substitute “surviving scheme partner”.

Amendment of regulation 9

104. In regulation 9 (dependent relative’s allowance), in paragraph (1), in sub-paragraph (a), for “nominated partner’s”(6) substitute “surviving scheme partner’s”.

Amendment of regulation 11

105. In regulation 11 (lump sum payment on death), in paragraph (1), in sub-paragraph (b), for “nominated partner”(7) substitute “surviving scheme partner”.

(4) Paragraph (3) was last substituted by regulation 3(1) and (6) of [S.I. 2008/655](#).
(5) The expression “nominated partner” was inserted by regulation 3(1) and (7)(a) of [S.I. 2008/655](#).
(6) The expression “nominated partner’s” was inserted by regulation 3(1) and (8)(a) of [S.I. 2008/655](#).
(7) The expression “nominated partner” was inserted by regulation 3(1) and (9)(b) of [S.I. 2008/655](#).