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STATUTORY INSTRUMENTS

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**2019 No. 418**

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

PART 2

Amendments to the National Health Service Pension Scheme Regulations 1995

**Amendment of regulation G14**

**18.** For regulation G14(1) (surviving nominated partner's pension), substitute—

**“Surviving scheme partner's pension**

**G14.**—(1) This regulation applies on the death of a member, if—

- (a) the member has pensionable service on or after 1st April 2008,
- (b) the member dies in any of the circumstances described in regulations G2 to G6, and
- (c) the member leaves a surviving scheme partner.

(2) Where this regulation applies, a surviving scheme partner is entitled to a surviving scheme partner's pension.

(3) A surviving scheme partner's pension is calculated and paid—

- (a) in accordance with regulations G1 to G6, as they apply to pensions for widows, and
- (b) excluding any part of the member's benefit that is based on pensionable service before 6th April 1988.

(4) Paragraph 3(b) is subject to the following—

- (a) if regulation G2(3) or (3C) or regulation G4(2) or (2A) applies to the calculation of a surviving scheme partner's pension on a member's death in pensionable employment or with a preserved pension—
  - (i) the whole of the member's pensionable service is taken into account when calculating whether and, if so, the extent to which there would have been an increase, by the application of regulation E2(3) or regulation E2A(4), in the pensionable service on which the member's pension, under regulation E2 or regulation E2A, would have been based, and
  - (ii) the whole period, if any, by which the member's pension would have increased, is treated, in this regulation, as pensionable service after 5th April 1988 for the purpose of calculating a surviving scheme partner's pension;

(b) if regulation G3(2) applies, so that the surviving scheme partner's pension is equal to the member's pension for a limited period, the surviving scheme partner's pension for that limited period is equal to the whole of the member's pension.

(5) If regulation G6 applies, paragraph (1) of that regulation applies as if the words "where the member and his wife were not married to each other during any period of pensionable employment" read "if the Secretary of State is not satisfied that a member's partner was the member's scheme partner for a continuous period of at least two years ending on the member's last day of pensionable service".

(6) A reference in these Regulations to regulation G1 to G6 means, in relation to benefits in respect of a member who has a scheme partner, those regulations as applicable to the member's surviving scheme partner.

(7) A person (P) is the scheme partner of a member if —

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

(8) A person is a surviving scheme partner of a member if the Secretary of State is satisfied that for a continuous period of at least two years, ending with the member's death, the person was the scheme partner of that member."