
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 177

**Local Government Pension Scheme
Regulations (Northern Ireland) 2000**

Part F

Surviving Spouses' Pensions

General provisions relating to surviving spouses' pensions

Post retirement marriages

F6.—(1) Where a surviving spouse who was not married to the deceased at some time while the member was in local government employment after 31st March 1972 and before the date on which he became entitled to a retirement pension—

- (a) the long-term pension under regulation F3,
- (b) the short-term pension under regulation F4, and
- (c) the long-term pension under regulation F5,

shall be calculated in accordance with paragraph (2).

(2) Where paragraph (1) applies the references in regulations F3(2), F4(2) and F5(2) to the retirement pension are to be construed as references to the part of the pension which is attributable to the period of membership in contracted-out employment after 5th April 1978 in the case of a man and 5th April 1988 in the case of a woman.

Widowers: requirement for post 31st March 1972 membership and consequent adjustments to “retirement pension”

F7.—(1) For the purpose of determining entitlement to a widower’s pension under regulations F3(1), F4(1) and F5(1), in those regulations—

“retirement pension” means a retirement pension of which at least part is attributable to a period of membership after 31st March 1972;

“local government employment” means local government employment of which at least part was employment after that date; and

“preserved benefits” means preserved benefits of which at least part are attributable to a period of membership after that date.

(2) For the purposes of calculating a widower’s short-term pension under regulation F4(2) or long-term pension under regulation F2(2), F3(2) or F5(2), in those regulations “retirement pension” means a retirement pension calculated—

- (a) by reference to the length in years of the wife’s period of membership after that date, and

- (b) if the widower was his wife's husband at some time while she was in local government employment after 31st March 1972, by reference also to—
 - (i) the length in years of any period treated under paragraph (3) as a period of membership after 31st March 1972, and
 - (ii) the length in years of any period of which notice is given in accordance with paragraph 1(1) of Schedule F1.
 - (iii) the length in years of any period of membership in respect of which payment under regulation C14 has been or is treated as having been completed.
- (3) For the purposes of paragraph (2)(b)(i) the following periods are to be treated as periods of membership after 31st March 1972, namely—
 - (a) membership which the deceased became entitled to count after that date by virtue of regulation D7(2),
 - (b) membership which the deceased was entitled to count under regulation C9 or paragraph 5 of Schedule M2 (transitional provisions) or regulation D4, D5 or D9 of the 1992 regulations where the necessary payment was made or commenced after that date,
 - (c) membership which the deceased was entitled to count by virtue of a resolution passed under regulation B15 or regulation D7 of the 1992 regulations after that date, and
 - (d) membership which is treated as membership after that date by virtue of paragraph 7 of Schedule M2 (transitional provisions), or regulation D13(2) of the 1992 regulations.

Widowers: elections in respect of pre 1st April 1972 membership etc.

F8. Schedule F1 shall have effect for the purpose of making provision as to elections by women members affecting their widowers' pensions.

Adjustments to pensions of surviving spouses of certain re-employed pensioners

F9. The provisions of this Part have effect subject to Part IV of Schedule D5 (re-employed pensioners).