

SCHEDULE F1

Regulation F8

Elections as respects widowers' pensions etc.

1.—(1) A married woman who—

- (a) was a member on 27th July 1989 and has since that date continuously been a member, and
- (b) is entitled to count a period of membership before 1st April 1972,

may, subject to sub-paragraph (3), give notice in writing to the Committee of any additional period which she wishes to count for the purposes of calculating any widower's long-term pension payable in respect of her.

(2) For the purposes of sub-paragraph (1), the reference to a woman having continuously been a member includes a reference to a woman who, having ceased to be a member—

- (a) became or becomes a member again within one month of so ceasing, or
- (b) became or becomes a member again within one month of returning to work in accordance with Article 111 of the Employment Rights (Northern Ireland) Order 1996(1) (which confers the right to return to work following pregnancy or confinement).

(3) The additional period of which notice may be given by a woman under sub-paragraph (1) shall not exceed the length of her period of membership which is not, or is not treated for the purposes of regulation F7(3) as being, membership after 31st March 1972.

(4) Notice given under sub-paragraph (1) shall be irrevocable, but, subject to the provisions of this paragraph, notice may be given on more than one occasion.

Elections under regulation E12 of the 1992 regulations

2.—(1) Where any woman—

- (a) duly elected under regulation E12(1)(b) or (2)(b) of the 1992 regulations (election by wife of dependant and permanently incapacitated husband), or
- (b) was a person to whom regulation E12(1)(a) of those regulations (unmarried woman with potentially eligible child) applied immediately before she ceased to be a pensionable employee (within the meaning of those regulations),

then, subject to sub-paragraph (2), the provisions of Part D relating to the amount of the retirement pension and the retirement grant, Parts F and G and paragraph 3 of Schedule BI apply in relation to her as if she were a man, and where sub-paragraph (a) applies, as if the husband in relation to whom the election was made were a woman.

(2) Sub-paragraph (1) does not apply if—

- (a) the woman has given notice under paragraph 1(1) that she wishes to count any of her membership before 1st April 1972 for the purposes of calculating a widower's long-term pension, or
- (b) if she ceases to be married to the husband in respect of whom the election under regulation E12(1) or (2)(b) of the 1992 regulations was made.

3. Where a woman died before 6th April 1988, Part G only applies in respect of her if—

- (a) she was a person to whom regulation E12(1)(a) of the 1992 regulations (unmarried woman with potentially eligible child) applied, or
- (b) in respect of whom an election under regulation E12(1)(b) or (2)(b) of the 1992 regulations had effect immediately before her death.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
