
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 6

**Local Government Pension Scheme (Civil Partnership)
(Amendment) Regulations (Northern Ireland) 2006**

The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003

5.—(1) The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003⁽¹⁾ shall be amended in accordance with paragraphs (2) to (7).

(2) For the heading to Part VIII there shall be substituted—
“PART VIII

SURRENDERS AND AWARDS TO SURVIVING SPOUSES, CIVIL PARTNER AND CHILDREN”

(3) In regulation 19(4) after the word “spouse” there shall be inserted “, civil partner”.

(4) For regulation 20 (awards to surviving spouses) there shall be substituted—

“Awards to surviving spouses or civil partner

20.—(1) This regulation applies where, on the death of a person who has been awarded a credited period, there is a surviving spouse or civil partner—

- (a) who is entitled to receive a pension under regulations 42 to 45 (surviving spouses' or civil partner's pensions) of the Pension Regulations in respect of the deceased's terminated employment; or
- (b) who would be so entitled apart from—
 - (i) a relevant disqualification with respect to the deceased (and on the relevant assumptions); or
 - (ii) the transfer of benefits to another pension scheme.

(2) This regulation also applies where the deceased is survived by more than one spouse if both, or all, of them are, or but for the matters mentioned in paragraph (1)(b) would be, jointly entitled to receive such a pension as is mentioned in paragraph (1)(a); and in such a case references in the following paragraphs (in whatever terms) to an entitlement of the surviving spouse are references to the joint entitlement of the surviving spouses.

(3) Where this regulation applies, the surviving spouse or civil partner is entitled to receive—

- (a) surviving spouse's or civil partner's short-term compensation—
 - (i) for six months after the date of the death if the surviving spouse or civil partner cares for one or more eligible children of the deceased;
 - (ii) otherwise, for three months after that date; and

(b) after that period, surviving spouse's or civil partner's long-term compensation, but if the marriage or civil partnership took place after the termination date, the surviving spouse or civil partner is only entitled to receive compensation under this regulation if the surviving spouse or civil partner is (or would be apart from the matters mentioned in paragraph (1)(b)), entitled to a surviving spouse's pension under the Pension Regulations.

(4) Where there is joint entitlement under this regulation the employing authority may decide how it shall be apportioned.

(5) Subject to paragraphs (6), (7), (8) and (9), the surviving spouse or civil partner of an eligible person who ceased employment before 1st February 2003 is not entitled to any compensation under this regulation during any subsequent marriage, civil partnership or period of cohabitation outside marriage or civil partnership, and is entitled to long-term compensation from the end of such marriage, civil partnership or period only if the employing authority so decides.

(6) Where a widower and a widow marry each other or cohabit with each other outside marriage and both—

- (a) are entitled to short-term or long-term compensation under this regulation; and
- (b) are the surviving spouses or civil partner of eligible persons who ceased employment before 1st February 2003,

only such one of them as they may choose shall be so entitled; and the other shall cease to be so entitled until the end of the marriage or civil partnership or cohabitation.

(7) Where two surviving civil partners register a civil partnership or cohabit with each other outside civil partnership and both—

- (a) are entitled to short-term or long-term compensation under this regulation; and
- (b) are the surviving civil partners of eligible persons who ceased employment before 1st February 2003,

only such one of them as they may chose shall be so entitled; and the other shall cease to be so entitled until the end of the civil partnership or cohabitation.

(8) Where a surviving spouse and a surviving civil partner marry, register a civil partnership or cohabit with each other outside marriage or civil partnership and both—

- (a) are entitled to short-term or long-term compensation under this regulation; and
- (b) are the surviving spouse or civil partner of eligible persons who ceased employment before 1st February 2003,

only such one of them as they may choose shall be so entitled; and the other shall cease to be so entitled until the end of the marriage, civil partnership or cohabitation.

(9) The employing authority may determine by resolution in any case where the surviving spouse or civil partner had not, as at 1st February 2003, entered into a subsequent marriage, civil partnership or a period of cohabitation that paragraphs (5), (6), (7) and (8), as appropriate, shall not apply.”.

(5) For regulation 21 (amount of surviving spouse's short-term and long-term compensation) there shall be substituted—

“Amount of surviving spouse's or civil partner's short-term and long-term compensation

21.—(1) Surviving spouse's or civil partner's short-term compensation is payable at an annual rate equal to that at which annual compensation would have been payable to the deceased immediately before his death in accordance with these Regulations, ignoring—

- (a) any adjustment in accordance with regulation 13 or 14; or
 - (b) where the adjustment is under regulation 18 and is to take into account an entitlement to lump sum compensation, such an adjustment under that regulation.
- (2) Surviving spouse's or civil partner's long-term compensation is the relevant fraction of the annual compensation which would have been payable to the deceased immediately before his death in accordance with these Regulations ignoring any adjustment—
- (a) under regulation 12, 13, 14 or 19; and
 - (b) if at the time of his death the deceased was in a new employment in which he was not a Scheme member, under regulation 16.
- (3) Where at the time of his death the deceased was in a new employment in which he was a Scheme member, the employing authority must decide the extent to which any reduction made by it under regulation 18 to the annual compensation is to be taken into account.
- (4) The amount payable under regulation 20 for a period to a surviving spouse or civil partner who receives periodic payments is the amount which would have been paid to that surviving spouse or civil partner for that period, less the total of the periodic payments received for that period.”
- (6) In regulation 22(3) (short-term compensation for children) after the words “surviving spouse” there shall be inserted “or civil partner”.
- (7) In Schedule 1 (interpretation)—
- (a) in the definition of “periodic payment” in paragraph (a)—
 - (i) after the words “surviving spouse” there shall be inserted “, civil partner”;
 - (ii) after the word “spouse” there shall be inserted “, civil partner”;
 - (b) in the definition of “relevant fraction” in paragraph (b)—
 - (i) after the words “surviving spouse” in each place where it occurs there shall be inserted “or civil partner”;
 - (ii) after the words “surviving spouse's” there shall be inserted “or civil partner's”.