
STATUTORY INSTRUMENTS

1992 No. 172

**The Local Government Superannuation
(Amendment) Regulations 1992**

PART VIII

AMENDMENTS HAVING EFFECT AS FROM 28th FEBRUARY 1992

Annual rates of widow's and widower's short-term and long-term pensions

33. Regulation E6 of the principal Regulations⁽¹⁾ is amended—

(a) by substituting for paragraph (3)(a) the following:

“(a) “retirement pension”, for the purpose of calculating a widower's short-term or long-term pension, means a retirement pension calculated by reference to the length in years of the wife's period of reckonable service after 5th April 1988 and, 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 for the purposes of paragraph (4) as a period of reckonable service after 5th April 1988,
- (ii) the length in years of any additional period of which notice has been given in accordance with paragraph (7), and
- (iii) the length in years of any reckonable service in respect of which payment under regulation C8A has or is treated as having been completed;”;

(b) by inserting after paragraph (6) the following:

“(7) A married woman who—

- (a) is a pensionable employee, was a pensionable employee on 27th July 1989, and has since that date continuously been a pensionable employee, and
- (b) is entitled to reckon a period of reckonable service before 6th April 1988, may, subject to paragraph (9) and in accordance with paragraph (10), give notice in writing to the appropriate administering authority of any additional period which she wishes to reckon for the purposes of calculating a widower's long-term pension.

(8) For the purposes of paragraph (7), the reference to a woman having continuously been a pensionable employee includes a reference to a woman who, having ceased to be a pensionable employee—

- (a) became or becomes a pensionable employee again within one month of so ceasing, or
- (b) became or becomes a pensionable employee again within one month of returning to work in accordance with section 45(1) or (3) of the Employment Protection

⁽¹⁾ A new regulation E6 is substituted with effect from 6th April 1988 by regulation 3 above.

(Consolidation) Act 1978(2) (which confers the right to return to work following pregnancy or confinement).

(9) The additional period of which notice may be given by a woman under paragraph (7) shall not exceed the length of her reckonable service which is not, or is not treated for the purposes of paragraph (4) as being, reckonable service after 5th April 1988.

(10) Notice under paragraph (7) must be given not later than whichever is the latest of—

- (a) 12 months after 28th February 1992, or
- (b) if she marries or remarries after 28th February 1992, 12 months after the date of any such marriage, or
- (c) if her husband becomes permanently incapacitated by reason of

ill-health or infirmity of mind or body and wholly or mainly dependent on her, 12 months after a medical certificate to that effect is submitted to the appropriate administering authority.

(11) The appropriate administering authority may extend any of the time limits referred to in paragraph (10).

(12) Notice given under paragraph (7) shall be irrevocable, but subject to the provisions of this regulation notice may be given on more than one occasion.”.