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STATUTORY INSTRUMENTS

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**1995 No. 300**

**The National Health Service Pension Scheme Regulations 1995**

**PART G**

*Widows and widowers*

**Widow's pension**

**G1.**—(1) Subject to the following provisions of this regulation, if a male member dies in the circumstances described in any of regulations G2 to G6 and leaves a surviving widow, the widow shall be entitled to a pension as described in whichever of regulations G2 to G6 applies.

(2) Subject to paragraphs (3) to (5)—

- (a) no widow's pension shall be payable in respect of any period during which the widow and a man to whom she is not married are living together as husband and wife; and
- (b) the widow shall cease to be entitled to a widow's pension if she remarries.

(3) Nothing in paragraph (2) shall affect any entitlement to a widow's guaranteed minimum pension under the scheme.

(4) The Secretary of State may pay a pension to a widow who has remarried, or who is living together as husband and wife with a man to whom she is not married, if the Secretary of State is satisfied that the widow will otherwise suffer severe financial hardship.

(5) The Secretary of State may pay a pension to a widow who has remarried if the later marriage comes to an end and the Secretary of State is satisfied that the widow will otherwise suffer hardship.

(6) The amount of any pension payable under paragraph (4) or (5) may, at the Secretary of State's discretion, be equal to, or less than, the original widow's pension and the Secretary of State may (subject to any widow's guaranteed minimum pension) vary the amount, or stop paying the pension, at any time.

(7) If a dependent child is born after the member's death, any entitlement to a widow's pension under regulation G2 (member dies in pensionable employment) or G3 (member dies after pension becomes payable) will be recalculated as if the child had been born before the member died.