
STATUTORY INSTRUMENTS

1997 No. 1612

The Local Government Pension Scheme Regulations 1997

PART II

PRIMARY PROVISIONS

CHAPTER IV

BENEFITS

Surviving spouses' pensions

Reduction of some surviving spouses' pensions

42.—(1) Where a male pensioner member or deferred member marries and dies, the pension to which his widow is entitled under regulation 40 or 41 is calculated as if his retirement pension were only so much of his actual pension as is attributable to the period of his membership in contracted-out employment after 5th April 1978.

(2) Except in the case of a short term pension payable to the widower of an active member, the pension to which a widower is entitled under regulation 40 or 41 is calculated as if the member's retirement pension were only so much of her actual pension as is attributable to her membership after 5th April 1988.

(3) But relevant additional membership also counts as membership after that date.

(4) Relevant additional membership is membership—

- (a) forming the enhanced element of a member's total period of membership by virtue of a retirement to which regulation 28 applied after 5th April 1988,
- (b) added by virtue of a resolution under Chapter II of Part III or regulation 143 of these regulations or under the Transitional Regulations after that date,
- (c) counted by reason of a payment made under Chapter III of Part III or paragraph 7 of Schedule 4 after that date (or treated by the Transitional Regulations as so made),
- (d) treated as membership after that date by virtue of the Transitional Regulations, or
- (e) attributable to a transfer value accepted by the Scheme after that date.