

LGPS England & Wales - Scheme administrator guide

Calculating survivor benefits

This guide sets out ~~the LGPS Secretariat's~~ our understanding of the membership to be used in the calculation of survivor benefits in the LGPS ~~(excluding survivor benefits payable under the Discretionary Compensation Regulations)~~, once entitlement to that benefit ~~has been~~ established.

Benefits payable under the Discretionary Compensation Regulations are not covered in this guide.

Background

~~The provision of~~How survivor benefits are calculated in the LGPS has changed over the years, meaning that administrators ~~will~~ need to know which regulations the member left under ~~in order to~~ calculate any survivor benefits payable on the death of a member. In addition, where the member left active membership of the Scheme before 1 April 2014 and dies after 31 March 2014, the survivor benefits are payable under the relevant earlier Scheme regulations, as modified by the 2014 Transitional Regulations.

Sections 2 to 5 of this guide set out the survivor benefits payable under each set of regulations. Each section is colour coded for ease of use and covers survivor benefits payable to widows, widowers, civil partners, same sex spouses and children.

Each section is further divided into whether the member died before 1 April 2014 or after 31 March 2014 and in some cases after 9 January 2019.

The LGPS (Miscellaneous Amendment) Regulations 2018 [SI2018/1366] ~~aim to~~ address the [Walker v Innospec judgment](#) by providing that survivors of registered same sex civil partnerships and same sex marriages ~~be are~~ provided with benefits that replicate those ~~provided paid~~ to widows. Although, the regulations came into force on 10 January 2019 they backdate the changes to survivor benefits paid to same sex civil partners and same sex spouses to 5 December 2005 and 13 March 2014 respectively. This guide includes the changes. Further information ~~on these changes~~ is provided in [bulletin 180](#) and are ~~incorporated in this guide.~~

The Local Government Pension Scheme (Amendment) Regulations 2019 [SI 2019/1449] provide that survivors of opposite sex civil partnerships be provided with benefits that are equivalent to those paid to widows and widowers, depending on their sex. The regulations came into force on 31 December 2019. This guide includes the changes. Further information is provided in bulletin 191.

References to regulations

The regulatory reference for each survivor benefit payable is provided in the footnotes of this guide. The references use a shortened term for the relevant regulations e.g. for LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI2014/525] the term 'the 2014 Transitional Regulations' is used.

See [section 7](#) for the key to regulatory references.

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1. Which regulations apply?

Regulatory reference table		
Member left active membership	Member died	Survivor benefits calculated under *
Before 1 April 1998	01/04/1974 to 28/02/1986	1974 Regulations**
	01/03/1986 to 01/05/1995	1986 Regulations**
	02/05/1995 to 31/03/2014	1995 Regulations
	01/04/2014 onwards	1995 Regulations as modified by the 2014 Transitional Regulations
After 31 March 1998 and before 1 April 2008	01/04/1998 to 31/03/2014	1997 Regulations
	01/04/2014 onwards	1997 Regulations as modified by the 2014 Transitional Regulations
After 31 March 2008 and before 1 April 2014	01/04/2008 to 31/03/2014	2007 Benefit Regulations as modified by the 2008 Transitional Regulations
	01/04/2014 onwards	2007 Benefit Regulations as modified by the 2014 Transitional Regulations
After 31 March 2014	01/04/2014 onwards	LGPS Regulations 2013 as modified by the 2014 Transitional Regulations

* see [section 7](#) for the key to regulatory references

**not covered in this guide

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2. Survivor benefits payable under the 1995 and earlier schemes			
Relationship to deceased member	Member died before 01/04/2014	Member died 01/04/2014 to 09/01/2019	Member died after 09/01/2019
Widow¹ Pre-leaving opposite sex marriage	Total membership²		
Widow³ Post leaving opposite sex marriage where the widow was also married to the member at some point whilst he was an active member after 31 March 1972	Total membership²	Membership² after 5 April 1978 plus relevant additional membership (RAM) ⁴	Total membership²
Widow³ Post leaving opposite sex marriage	Contracted-out membership² after 5 April 1978	Membership² after 5 April 1978	

¹ Regulations F2, F3, F4 & F5 - 1995 Regulations (and regulation 17(4) - 2014 Transitional Regulations for deaths after 31/03/2014).

² Calculation of the long-term pension ignores any 1/240th increase (regulation D2(2)(i) - 1995 Regulations) to certain additional service awarded by the employing authority or purchased by the member.

³ Regulation F6 - 1995 Regulations but for deaths after 31/03/2014 and before 10/01/2019 as modified by regulations 17(4), 17(12) & 17(13) - 2014 Transitional Regulations; and for deaths after 09/01/2019 as modified by regulations 17(4), 17(12)(b) & 17(13)(c) – 2014 Transitional Regulations.

⁴ For deaths after 31/03/2014 and before 10/01/2019 regulation 17(13) - 2014 Transitional Regulations was interpreted to include RAM under regulation 42(4) - 1997 Regulations even though RAM did not apply to widows.

2. Survivor benefits payable under the 1995 and earlier schemes

Relationship to deceased member	Member died before 01/04/2014	Member died 01/04/2014 to 09/01/2019	Member died after 09/01/2019
<p>Widower⁵</p> <p>Pre-leaving opposite sex marriage</p>	<p>Membership⁶ after 5 April 1988</p> <p>plus any membership built up before 6 April 1988 for which the member paid contributions for that period to count towards a widower's long-term pension</p> <p>plus membership defined in regulation F8(3) of the 1995 Regulations</p>		
<p>Widower⁵</p> <p>Post leaving opposite sex marriage where the widower was also married to the member at some point whilst she was an active member after 31 March 1972</p>	<p>Membership⁶ after 5 April 1988</p> <p>plus membership built up before 6 April 1988 for which the member paid contributions for that period to count towards a widower's long-term pension</p> <p>plus membership defined in regulation F8(3) of the 1995 Regulations</p>	<p>Membership⁶ after 5 April 1988</p> <p>plus membership built up before 6 April 1988 for which the member paid contributions for that period to count towards a widower's long-term pension</p> <p>plus relevant additional membership (RAM)⁷</p>	<p>Membership⁶ after 5 April 1988</p> <p>plus membership built up before 6 April 1988 for which the member paid contributions for that period to count towards a widower's long-term pension</p> <p>plus membership defined in regulation F8(3) of the 1995 Regulations</p>
<p>Widower⁵</p> <p>Post leaving opposite sex marriage</p>	<p>Membership⁶ after 5 April 1988</p>		

⁵ Regulation F8 - 1995 Regulations, but for deaths after 31/03/2014 and before 10/01/2019 as modified by regulations 17(4), 17(10), 17(11) & 17(13) - 2014 Transitional Regulations, and for deaths after 09/01/2019 as F8 as modified by 17(4), 17(10), 17(11) & 17(13)(a) – 2014 Transitional Regulations.

⁶ Calculation of the long-term pension ignores any 1/240th increase (regulation D2(2)(i) - 1995 Regulations) to certain additional service awarded by the employing authority or purchased by the member.

⁷ For deaths after 31/03/2014 and before 10/01/2019 regulation 17(13) - 2014 Transitional Regulations was interpreted to include RAM under regulation 42(4) - 1997 Regulations even though RAM did not apply to a widower of a deceased member who left active membership of the Scheme before 1 April 1998.

2. Survivor benefits payable under the 1995 and earlier schemes

Relationship to deceased member	Member died before 01/04/2014	Member died 01/04/2014 to 09/01/2019	Member died after 09/01/2019
<p><u>Same sex survivor of a civil partnership</u></p> <ul style="list-style-type: none"> - Pre-leaving <u>same sex</u> civil partnership - Post leaving <u>same sex</u> civil partnership where the civil partner was also in a civil partnership with the member at some point after 31 March 1972 whilst the member was active 	Event not possible as <u>same sex</u> civil partnerships did not exist until 5 December 2005.		
<p><u>Same sex survivor of a civil partnership</u>⁸</p> <p>Post leaving <u>same sex</u> civil partnership</p>	<p><u>Membership</u>⁹ after 5 April 1978 plus membership defined in regulation <u>F8(3)</u> of the 1995 Regulations</p>		
<p><u>Female or male survivor of an opposite sex civil partnership</u></p> <ul style="list-style-type: none"> - Pre-leaving <u>opposite sex</u> civil partnership - Post leaving <u>opposite sex</u> civil partnership where the civil partner was also in a civil partnership with the member at some point after 31 March 1972 whilst the member was active 	<u>Event not possible as opposite sex civil partnerships did not exist until 2 December 2019.</u>		

⁸ Regulation 4A - 1997 Transitional Regulations as modified by regulations 17(9)(c) & (d), 17(12)(a) & 17(13)(a) – 2014 Transitional Regulations. Regulation 17(9)(d) refers to the inclusion of contracted-in membership in addition to contracted-out membership, this has been interpreted for ease as simply membership.

⁹ Calculation of the long-term pension ignores any 1/240th increase (regulation D2(2)(i) - 1995 Regulations) to certain additional service awarded by the employing authority or purchased by the member.

2. Survivor benefits payable under the 1995 and earlier schemes

Relationship to deceased member	Member died before 01/04/2014	Member died 01/04/2014 to 09/01/2019	Member died after 09/01/2019
<p><u>Female survivor of an opposite sex civil partnership¹⁰</u> <u>Post leaving opposite sex civil partnership</u></p>	<p><u>Event not possible as opposite sex civil partnerships did not exist until 2 December 2019</u></p>		<p><u>Member died after 30/12/2019</u> <u>Membership¹¹ after 5 April 1978</u></p>
<p><u>Male survivor of an opposite sex civil partnership¹²</u> <u>Post leaving opposite-sex civil partnership</u></p>	<p><u>Event not possible as opposite sex civil partnerships did not exist until 2 December 2019</u></p>		<p><u>Member died after 30/12/2019</u> <u>Membership¹¹ after 5 April 1988</u></p>
<p>Same sex spouse</p> <ul style="list-style-type: none"> - Pre-leaving same sex marriage - Post leaving same sex marriage where the spouse was also married to the member at some point after 31 March 1972 whilst the member was active 	<p>Event not possible as same sex marriages did not exist until 13 March 2014.</p>		
<p>Same sex spouse¹³ Post leaving same sex marriage</p>	<p><u>Membership¹¹ after 5 April 1978 plus membership defined in regulation F8(3) of the 1995 Regulations</u></p>		
<p>Eligible co-habiting partner All</p>	<p>Event not possible as survivor pensions for co-habiting partners did not exist until 1 April 2008, and only then for members with active membership on or after that date.</p>		

¹⁰ [Regulations 17\(9\)\(ca\) and 17\(12\)\(c\) – 2014 Transitional Regulations.](#)

¹¹ Calculation of the long-term pension ignores any 1/240th increase (regulation D2(2)(i) - 1995 Regulations) to certain additional service awarded by the employing authority or purchased by the member.

¹² [Regulations 17\(9\)\(ca\) and 17\(11\)\(e\) – 2014 Transitional Regulations.](#)

¹³ Regulation 4A - 1997 Transitional Regulations as modified by regulations 17(9)(c) & (d), 17(12)(a) & 17(13)(a) – 2014 Transitional Regulations. Regulation 17(9)(d) refers to the inclusion of contracted-in membership in addition to contracted-out membership, this has been interpreted for ease as simply membership.

2. Survivor benefits payable under the 1995 and earlier schemes			
Relationship to deceased member	Member died before 01/04/2014	Member died 01/04/2014 to 09/01/2019	Member died after 09/01/2019
Eligible child ¹⁴ All	<p>Short-term pension Total membership</p> <p>Long-term pension Total membership¹⁵ or if total membership is less than either: a) 10 years, or b) the membership the deceased member would have been able to count had they continued to be a member until their 65th birthday then the lesser of (a) or (b) is used to calculate the long-term pension.</p>		

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¹⁴ Regulations G3 to G9 - 1995 Regulations (and regulation 17(4) of the 2014 Transitional Regulations for deaths after 31/03/2014).

¹⁵ Calculation of the long-term pension ignores any 1/240th increase (regulation D2(2)(i) - 1995 Regulations) to certain additional service awarded by the employing authority or purchased by the member.

3. Survivor benefits payable under the 1998 Scheme

(including survivors of councillor members - membership will only include basic membership plus ill health enhancement (if applicable) because schedule 8 1997 Regulations omitted all other forms of additional membership)

Relationship to deceased member	Member died before 01/04/2014	Member died after 31/03/2014
Widow¹⁶ Pre-leaving opposite sex marriage	Total membership	
Widow¹⁷ Post leaving opposite sex marriage where the widower was also married to the member at some point whilst she was an active member after 31 March 1972	Contracted-out membership after 5 April 1978	Membership after 5 April 1978 plus relevant additional membership (RAM) ¹⁸
Widow¹⁹ Post leaving opposite sex marriage	Contracted-out membership after 5 April 1978	Membership after 5 April 1978
Widower²⁰ Pre-leaving opposite sex marriage	Membership after 5 April 1988 plus relevant additional membership (RAM)	
Widower²¹ Post leaving opposite sex marriage where the widower was also married to the member at some point whilst she was an active member after 31 March 1972	Membership after 5 April 1988 plus relevant additional membership (RAM)	
Widower²² Post leaving opposite sex marriage	Membership after 5 April 1988	

¹⁶ Regulation 41 - 1997 Regulations (and regulation 17(4) of the 2014 Transitional Regulations for deaths after 31/03/2014).

¹⁷ Regulations 41 & 42 - 1997 Regulations but for deaths after 31/03/2014 as modified by regulations 17(4), 17(12)(b) & 17(13)(b) - 2014 Transitional Regulations.

¹⁸ For deaths before 01/04/2014 RAM did not apply to widows benefits under the 1997 Regulations; however, it is understood that the policy intention of regulation 17(13) - 2014 Transitional Regulations is that RAM should apply to this group of widows for deaths after 31/03/2014.

¹⁹ Regulations 41 & 42 - 1997 Regulations but for deaths after 31/03/2014 as modified by regulations 17(4) & 17(12)(b) - 2014 Transitional Regulations.

²⁰ Regulations 41 & 42 - 1997 Regulations but for deaths after 31/03/2014 as modified by regulations 17(4), 17(10) & 17(13)(b) - 2014 Transitional Regulations.

²¹ Regulations 41 & 42 - 1997 Regulations but for deaths after 31/03/2014 as modified by regulations 17(4), 17(10), 17(11) & 17(13)(b) - 2014 Transitional Regulations.

²² Regulations 41 & 42 - 1997 Regulations but for deaths after 31/03/2014 as modified by regulations 17(4), 17(10) & 17(11) - 2014 Transitional Regulations.

3. Survivor benefits payable under the 1998 Scheme

(including survivors of councillor members - membership will only include basic membership plus ill health enhancement (if applicable) because schedule 8 1997 Regulations omitted all other forms of additional membership)

Relationship to deceased member	Member died before 01/04/2014	Member died after 31/03/2014
<u>Same sex survivor of a cCivil partnership</u> ²³ Pre-leaving <u>same sex</u> civil partnership	<u>Total membership</u>	
<u>Same sex survivor of a cCivil partnership</u> ²⁴ – Post leaving <u>same sex</u> civil partnership where the civil partner was also in a civil partnership with the member at some point after 31 March 1972 whilst the member was active – Post leaving <u>same sex</u> civil partnership	<u>Membership</u> after 5 April 1978 plus relevant additional membership (<u>RAM</u>)	
<u>Female and male survivor of an opposite sex civil partnership</u> – Pre-leaving <u>opposite sex</u> civil partnership – Post leaving <u>opposite sex</u> civil partnership where the civil partner was also in a civil partnership with the member at some point after 31 March 1972 whilst the member was <u>active</u>	<u>Event not possible as opposite sex civil partnerships did not exist until 2 December 2019</u>	
<u>Female survivor of an opposite sex civil partnership</u> ²⁵ <u>Post leaving opposite sex</u> civil partnership	<u>Event not possible as opposite sex civil partnerships did not exist until 2 December 2019</u>	<u>Member died after 30/12/2019</u> <u>Membership after 5 April 1978</u>

²³ Regulation 17(9)(c) – 2014 Transitional Regulations

²⁴ Regulations 17(9)(c) & (d), 17(12)(a) & 17(13)(b) - 2014 Transitional Regulations. Regulation 17(9)(d) makes reference to the inclusion of contracted-in membership in addition to contracted-out membership, this has been interpreted for ease as simply membership.

²⁵ Regulations 17(9)(ca) and 17(12)(c) – 2014 Transitional Regulations

3. Survivor benefits payable under the 1998 Scheme

(including survivors of councillor members - membership will only include basic membership plus ill health enhancement (if applicable) because schedule 8 1997 Regulations omitted all other forms of additional membership)

Relationship to deceased member	Member died before 01/04/2014	Member died after 31/03/2014
<p><u>Male survivor of an opposite sex civil partnership</u>²⁶</p> <p><u>Post leaving opposite sex civil partnership</u></p>	<p><u>Event not possible as opposite sex civil partnerships did not exist until 2 December 2019</u></p>	<p><u>Member died after 30/12/2019</u></p> <p><u>Membership after 5 April 1988</u></p>
<p>Same sex spouse²⁷</p> <ul style="list-style-type: none"> - Pre-leaving same sex marriage - Post leaving same sex marriage where the spouse was also married to the member at some point after 31 March 1972 whilst the member was active 	<p><u>Total membership</u>Event not possible as same sex marriages did not exist until 13 March 2014.</p>	
<p>Surviving <u>Same sex spouse</u>²⁸</p> <p>Post leaving same sex marriage</p>	<p><u>Membership</u> after 5 April 1978 plus relevant additional membership (<u>RAM</u>)</p>	
<p>Surviving <u>Eligible co-habiting partner</u></p> <p>All</p>	<p>Event not possible as survivor pensions for co-habiting partners did not exist until 1 April 2008, and only then for members with active membership on or after that date</p>	

²⁶ Regulations 17(9)(ca) and 17(11)(e) – 2014 Transitional Regulations

²⁷ Regulation 42B – 1997 Regulations as modified by 17(9)(c) & (d) – 2014 Transitional Regulations. Regulation 17(9)(d) refers to the inclusion of contracted-in membership in addition to contracted-out membership, this has been interpreted for ease as simply membership. Section 9(6) of the Marriage (Same Sex Couples) Act 2013 provides that where a civil partnership is converted into a same sex marriage, the marriage is to be treated as having subsisted since the date the civil partnership was formed

²⁸ Regulation 4A - 1997 Transitional Regulations as modified by regulations 17(9)(c) & (d), 17(12)(a) & 17(13)(a) – 2014 Transitional Regulations. Regulation 17(9)(d) refers to the inclusion of contracted-in membership in addition to contracted-out membership, this has been interpreted for ease as simply membership.

3. Survivor benefits payable under the 1998 Scheme

(including survivors of councillor members - membership will only include basic membership plus ill health enhancement (if applicable) because schedule 8 1997 Regulations omitted all other forms of additional membership)

Relationship to deceased member	Member died before 01/04/2014	Member died after 31/03/2014
<p>Eligible child²⁹</p> <p>All</p>	<p>Short-term pension Total membership</p> <p>Long-term pension Total membership or if total membership is less than either: a) 10 years, or b) the membership the deceased member would have been able to count had they continued to be a member until their 65th birthday then the lesser of (a) or (b) is used to calculate the long-term pension</p>	

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²⁹ Regulations 45 & 46 - 1997 Regulations (and regulation 17(4) - 2014 Transitional Regulations for deaths after 31/03/2014)

4. Survivor benefits payable under the 2008 Scheme

Relationship to deceased member	Member died before 01/04/2014	Member died after 31/03/2014
Widow³⁰ Pre-leaving opposite sex marriage	Total membership	
Widow³¹ Post leaving opposite sex marriage where the widow was also married to the member at some point whilst he was an active member after 31 March 1972	Contracted-out membership after 5 April 1978	Membership after 5 April 1978 plus relevant additional membership (RAM) ³²
Widow³¹ Post leaving opposite sex marriage	Contracted-out membership after 5 April 1978	Membership after 5 April 1978
Widower³⁰ Pre-leaving opposite sex marriage	Total membership	

³⁰ Regulations 24, 33 & 36 - 2007 Benefit Regulations (and regulation 17(4) - 2014 Transitional Regulations for deaths after 31/03/2014).

³¹ Regulation 6 - 2008 Transitional Regulations and regulation 42 - 1997 Regulations (based on an interpretation taken in 2008 that for deaths before 1 April 2014 regulation 42(1) - 1997 Regulations applied to the widows of male members who joined the scheme after 31 March 2008 (and who built up 2008 membership only) by virtue of regulation 6(3) and schedule 1 - 2008 Transitional Regulations), but for deaths after 31/03/2014 as modified by regulations 17(4), 17(12)(b) & (13)(b) - 2014 Transitional Regulations.

³² For deaths before 01/04/2014 RAM did not apply to widows' benefits under the 2007 Benefit Regulations; however, it is understood that the policy intention of regulation 17(13) - 2014 Transitional Regulations is that RAM should apply to this group of widows for deaths after 31/03/2014.

4. Survivor benefits payable under the 2008 Scheme

Relationship to deceased member	Member died before 01/04/2014	Member died after 31/03/2014
<p>Widower³³</p> <p>Post leaving opposite sex marriage where the widower was also married to the member at some point whilst she was an active member after 31 March 1972</p>	<p>Membership after 5 April 1988 plus relevant additional membership (RAM).</p>	
<p>Widower³⁴</p> <p>Post leaving opposite sex marriage</p>	<p>Membership after 5 April 1988</p>	
<p><u>Same sex survivor of a cCivil partnership³⁵</u></p> <p>Pre-leaving <u>same sex</u> civil partnership</p>	<p>Total membership</p>	

³³ Regulation 6 - 2008 Transitional Regulations 2008 and regulation 42 - 1997 Regulations, but for deaths after 31/03/2014 as modified by regulations 17(4), 17(10), 17(11) & 17(13)(b) - 2014 Transitional Regulations.

³⁴ Regulation 6 - 2008 Transitional Regulations and regulation 42 - 1997 Regulations (based on an interpretation taken in 2008 that for deaths before 1 April 2014 regulation 42(2) - 1997 Regulations applied to the widowers of female members who joined the scheme after 31 March 2008 (and who built up 2008 membership only) by virtue of regulation 6(3) and schedule 1 - 2008 Transitional Regulations), but for deaths after 31/03/2014 as modified by regulations 17(4), 17(10) & 17(11) – 2014 Transitional Regulations.

³⁵ Regulations 24, 33 & 36 - 2007 Benefit Regulations for all plus, regulation 17(9)(e) – 2014 Transitional Regulations for deaths before 01/04/2014, and regulation 17(9)(c) – 2014 Transitional Regulations for deaths after 31/03/2014.

4. Survivor benefits payable under the 2008 Scheme

Relationship to deceased member	Member died before 01/04/2014	Member died after 31/03/2014
<p><u>Same sex survivor of a civil partnership</u>³⁶</p> <ul style="list-style-type: none"> - Post leaving <u>same sex</u> civil partnership where the civil partner was also in a civil partnership with the member at some point after 31 March 1972 whilst the member was active - Post leaving <u>same sex</u> civil partnership 	<p><u>Total membership</u></p>	<p><u>Membership</u> after 5 April 1978 plus relevant additional membership (<u>RAM</u>) (unless the member or their civil partner elected for the survivor pension to be based on total membership)³⁷</p>
<p><u>Female and male survivor of an opposite sex civil partnership</u></p> <ul style="list-style-type: none"> - <u>Pre-leaving opposite sex civil partnership</u> - <u>Post leaving opposite sex civil partnership where the civil partner was also in a civil partnership with the member at some point after 31 March 1972 whilst the member was active</u> 	<p><u>Event not possible as opposite sex civil partnerships did not exist until 2 December 2019.</u></p>	
<p><u>Female survivor of an opposite sex civil partnership</u>³⁸</p> <p><u>Post leaving opposite sex civil partnership</u></p>	<p><u>Event not possible as opposite sex civil partnerships did not exist until 2 December 2019.</u></p>	<p><u>Member died after 30/12/2019</u></p> <p><u>Membership after 5 April 1978</u></p>

³⁶ Regulations 24, 33 & 36 - 2007 Benefit Regulations for all plus, regulation 17(9)(e) – 2014 Transitional Regulations for deaths before 01/04/2014, and for deaths after 31/03/2014 as modified by regulations 17(9)(c), 17(12)(a) & 17(13)(b) - 2014 Transitional Regulations.

³⁷ Regulations 17(14), 17(15) & 17(16) - 2014 Transitional Regulations 2014 provided that a leaver under the 2008 Scheme, or their civil partner, could elect before 01/04/2015 for the survivor pension to continue to be based on total membership.

³⁸ Regulations 17(9)(ca) and 17(12)(c) – 2014 Transitional Regulations.

4. Survivor benefits payable under the 2008 Scheme

Relationship to deceased member	Member died before 01/04/2014	Member died after 31/03/2014
<p><u>Male survivor of an opposite sex civil partnership</u>³⁹</p> <p><u>Post leaving opposite sex civil partnership</u></p>	<p><u>Event not possible as opposite sex civil partnerships did not exist until 2 December 2019.</u></p>	<p><u>Member died after 30/12/2019</u></p> <p><u>Membership after 5 April 1988</u></p>
<p>Same sex spouse⁴⁰</p> <p>Pre-leaving same sex marriage</p>	<p><u>Total membership</u></p>	
<p>Same sex spouse⁴¹</p> <ul style="list-style-type: none"> - Post leaving same sex marriage where the spouse was also married to the member at some point after 31 March 1972 whilst the member was active - Post leaving same sex marriage 	<p><u>Total membership</u></p>	<p><u>Membership</u> after 5 April 1978 plus relevant additional membership (<u>RAM</u>)</p>

³⁹ Regulations 17(9)(ca) and 17(11)(e) – 2014 Transitional Regulations

⁴⁰ Regulations 24, 33 & 36 - 2007 Benefit Regulations for all plus, regulation 17(9)(e) – 2014 Transitional Regulations for deaths before 01/04/2014, and regulation 17(9)(c) – 2014 Transitional Regulations for deaths after 31/03/2014.

⁴¹ Regulations 24, 33 & 36 - 2007 Benefit Regulations for all plus, regulation 17(9)(e) – 2014 Transitional Regulations for deaths before 01/04/2014, and for deaths after 31/03/2014 as modified by regulations 17(9)(c), 17(12)(a) & 17(13)(b) - 2014 Transitional Regulations

4. Survivor benefits payable under the 2008 Scheme		
Relationship to deceased member	Member died before 01/04/2014	Member died after 31/03/2014
Eligible co-habiting partner⁴² <ul style="list-style-type: none"> - Pre leaving eligible co-habitation - Post leaving eligible cohabitation where the cohabitee was also the cohabiting partner of the member at some point after 31 March 1972 whilst the member was active - 	Membership⁴³ after 5 April 1988 plus any pre 6 April 1988 membership purchased to count towards a surviving cohabiting partner's pension	Membership after 5 April 1988 plus any pre 6 April 1988 membership purchased to count towards a surviving cohabiting partner's pension plus relevant additional membership ⁴⁴ (RAM)
Eligible co-habiting partner⁴² Post leaving eligible cohabitation	Membership⁴³ after 5 April 1988 plus any pre 6 April 1988 membership purchased to count towards a surviving cohabiting partner's pension.	
Eligible child⁴⁵ All	Total membership.	

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⁴² Regulations 3(4) – 2008 Transitional Regulations and regulation 14A(5) – 2007 Benefit Regulations but for deaths after 31/03/2014 as modified by regulations 17(4), 17(10), 17(11), 17(13)(b) &(d) – 2014 Transitional Regulation

⁴³ It could be argued that for this group of members ill health enhancement and additional membership awarded by the employing authority under the 2007 Benefit Regulations should be included within the definition of membership by virtue of regulation 6(3) of the 2007 Benefit Regulations. However, this approach would be inconsistent with the interpretation taken in 2008.

⁴⁴ RAM has been included for co-habiting partners based on an interpretation taken in 2014 that the policy intent of regulation 17(13) of the 2014 Transitional Regulations is that RAM should apply to this group of cohabiting partners

⁴⁵ Regulation 28,34 &37 of the 2007 Benefit Regulations, as modified by 17(4) of the 2014 Transitional Regulations for deaths after 31/3/2014.

5. Survivor benefits payable under the 2014 Scheme

(Where a member has final salary benefits aggregated with CARE benefits, the survivor benefits are the aggregate of the final salary benefits under the 2008 Scheme plus the CARE benefits under the 2014 Scheme)

Relationship to deceased member	Member died after 31/03/2014
Widow⁴⁶ Pre-leaving opposite sex marriage	CARE benefits plus total membership before 1 April 2014 (or treated as such)
Widow⁴⁶ Post leaving opposite sex marriage where the widow was also married to the member at some point whilst he was an active member after 31 March 1972	CARE benefits plus membership after 5 April 1978 and before 1 April 2014 (or treated as such) plus relevant additional membership (RAM) ⁴⁷
Widow⁴⁶ Post leaving opposite sex marriage	CARE benefits plus membership after 5 April 1978 and before 1 April 2014 (or treated as such)
Widower⁴⁸ Pre-leaving opposite sex marriage	CARE benefits plus total membership before 1 April 2014 (or treated as such)
Widower⁴⁸ Post leaving opposite sex marriage where the widower was also married to the member at some point whilst she was an active member after 31 March 1972	CARE benefits plus membership after 5 April 1988 and before 1 April 2014 (or treated as such) plus relevant additional membership (RAM)
Widower⁴⁸ Post leaving opposite sex marriage	CARE benefits plus membership after 5 April 1988 and before 1 April 2014 (or treated as such)

⁴⁶ Regulations 41, 44 & 47 - 2013 Regulations in respect of CARE benefits plus where pre 2014 benefits are aggregated and the membership still has a final salary link regulation 17(4) & 17(12)(b) - 2014 Transitional Regulations

⁴⁷ For deaths before 01/04/2014 RAM did not apply to widows benefits; however, it is understood that the policy intention of regulation 17(13)(b) of the 2014 Transitional Regulations is that RAM should apply to this group of widows for deaths after 31/03/2014.

⁴⁸ Regulations 41, 44 & 47 of the 2013 Regulations plus where pre 2014 benefits are aggregated and the membership still has a final salary link regulations 17(4), 17 (10), 17(11) & where applicable 17(13)(b) - 2014 Transitional Regulations

5. Survivor benefits payable under the 2014 Scheme

(Where a member has final salary benefits aggregated with CARE benefits, the survivor benefits are the aggregate of the final salary benefits under the 2008 Scheme plus the CARE benefits under the 2014 Scheme)

Relationship to deceased member	Member died after 31/03/2014
<p><u>Same sex survivor of a civil partnership</u>⁴⁹</p> <p>Pre-leaving <u>same sex</u> civil partnership</p>	CARE benefits plus <u>total membership</u> before 1 April 2014 (or treated as such)
<p><u>Same sex survivor of a civil partnership</u>⁴⁹</p> <ul style="list-style-type: none"> - Post leaving <u>same sex</u> civil partnership where the civil partner was also in a civil partnership with the member at some point after 31 March 1972 whilst the member was active - Post leaving <u>same sex</u> civil partnership 	CARE benefits plus <u>membership</u> after 5 April 1978 and before 1 April 2014 (or treated as such) plus relevant additional membership (<u>RAM</u>) unless the member or -their civil partner elected for the survivor pension to be based on total membership in which case the survivor benefit payable is the same as a pre leaving civil partnership benefit ⁵⁰
<p><u>Female survivor of an opposite sex civil partnership</u>⁵¹</p> <p><u>Pre-leaving opposite sex civil partnership</u></p>	<u>CARE benefits plus total membership before 1 April 2014 (or treated as such)</u>

⁴⁹ Regulations 41, 44 & 47 - 2013 Regulations plus where pre 2014 benefits are aggregated and the membership still has a final salary link regulation 17(9)(c), 17(12)(a) & where applicable 17(13)(b) - 2014 Transitional Regulations

⁵⁰ Regulations 17(14), 17(15) & 17(16) - 2014 Transitional Regulations provided that a leaver under the 2008 Scheme, or their civil partner, could elect before 01/04/2015 for the survivor pension to continue to be based on all membership

⁵¹ Regulations 41, 44 & 47 of the 2013 Regulations plus where pre 2014 benefits are aggregated and the membership still has a final salary link regulation 17(9)(ca) – 2014 Transitional Regulations

5. Survivor benefits payable under the 2014 Scheme

(Where a member has final salary benefits aggregated with CARE benefits, the survivor benefits are the aggregate of the final salary benefits under the 2008 Scheme plus the CARE benefits under the 2014 Scheme)

Relationship to deceased member	Member died after 31/03/2014
<p><u>Female survivor of an opposite sex civil partnership⁵²</u></p> <p><u>Post leaving opposite sex civil partnership where the civil partner was also in a civil partnership to the member at some point whilst he was an active member after 31 March 1972</u></p>	<p><u>CARE benefits plus membership after 5 April 1978 and before 1 April 2014 (or treated as such) plus relevant additional membership (RAM)</u></p>
<p><u>Female survivor of an opposite sex civil partnership⁵²</u></p> <p><u>Post leaving opposite sex civil partnership</u></p>	<p><u>CARE benefits plus membership after 5 April 1978 and before 1 April 2014 (or treated as such)</u></p>
<p><u>Male survivor of an opposite sex civil partnership⁵³</u></p> <p><u>Pre-leaving opposite sex civil partnership</u></p>	<p><u>CARE benefits plus total membership before 1 April 2014 (or treated as such)</u></p>

⁵² Regulations 41, 44 & 47 of the 2013 Regulations plus where pre 2014 benefits are aggregated and the membership still has a final salary link regulations 17(9)(ca), 17(12)(c) & 17(13) – 2014 Transitional Regulations

⁵³ Regulations 41, 44 & 47 of the 2013 Regulations plus where pre 2014 benefits are aggregated and the membership still has a final salary link regulations 17(9)(ca) – 2014 Transitional Regulations

5. Survivor benefits payable under the 2014 Scheme

(Where a member has final salary benefits aggregated with CARE benefits, the survivor benefits are the aggregate of the final salary benefits under the 2008 Scheme plus the CARE benefits under the 2014 Scheme)

Relationship to deceased member	Member died after 31/03/2014
<p><u>Male survivor of an opposite sex civil partnership</u>⁵⁴</p> <p><u>Post leaving opposite sex civil partnership where the civil partner was also in a civil partnership to the member at some point whilst she was an active member after 31 March 1972</u></p>	<p><u>CARE benefits plus membership after 5 April 1988 and before 1 April 2014 (or treated as such) plus relevant additional membership (RAM)</u></p>
<p><u>Male survivor of an opposite sex civil partnership</u>⁵⁴</p> <p><u>Post leaving opposite sex civil partnership</u></p>	<p><u>CARE benefits plus membership after 5 April 1988 and before 1 April 2014 (or treated as such)</u></p>
<p>Same sex spouse⁵⁵</p> <p>Pre-leaving same sex marriage</p>	<p>CARE benefits plus <u>total membership</u> before 1 April 2014 (or treated as such)</p>
<p>Same sex spouse⁵⁵</p> <ul style="list-style-type: none"> - Post leaving same sex marriage where the spouse was also married to the member at some point after 31 March 1972 whilst the member was active, and - Post leaving same sex marriage 	<p>CARE benefits plus <u>membership</u> after 5 April 1978 and before 1 April 2014 (or treated as such) plus relevant additional membership (<u>RAM</u>)</p>

⁵⁴ Regulations 41, 44 & 47 of the 2013 Regulations plus where pre 2014 benefits are aggregated and the membership still has a final salary link regulations 17(9)(ca), 17(11)(e) & 17(13) – 2014 Transitional Regulations – 2014 Transitional Regulations

⁵⁵ Regulations 41, 44 & 47 - 2013 Regulations plus where pre 2014 benefits are aggregated and the membership still has a final salary link regulation 17(9)(c), 17(12)(a) & where applicable 17(13)(b) - 2014 Transitional Regulations

5. Survivor benefits payable under the 2014 Scheme

(Where a member has final salary benefits aggregated with CARE benefits, the survivor benefits are the aggregate of the final salary benefits under the 2008 Scheme plus the CARE benefits under the 2014 Scheme)

Relationship to deceased member	Member died after 31/03/2014
Eligible co-habiting partner⁵⁶ - Pre-leaving eligible co-habitation, and - Post leaving eligible cohabitation where the cohabitee was also the cohabiting partner of the member at some point after 31 March 1972 whilst the member was active	CARE benefits plus membership after 5 April 1988 and before 1 April 2014 (or treated as such) plus any pre 6 April 1988 membership purchased to count towards a surviving cohabiting partner's pension plus relevant additional membership (RAM) ⁵⁷
Eligible co-habiting partner⁵⁶ Post leaving eligible cohabitation	CARE benefits plus membership after 5 April 1988 and before 1 April 2014 (or treated as such) plus any pre 6 April 1988 membership purchased to count towards a surviving cohabiting partner's pension
Eligible child⁵⁸ All	CARE benefits plus total membership before 1 April 2014 (or treated as such)

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⁵⁶ Regulations 41,44 & 47 of the 2013 Regulations plus where pre 2014 are aggregated and the membership still has a final salary link regulations 17(4), 17(10) and where applicable 17(13)(b) & 17(13)(d) of the Transitional Regulations 2014

⁵⁷ RAM has been included for co-habiting partners based on an interpretation taken in 2014 that the policy intent of regulation 17(13) of the 2014 Transitional Regulations is that RAM should apply to this group of cohabiting partners.

⁵⁸ Regulations 42, 45 & 48 - 2013 Regulations and where pre 2014 benefits are aggregated and the membership still has a final salary link regulation 17(4) - 2014 Transitional Regulations

6. Definition of terms

Total membership⁵⁹ (other than short term death in service)

As a general rule, **total membership** is the membership that has been used to calculate the deceased member's benefits (or for death in service would have been used to calculate benefits assuming the deceased had taken payment of their benefits on health grounds on the date of death). It includes, though is not limited to:

- all membership for which the member has paid / treated as having paid / deemed by the employer to have been paid, contributions
- membership credited as a result of a transfer into the Scheme (contracted-in or out)
- membership (added years) purchased by the member
- membership credited by way of a transfer into the Scheme from an IHAVC
- membership awarded by the employer
- any ill health enhancement
- membership purchased by way of part time buy back
- as a general rule of thumb if not mentioned above, though not as a duplication, membership noted in [F8\(3\)](#) or [RAM](#) as appropriate

Membership after XX/XX/XXXX

Membership after a given date is generally, any period of membership for which the member has paid / treated as having paid / deemed by the employer to have been paid, contributions. It:

- includes any membership credited as a result of a transfer into the scheme after 'the relevant date'. Where the member is a:
 - man the membership credited (including membership credited by way of a transfer into the Scheme from an IHAVC) is treated as a period of membership after 5 April 1978 (excluding where the transfer was accepted before 6 April 1978 – 'the relevant date'), and
 - woman the membership credited (including membership credited by way of a transfer into the Scheme from an IHAVC) is treated as a period of membership after 5 April 1988 (excluding where the transfer was accepted before 6 April 1988 – 'the relevant date')
- excludes any membership noted in [F8\(3\)](#) or [RAM](#) as appropriate

Contracted-out membership

Contracted-out membership is any period of membership for which the member has paid / treated as having paid / deemed to have paid by the employer contributions in relation to the Scheme. It excludes any membership :

⁵⁹ For deaths after 31 March 2014 regulation 3 - 2014 Transitional Regulations, and for deaths after 31 March 2008 and before 1 April 2014 - Schedule 1 - 2008 Administration Regulations, regulation 6 - 2007 Benefit Regulations and regulation 3 - 2008 Transitional Regulations. For deaths after 31 March 1998 and before 1 April 2008 regulation 9 -1997 Regulations and regulation 6 - 1997 Transitional Regulations. For deaths before 1 April 1998 regulation B14 - 1995 Regulations.

- credited as a result of a transfer into the scheme from another registered pension scheme, and
- noted in [F8\(3\)](#) or [RAM](#) as appropriate

Regulation F8(3) -1995 Regulations

Ill health enhancement paid under either the 1986⁶⁰ or 1995⁶¹ Schemes.

Added years purchased by the member under the:

- 1995 Scheme⁶² and
- 1986 Scheme either by a lump sum payment or by regular contributions, but only where the lump sum payment was made or contributions commenced after 5 April 1988⁶³.

Membership purchased by certain members under the 1986 Scheme (e.g. manual workers who had a 12-month waiting period) in respect of periods where there were in employment but not eligible to be a pensionable employee, but only where payment commenced after 5 April 1988⁶⁴.

Membership awarded by an employing authority under the:

- 1995 Scheme 'special powers' or 'redundancy/efficiency'⁶⁵ and
- 1986 Scheme, but only where the resolution to make the award was after 5 April 1988⁶⁶.

Membership where an employing authority passed a resolution to convert added years awarded under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (and predecessor regulations) into membership under the 1995 Scheme⁶⁷.

Membership that, on 1 May 1995, would have counted as post 5 April 1988 reckonable membership under earlier regulations⁶¹, including (but not limited to):

- any increase of reckonable service under the 1986 Scheme (part-time buy back) where the person already had membership after 5 April 1988 which counted as reckonable membership⁶⁸.

Any period of membership in respect of a transfer in which counts as reckonable service, where the transfer value:

- was accepted after 5 April 1988, and
- was not a transfer value to which, by virtue of regulation 25(1)(b) of the Local Government Superannuation (Interchange) Regulations 1991, regulations 10 to 15 and 19 and 20 of those Regulations applied.

⁶⁰ Paragraph 7 of Schedule M4 - 1995 Regulations

⁶¹ Regulation D7(2) - 1995 Regulations

⁶² Regulation C9 or paragraph 5 of Schedule M4 - 1995 Regulations

⁶³ Regulations D4 & D5 - 1986 Regulations

⁶⁴ Regulation D9 – 1986 Regulations

⁶⁵ Regulations B16, B17 or B18 - 1995 Regulations

⁶⁶ Regulation D7 - 1986 Regulations

⁶⁷ Regulation B19 – 1995 Regulations

⁶⁸ Regulation D13 – 1986 Regulations

**Relevant additional membership (RAM)
regulation 42(4) - 1997 Regulations**

Ill health enhancement paid under the 1998⁶⁹ or 2008⁷⁰ Schemes.

Added years purchased by the member under the:

- 1998 Scheme⁷¹ and
- earlier Schemes, but only where the lump sum payment was made or contributions commenced, after 5 April 1988⁷².

Membership purchased by the member by way of a lump sum permitted by the Retirement Benefits Schemes (Continuation of Rights of Members of Approved Schemes) Regulations 1990 - i.e. if additional payments made by a Class B or C member under an agreement started before 1 April 1998 (other than AVCs), when added to the member's basic pension contributions, obligatory and optional contributions during an absence and contributions to a FSAVC scheme, exceeded 15 percent of remuneration, the member was allowed to pay a lump sum representing the excess to the Scheme⁷³.

Membership awarded by an employing authority under the 1998 Scheme:

- 'Power of an employing authority to increase total membership'⁷⁴ and
- 'Duty of employing authority to increase total membership of members with membership before 1 April 1998'⁷⁵.

Membership where an employing authority passed a resolution to convert added years awarded under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (and predecessor regulations) into membership under the 1998 Scheme⁷⁶.

Membership treated as post 5 April 1988 membership by virtue of the Transitional 1997 Regulations, including (but not limited to):

- membership from 1 April 1972 to 5 April 1988 where a female member paid contributions (or contributions were deemed to be paid where the member was active on 31 March 1998) for that period to count towards a widower's long-term pension⁷⁷
- membership before 1 April 1972, where a female member paid contributions for that period to count towards a widower's long-term pension⁷⁸

Any period of membership in respect of a transfer in which counts as reckonable membership, but only where the transfer value was accepted after 5 April 1988⁷⁹.

⁶⁹ Regulation 28 - 1997 Regulation

⁷⁰ Included by virtue of the Interpretation Act 1978 [SI 1978/30]

⁷¹ Regulation 55 - 1997 Regulations

⁷² Regulation 11 – 1997 Transitional Regulations

⁷³ Paragraph 7 of Schedule 4 - 1997 Regulations

⁷⁴ Regulation 52 – 1997 Regulations

⁷⁵ Regulation 13 – 1997 Transitional Regulations

⁷⁶ Regulation 143 - 1997 Regulations

⁷⁷ Regulation 9 – 1997 Transitional Regulations

⁷⁸ Regulation 9 – 1997 Transitional Regulations

⁷⁹ Regulation 42(4)(e) – 1997 Regulations

7. Key to regulatory references

Title of regulation	SI no.	Shortened term
Local Government Pension Scheme Regulations 1974	1974/520	1974 Regulations
Local Government Pension Scheme Regulations 1986	1986/24	1986 Regulations
Local Government Pension Scheme Regulations 1995	1995/1019	1995 Regulations
Local Government Pension Scheme Regulations 1997	1997/1612	1997 Regulations
Local Government Pension Scheme (Transitional Provisions) Regulations 1997	1997/1613	1997 Transitional Regulations
Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007	2007/1166	2007 Benefit Regulations
Local Government Pension Scheme (Administration) Regulations 2008	2008/239	2008 Administration Regulations
Local Government Pension Scheme (Transitional Provisions) Regulations 2008	2008/238	2008 Transitional Regulations
Local Government Pension Scheme Regulations 2013	2013/2356	2013 Regulations
Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014	2014/525	2014 Transitional Regulations

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