

2019 No. 1449

PUBLIC SERVICE PENSIONS, ENGLAND AND WALES

**The Local Government Pension Scheme (Amendment)
Regulations 2019**

<i>Made</i> - - - -	<i>4th November 2019</i>
<i>Laid before Parliament</i>	<i>5th November 2019</i>
<i>Coming into force</i> - -	<i>31st December 2019</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1, 2(1) and 3 of, and paragraph 3(a) of Schedule 2 and paragraph 3 of Schedule 3 to, the Public Service Pensions Act 2013(a).

In accordance with section 21 of that Act, the Secretary of State has consulted such persons, and the representatives of such persons, as appeared to the Secretary of State to be likely to be affected by these Regulations.

In accordance with section 3(5) of that Act, these Regulations are made with the consent of the Treasury.

Citation and commencement

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Amendment) Regulations 2019.

(2) These Regulations come into force on 31st December 2019.

Amendment of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

2.—(1) Regulation 17 of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014(b) (survivor benefits) is amended in accordance with paragraphs (2) to (6).

(2) In paragraph (9)(c), for “surviving civil partner”, substitute “surviving same-sex civil partner”.

(3) After paragraph (9)(c), insert—

“(ca) any calculation of the survivor pension payable under the Earlier Regulations to a person who is the surviving opposite-sex civil partner of a member is to be on the basis that the survivor is a widow or widower, depending on their sex;”.

(a) 2013 c.25. See section 28 of the Act which provides for regulations made under section 7 of the Superannuation Act 1972 (c. 11) to have effect as scheme regulations under section 3 of the Act.

(b) S.I. 2014/525. Regulation 17 was amended by S.I. 2018/1366.

(4) After paragraph (11)(d), insert—

“, or

(e) the male survivor of a female—

(i) deferred member,

(ii) deferred pensioner member, or

(iii) pensioner member,

where the survivor was in an opposite-sex civil partnership with the member which was formed after the member’s active membership ceased.”.

(5) In paragraph (12)—

(a) in paragraph (a), for “civil partnership”, substitute “same-sex civil partnership”;

(b) after paragraph (b), insert—

“, or

(c) a male deferred member, deferred pensioner member or pensioner member enters into an opposite-sex civil partnership and dies leaving a female survivor.”.

(6) For paragraph (17), substitute—

“(17) In this regulation—

“opposite-sex civil partnership” means a civil partnership formed between two persons who are not of the same sex;

“same-sex civil partnership” means a civil partnership formed between two persons who are of the same sex;

“surviving same-sex civil partner of a member” means a person who, at the time of a member’s death, was in a civil partnership with the member and was of the same sex as the member;

“surviving opposite-sex civil partner of a member” means a person who, at the time of a member’s death, was in a civil partnership with the member and was of the opposite sex to the member; and

“surviving spouse of a same sex marriage with a member” means a person who, at the time of a member’s death, was married to the member and was of the same sex as the member.”.

We consent to the making of these Regulations

Rebecca Harris

David Rutley

4th November 2019

Two of the Lords Commissioners of Her Majesty’s Treasury

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Luke Hall

Parliamentary Under Secretary of State

4th November 2019

Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (“the Transitional Regulations”) to cover the extension of civil partnership to opposite-sex couples. Regulation 2 amends the Transitional Regulations to provide for the benefits payable to survivors of opposite-sex civil partnerships in respect of service prior to 2014 of a member of the Local Government Pension Schemes preceding the Scheme constituted under the Local Government Pension Scheme Regulations 2013.

No impact assessment has been produced for these Regulations because no impact on the private or voluntary sectors is foreseen.

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