

LGPS Scheme Administrator Guide

The application of increases to LGPS pensions in payment

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[Appendix A](#) is published as a separate document and contains a list of the examples together with a suite of worked examples.

Introduction

The information in this Guide sets out the LGPC Secretariat's understanding of how increases are applied to LGPS pensions in payment on and after 6 April 2016 (ie following the end of contracting out). It is based on:

- the Social Security Pensions Act 1975 (SSPA 1975)
- the Pensions Increase Act 1971 (PIA 1971)
- the Pension Schemes Act 1993 (PSA 1993)
- the Social Security Administration Act 1992 (SSAA 1992)
- related Statutory Instruments i.e. Pensions Increase (Review) Orders, Guaranteed Minimum Pensions Increase Orders
- HMT Ministerial Directions issued under section 59A SSPA 1975.

This guide assumes that any increases applied under the Public Service Pensions Revaluation Order under section 9 of the Public Service Pension Schemes Act (PSPA) 2013 have already occurred, before the application of the above legislation. Information on how to apply increases under the Public Service Pensions Revaluation Order under section 9 of the PSPA 2013 is covered in detail in [Bulletin 234A](#).

Objective and limitations of this guide

The objective of this guide is to only cover the impact of the Ministerial Direction dated 31 March 2021 (and where appropriate for the purpose of the examples, the Ministerial Direction dated 6 July 2000 or 3 December 2018) issued under section 59A of the SSPA 1975 on the application of increases to LGPS pensions in payment. The Ministerial Direction dated 31 March 2021 was issued to account for the changes made to the:

- State pension for those individuals who reached SPa on and after 6 April 2016. All such individuals, upon reaching SPa will be paid the new State pension which does not contain any additional pension (AP), and
- State death benefits payable in respect of deaths that occurred on or after 6 April 2017. The new State death benefits do not include any inherited additional pension (AP). However, a survivor of a member who died on or after 6 April 2017 can be entitled to inherited additional pension (AP). The rules regarding payment of inherited additional pension (AP) are dependent upon several factors, whether the:

- date of death occurred before 6 April 2016, on or after 6 April 2016 and before 6 April 2017 (there are transitional arrangements for such cases) or on or after 6 April 2017, and
- survivor was over or under their own SPa on the date of death of the deceased.

This guide covers the payment of LGPS pensions before 6 April 2016 and beyond.

This guide does not cover the calculation and application of any anti-franking increase that may be due to a member under Chapter III of Part IV of the PSA 1993.

The Additional Pension (AP) paid by Government used to be called the Additional Component (AC) though this changed several years back. Therefore, all references in this guide will be to AP \geq GMP or AP $<$ GMP (as opposed to AC \geq GMP or AC $<$ GMP).

Summary

After a member's benefits are put into payment their LGPS benefits are increased under two Statutory Orders depending upon circumstances. The term pensioner within this guide (and the Ministerial Direction) is defined as a person to whom an official pension has become payable. An official pension is defined within section 5(1) of the PIA 1971 as any of the pensions specified in schedule 2 of that same Act (schedule 2 covers public service pensions, including the Local Government Pension Scheme).

A pensioner can therefore be a person in receipt of a pension who is either a:

- former active member, or
- survivor of a deceased member.

Whilst both a pension credit member and a surviving co-habiting partner fall into the category of pensioner, neither is entitled to their former partner's Guaranteed Minimum Pension (GMP) (or part thereof) in the form of a GMP liability under the PSA 1993.

Pensioner has entitlement to GMP

If the pensioner:

- has entitlement to a Post 5 April 1988 GMP (the 'Post 88 GMP'), then their Post 88 GMP is increased under section 109 of the PSA 1993 by way of a Guaranteed Minimum Pensions Increase Order and the remainder of their pension is subject to increases in accordance with section 1 of the PIA 1971 (for the increase, if

any, due on or before 1 December 1978) and for increases after that date in accordance with section 59 of the SSPA 1975 by way of Pensions Increase (Review) Orders (but subject to any Ministerial Direction issued under section 59A of the SSPA 1975).

- does not have an entitlement to a Post 88 GMP, then their LGPS pension is subject to increases in accordance with section 1 of the PIA 1971 (for the increase, if any, due on or before 1 December 1978) and for increases after that date in accordance with section 59 of the SSPA 1975 by way of Pensions Increase (Review) Orders (but subject to any Direction issued under section 59A of the SSPA 1975).

Legislation under which LGPS pensions are increased

Subject to the paragraphs below, LGPS pensions are increased under the:

- Guaranteed Minimum Pensions Increase Order where the member has a Post 88 GMP and is 60 or over (woman) / 65 or over (man) - the Post 88 GMP is increased annually on each 6 April and increases are capped at 3% (regardless of the increase in the index which may be more than 3%). The first increase applied to a member's Post 88 GMP under a Guaranteed Minimum Pensions Increase Order is always applied in full (i.e. there is no part year pro-rata of the increase). Subsequent year's increases are also applied in full to the value of the Post 88 GMP and to increases (if any) given under previous Guaranteed Minimum Pensions Increase Orders. Where increments to the Post 88 GMP are paid, these are also increased under this Order subject to the same 3% cap.
- Pensions Increase (Review) Order where the member meets a qualifying condition for increases in accordance with the PIA 1971 - the excess LGPS pension over the value of the total GMP is increased annually on the first Monday on or after each 6 April. A part year's increase is applied if the Pensions Increase date for the pension is on or after the date specified in the Order for pro-rata of the increase to apply. Subsequent year's increases are applied in full to the excess LGPS pension over the value of the total GMP and to increases (if any) given under previous Pensions Increase (Review) Orders.
- Pensions Increase (Review) Order - where $AP < GMP$ the following is also increased annually on the first Monday on or after each 6 April, the:
 - Pre 88 GMP and any increases applied to the Pre 88 GMP under previous Pensions Increase (Review) Orders
 - Post 88 GMP, though only to the value of the difference between 3% and Pension Increase (Review) Order where the Order is more than 3% and any

increases applied to the Post 88 GMP under previous Pensions Increase (Review) Orders.

Additional Pension contracts

Additional pension purchased by a member by way of an Additional Regular Contribution (ARC) contract where the member made the ARC election before 1 April 2012 under regulation 23 of the LGPS (Administration) Regulations 2008 or regulation 20 of the LGPS (Administration) (Scotland) Regulations 2008 is increased by the increase in the Retail Prices Index and not under Pensions Increase (Review) Orders (which currently reflect the increase in the Consumer Prices Index). The additional pension will need to be held as a separate pension element on the pension payroll as it is subject to a different increase to the rest of the member's pension.

Some elements of a member's pension on the pension payroll can have a different Pensions Increase date than that which applies to other elements of the member's pension. For example, where the member is in receipt of pensions from two (or more) separate periods of membership which ceased on different days.

Also, where a member has both pre and post 2014 membership (pre and post 2015 membership in Scotland) and ceases membership on, say, 31 August 2017. The Pension Increase date for the post 2014 (post 2015 in Scotland) CARE pension is 1 September 2017 but, because the previous year's pay was higher and has been used to calculate the pre 2014 (pre 2015) final salary benefits, the Pension Increase date for the pre 2014 (pre 2015) final salary pension is 1 September 2016.

The Pension Increase date for additional pension purchased by:

- an Additional Pension Contribution (APC) or Shared Cost APC (SCAPC) contract under regulations 16 or 31 of the LGPS Regulations 2013 or regulations 16 or 30 of the LGPS (Scotland) Regulations 2018, will be the day after leaving active membership. The amount of additional pension purchased by way of an APC or SCAPC contract will, at midnight on 5 April after the date of cessation of active membership, be increased for the period between 6 April immediately preceding the date of cessation of active membership and the date of cessation of active membership by the Public Service Pensions Revaluation Order issued under section 9 of the PSPA 2013 (but subject to an adjustment for the year the member ceased to be an active member to ensure no double indexation).
- an Additional Regular Contribution (ARC) contract where the member made the ARC election on or after 1 April 2012 and before 1 April 2014 under regulation 23 of the LGPS (Administration) Regulations 2008 or on or after 1 April 2012 and

before 1 April 2015 under regulation 20 of the LGPS (Administration) (Scotland) Regulations 2008, will be the day after leaving active membership. The reason for this is because when the member left active membership CPI increases should have been calculated and awarded up to the date of ceasing active membership. However, if an administering authority did not do this, and only included CPI increases up to the PI (Review) Order immediately preceding the date of cessation, the PI date should be set as the date of the first day in the payment period in which the first contribution was deducted (or date of the lump sum payment) so that, at the following PI (review) Order a full year's worth of CPI would be awarded.

- an ARC contract where the member made the ARC election before 1 April 2012 under regulation 23 of the LGPS (Administration) Regulations 2008 or regulation 20 of the LGPS (Administration) (Scotland) Regulations 2008 [but see also paragraph 8 above], will be the day after leaving active membership. The reason for this is because when the member left active membership RPI increases should have been calculated and awarded up to the date of ceasing active membership. However, if an administering authority did not do this, and only included RPI increases up to the PI (Review) Order immediately preceding the date of cessation, the PI date should be set as the date of the first day in the payment period in which the first contribution was deducted (or date of the lump sum payment) so that, at the following PI (Review) Order a full year's worth of RPI would be awarded.

Deferred members

Where the LGPS benefits are deferred and are brought into payment cumulative increases under both the Guaranteed Minimum Pensions Increase Order and the Pensions Increase (Review) Order may be applied to the LGPS pension, depending on circumstances.

Who is entitled to a GMP?

As a result of being contracted-out of the State Earnings Related Pension Scheme (SERPs) the LGPS must provide a GMP as shown below. To assist administering authorities, the over-riding regulatory references have been inserted for clarity.

GMP for Members

Under section 13 of the PSA 1993 a pension, of at least the value of the GMP, must be provided to a member at GMP age (60 for women, 65 for men [section 181 PSA 1993]) in respect of the period during which, between 6 April 1978 and 5 April 1997, the member paid contracted-out national insurance contributions (excluding any

period in contracted-out employment during which the member paid primary Class 1 contributions at the married woman's or widow's reduced rate by virtue of section 19(4) of the Social Security Contributions and Benefits Act 1992) [section 13(1) PSA 1993]. A Scheme may provide for the commencement of the member's GMP to be postponed for any period for which the member continues in employment after reaching GMP age. However, member's consent must be obtained if the administering authority wishes to postpone payment of the GMP for any such postponement [section 13(4) PSA 1993]:

- a) regarding employment to which the Scheme does not relate [section 13(5)(a) PSA 1993], and
- b) after the expiration of five years from the date on which the member reaches GMP age [section 13(5)(b) PSA 1993].

The postponement provisions under the LGPS in England and Wales are covered in detail in the 'GMP payable table' that can be found on the guides and sample documents page of www.lgpsregsection.org.

When payment of the GMP commences for a member, it is payable for life [section 13(3) PSA 1993].

GMP for Survivor's

Under section 17 of the PSA 1993 the Scheme must provide a survivor (widow, widower, surviving civil partner) with an entitlement to a GMP (whether the death occurs before, on or after the deceased's GMP age) [section 17(1) PSA 1993]. However, although the Scheme has to provide a survivor with an entitlement to a GMP, the Scheme only has to make payment of the survivor's GMP where certain conditions are met – see [survivor GMP entitlement table](#) [section 17(4A) to (6) of the PSA 1993 and regulations 21 and 22 of the Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015 [SI 2015/1677] as amended by the Occupational Pension Schemes and Social Security (Schemes that were Contracted-out and Graduated Retirement Benefit) (Miscellaneous Amendments) Regulations 2017 [SI 2017/354]].

Survivor 'entitled' to GMP and GMP is in payment

Where a survivor is 'entitled' to a GMP, and it is in payment section 59(5) and 59A of the SSPA 1975 apply. Accordingly, the GMP may be treated as $AP \geq GMP$ or $AP < GMP$ depending upon circumstances - see [survivor GMP entitlement table](#).

Survivor ‘entitled’ to GMP but GMP not in payment

This includes where survivor is ‘entitled’ to GMP where GMP is initially in payment and then GMP not in payment.

Where a survivor is ‘entitled’ to GMP but the GMP is not payable, then the GMP should not be present on the payroll. This includes any situation in the [survivor GMP entitlement table](#) where the GMP was in payment but, due to the cessation of a state payment, the GMP is now not in payment. Where this happens, the GMP should be removed from the payroll and the LGPS survivor benefits should be recalculated as if the GMP had never been in payment, though the GMP may again become payable. This will probably be at the Survivor’s SPa or in prescribed circumstances upon the ending of a co-habitation, whereupon the GMP (including any Post 88 increases to the Post 88 GMP) should be put back onto the payroll.

Survivor ‘entitled’ to a GMP and GMP is in payment – then not in payment – then back in payment again

Where payment of a GMP has ended and subsequently recommenced, administering authorities need to be careful when putting the GMP back onto the payroll. They must ensure they reduce the existing amount of Pensions Increase by the value of the accrued Post 88 GMP increases (i.e. built up to 3% - otherwise the person will receive those increases twice).

On a practical level we are of the view that the only real answer to this issue is to say that once a GMP has been put on the payroll, then it stays on the payroll (even if payment of the GMP ends) and, where payment ends, the GMP is treated as AP<GMP. This would mean the increases applied to Pre 88 GMP, Post 88 GMP and benefits more than the total GMP, are applied correctly. However, in deciding as to whether to adopt this approach administering authorities should be aware that, unless the pensioner’s Pensions Increase date happens to fall on 6 April, there is a small additional cost and, over time, the cumulative effect of this cost will increase. This is because the survivor will receive the amount due on the Post 88 GMP for a longer period than they would otherwise be entitled under the Pensions Increase (Review) Order. This is because the GMP Increase Order applied to the Post 88 GMP is effective from each 6 April, unlike the Pensions Increase (Review) Order, which is effective from the first Monday on or after each 6 April.

Survivor GMP entitlement table

Table 1 - Survivor GMP entitlement table

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
1.	Man	Widow	Half the member's GMP [section 17(2)(a) and 17(3) PSA 1993]	<ul style="list-style-type: none"> a) for any period for which a Category B¹ retirement pension is payable to the survivor (or would be payable but for the person being entitled to more than one retirement pension) [section 17(4A)(a) PSA 1993] b) for life if the survivor attained SPa after 5 April 2016 and the deceased died on or after the survivor had attained SPa [section 17(4A)(aa) and 17(9A) PSA 1993] c) for any period after the survivor has attained SPa where the survivor attained SPa after 5 April 2016, the deceased died before the survivor attained SPa and the survivor did not marry or enter into a civil partnership after the date of the deceased's death and before attaining SPa [section 17(4A)(ab) and 17(9A) PSA 1993]

¹ Category B pension for surviving spouses and civil partners: A category B pension is Basic State Pension (if bereavement occurs after the survivor's SPa or, if under SPa, the survivor is entitled to widow's pension, widowed mother's allowance or widowed parent's allowance up to SPa) and additional State Pension. No entitlement to a category B pension exists if survivor was under 45 either when bereaved or when they ceased to receive child benefit for youngest child. A survivor will not receive a category B pension after remarriage if they remarry before reaching State Pension age. Amount of inheritable additional State Pension is dependent on when the Contributor died: For deaths after October 2002; 50% of the Contributor's SERPS and S2P is inheritable.

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
				<p>d) for any period for which the survivor is in receipt of widowed parent's allowance or bereavement allowance [section 17(4A)(b) PSA 1993]</p> <p>e) if the survivor ceases to receive widowed parent's allowance or bereavement allowance after age 45, for the period thereafter except for:</p> <ul style="list-style-type: none"> - any period during which the survivor cohabits with another person as if they were a married couple or civil partners, and - any period after the survivor remarries, and - any period after the survivor enters a civil partnership unless the deceased died before 5 December 2005) - [section 17(4A)(c) PSA 1993 and paragraph 17, Schedule 3 SI 2019/1458 The Civil Partnership (Opposite-sex Couples) Regulations 2019] <p>f) for any period for which a widowed mother's allowance or widow's pension is payable [section 17(5) PSA 1993]</p> <p>g) for life if the survivor and the deceased were both over pensionable age [ie SPa] when the deceased died [regulations 21(1)(a) and 22(1) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015]</p>

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
				<p>h) unless (g) or (i) apply, for any period during which the survivor is either residing with a child, or is entitled to child benefit in respect of a child and the child is a child:</p> <ul style="list-style-type: none"> - of the deceased and the survivor, or - in respect of whom the deceased was in receipt of child benefit (or would have been if the child had not been absent from Great Britain), or - in respect of whom the survivor was in receipt of child benefit (or would have been if the child had not been absent from Great Britain), if the survivor and the deceased were residing together immediately before the deceased's death <p>[regulations 21(1)(b) and 22(2) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015]</p> <p>but, even if those conditions are met, this is qualified by the fact that a GMP is not payable:</p> <p>h.1 for any period after the survivor remarries post the deceased's date of death if the survivor is under "pensionable age" [ie SPa**]</p>

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
				<p>at the date of remarriage, or [regulation 22(4)(a)(i) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015]</p> <p>h.2 for any period after the survivor enters into a civil partnership post the deceased's date of death if the survivor is under pensionable age [ie SPa] at the date of entering into the civil partnership, or [regulation 22(4)(a)(ii) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015]</p> <p>h.3 during the period the survivor is under pensionable age [ie SPa] and is living with another person as if they were a married couple or civil partners, or [regulation 22(4)(b) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015 and paragraph 101, Schedule 3 SI 2019/1458 The Civil Partnership (Opposite-sex Couples) Regulations 2019]</p> <p>h.4 during the period after the survivor attains pensionable age [ie SPa] if, immediately before then, the survivor had been living with another person as if they were a married couple or civil partners [regulation 22(4)(c) SI 2015/1677 The Occupational Pension</p>

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
				<p data-bbox="1099 464 2033 587">Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015 and paragraph 101, Schedule 3 SI 2019/1458 The Civil Partnership (Opposite-sex Couples) Regulations 2019]</p> <p data-bbox="1014 635 2033 802">i) unless (g) applies, for life if the survivor was 45 or over at the date of the deceased's death or had attained that age at a time when they were either residing with a child, or was entitled to child benefit in respect of a child and the child was:</p> <ul data-bbox="1014 850 2033 1209" style="list-style-type: none"> - a child of the deceased and the survivor, or - a child in respect of whom the deceased was in receipt of child benefit (or would have been if the child had not been absent from Great Britain), or - a child in respect of whom the survivor was in receipt of child benefit (or would have been if the child had not been absent from Great Britain) if the survivor and the deceased were residing together immediately before the deceased's death <p data-bbox="1059 1222 1982 1345">[regulations 21(1)(b), 21(1)(c) and 22(3) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015]</p>

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
				<p>but, even if those conditions are met, this is qualified by the fact that a GMP is not payable:</p> <ul style="list-style-type: none"> i.1 for any period after the survivor remarries post the deceased's date of death if the survivor is under pensionable age [ie SPa] at the date of remarriage, or [regulation 22(4)(a)(ii) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015] i.2 for any period after the survivor enters into a civil partnership post the deceased's date of death if the survivor is under pensionable age [ie SPa] at the date of entering into the civil partnership, or [regulation 22(4)(a)(ii) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015] i.3 during the period the survivor is under pensionable age [ie SPa] and is living with another person as if they were a married couple or civil partners, or [regulation 22(4)(b) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015 and paragraph 101,

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
				<p data-bbox="1137 464 2018 539">Schedule 3 SI 2019/1458 The Civil Partnership (Opposite-sex Couples) Regulations 2019]</p> <p data-bbox="1088 555 2018 911">i.4 during the period after the survivor attains pensionable age [ie SPa if, immediately before then, the survivor had been living with another person as if they were a married couple or civil partners [regulation 22(4)(c) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015 and paragraph 101, Schedule 3 SI 2019/1458 The Civil Partnership (Opposite-sex Couples) Regulations 2019]</p> <p data-bbox="976 959 2007 1126">Basic State Pension (BSP) cannot be paid to a survivor who is aged above SPa, therefore regulation 22(4)(c) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015 cannot apply.</p> <p data-bbox="1010 1174 2018 1295">j) unless (g), (h), (i) or (k) apply, for the period during which the survivor is entitled to a bereavement support payment (maximum of 18 months) [regulations 21(1)(d) and 22(3A) SI 2015/1677 The</p>

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
				<p>Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015]</p> <p>k) unless (g), (h), (i) or (j) apply, for life if the survivor was entitled to a bereavement support payment before age 45 but that entitlement ended at or after age 45 [regulations 21(1)(e) and 22(3B) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015] – but, even if those conditions are met, this is qualified by the fact that a GMP is not payable:</p> <p style="padding-left: 40px;">k.1 for any period after the survivor remarries post the deceased’s date of death, or [regulation 22(4A)(a)(i) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015]</p> <p style="padding-left: 40px;">k.2 for any period after the survivor enters a civil partnership post the deceased’s date of death, or [regulation 22(4A)(a)(ii) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015]</p>

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
				k.3 during the period the survivor is living with another person as if they were a married couple or civil partners [regulation 22(4A)(b)(ii) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015 and paragraph 101, Schedule 3 SI 2019/1458 The Civil Partnership (Opposite-sex Couples) Regulations 2019]]
2.	Woman in relevant gender change case	Widow	Half the member's GMP [section 17(2)(a) and 17(3) PSA 1993]	As per Category 1 above but excluding (f) [section 17(5) PSA 1993]
3.	Woman	Widower	Half the member's post 88 GMP	As per Category 1 above but excluding (f) [section 17(5) PSA 1993]. Also, if the man became a widower before 5 December 2005 the qualifications in:

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
			[section 17(2)(b) and 17(4) PSA 1993]	<ul style="list-style-type: none"> • (h1), (i1) and (k1) do not apply if the marriage is a same sex marriage [regulation 22(5)(a) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015] • (h2), (i2) and (k2) do not apply [regulation 22(5)(b) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015] • (h3 and h4) and (i3 and i4) do not apply if the people living together are of the same sex [regulation 22(5)(c) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015] • (k3) does not apply if the people living together are of the same sex [regulation 22(5)(c) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015]
4.	Man or woman	Civil partner	Half the member's post 88 GMP [section 17(2)(c) and	As per Category 1 above but excluding (f) [section 17(5) PSA 1993]

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
			17(4) PSA 1993]	
5.	Man	Widower (from same sex marriage)	Half the member's post 88. GMP [section 17(2)(d) and 17(4) PSA 1993]	As per Category 1 above but excluding (f) [section 17(5) PSA 1993] Also, if the man became a widower before 5 December 2005 the qualifications in: <ul style="list-style-type: none"> • (h1), (i1) and (k1) do not apply if the marriage is a same sex marriage [regulation 22(5)(a) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015] • (h2), (i2) and (k2) do not apply [regulation 22(5)(b) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015] • (h3 and h4) and (i3 and i4) do not apply if the people living together are of the same sex [regulation 22(5)(c) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015]

Category	Deceased member with entitlement to a GMP	Survivor	GMP entitlement	GMP is only payable to survivor as shown below:
				<ul style="list-style-type: none"> (k3) does not apply if the people living together are of the same sex [regulation 22(5)(c) SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015]
6.	Woman (other than a relevant gender change case)	Widow (from same sex marriage)	Half the Member's post 88. GMP [section 17(2)(e) and 17(4) PSA 1993]	As a per Category 1 above but excluding (f) [section 17(5) PSA 1993]

Relevant gender change case

A relevant gender change case is a case where the deceased was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004 and the marriage of the deceased and her widow subsisted before the certificate was issued. [\[section 17\(9\) and \(10\) of the PSA 1993\]](#).

Pensionable age

Section 181 of the PSA 1993 defines “pensionable age” as follows:

"pensionable age-

(a) so far as any provisions (other than sections 46 to 48) relate to guaranteed minimum pensions, means the age of 65 in the case of a man and the age of 60 in the case of a woman, and

(b) in any other case, has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995.”

Although the provisions in the table above all relate to payment of a GMP the references to “pensionable age” all appear to be closely related to entitlement to receipt of State benefits and so linked to attainment of SPa. We have therefore taken the references to “pensionable age” in the survivor entitlement table to mean SPa. This interpretation seems to be backed up by footnote (a) to regulation 4(7) of The Occupational Pension Schemes and Social Security (Schemes that were Contracted-out and Graduated Retirement Benefit) (Miscellaneous Amendments) Regulations 2017 [SI 2017/354] which refers to situations where a GMP is to be paid to a survivor. The footnote says: *The definition of “pensionable age” in section 181 of the PSA 1993 (c. 48) was substituted by paragraph 17 of Schedule 4 to the PA 1995.* In addition, regulation 21 of SI 2015/1677 The Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015 starts out by referring to section 17(4A) of PSA 1993. It is quite clear in section 17 of the PSA 1993, that reference to ‘pensionable age’ is with reference to GMP age, as State Pension Age is quoted separately, so at this point one could think that within regulation 21 reference to pensionable age is also with reference to GMP age. However, regulation 21 specifically quotes section 17(4A) of PSA 1993 and there is not one reference to ‘pensionable age’ within that section; the only reference is to State Pension Age.

Impact of the Social Security Pensions Act 1975

Sections 59(5) and 59(5ZA) (Increase of Official Pension) of the SSPA 1975 prescribe that where the pensioner has built up a GMP entitlement, then upon reaching the GMP effective date, the GMP must first be deducted from the LGPS pension before the application of any increases. This is called AP \geq GMP.

However, section 59A of that same Act prescribes that the Minister for Civil Service may direct, depending upon circumstances, via Ministerial Direction that those sections should not apply. This is called AP $<$ GMP. The latest Ministerial Direction was issued on 31 March 2021 (its effective date is the 6 April 2021).

Effective date of a pensioner's GMP

Member - general

A member's GMP is effective from the member's GMP age and is [\[section 181 PSA 1993\]](#):

- age 65 for a man
- age 60 for a woman

Before 6 April 2010 both GMP age and SPa were equal. However, since 6 April 2010 a woman's State Pension age (SPa) has gradually increased, and it harmonised with that of a man on 6 December 2018. Thereafter, SPa continues to rise for both genders with the latest position (March 2025) being that a person born after 5 April 1978 will have a SPa of age 68 [\[paragraph 1\(10\), schedule 4, PA 1995\]](#). As GMP age and SPa are no longer equal and contracting out ended on 5 April 2016, this means that administering authorities need to apply the impact of section 59A of the SSPA 1975 and the Ministerial Direction more frequently.

Member - with a GRC

Member who has been issued with a Gender Recognition Certificate (GRC) Chapter 1 of Part III of the PSA 1993 looks at GMPs. However, this is to be read in conjunction with paragraph 14 of schedule 5 of the Gender Recognition Act 2004. Set out below is our understanding of how the issue of a GRC can change the [pensionable age](#) (ie the age at which a GMP is payable – age 60 for a woman and age 65 for a man) by when a person becomes entitled to a GMP.

All references to legislation below are within schedule 5 of the Gender Recognition Act 2004.

Female to male - not reached age 65 immediately before GRC issued

After the GRC is issued the person is treated as not having reached pensionable age at age 60 and instead is treated as reaching pensionable age at age 65 [paragraph 14(3)(a)]. The GMP plus any increments up to the period immediately before the GRC is issued, becomes payable at age 65 [paragraph 14(4)(b)].

If the person's GMP is already in payment immediately before the GRC is issued (so they will be aged somewhere between 60 and 65), both the GMP and any anti-franking addition ceases to be payable. At age 65, the GMP (plus any increments built up to the day immediately before the GRC is issued) is brought into payment and the anti-franking test revisited [paragraph 14(3)(b)].

Male to female – reached age 60 but not reached age 65

The pensionable age of the GMP becomes the date that the GRC is issued [paragraph 14(5)].

Female to male and male to female - reached age 65 immediately before GRC issued

Unaffected [paragraph 14(6)].

Survivor - general

Where a member who is:

- a) a married man dies with an entitlement to a GMP, his widow is entitled to half his basic GMP (including increments) earned at the date of death. Except where the pension became payable on or after 24 July 1990 and the man died on or after GMP age, in which case his widow is also entitled to half of the post 88 increases [section 59(5ZA) and section 59(5ZB)(a)(i) SSPA 1975 and section 17(2)(a) and section 17(3) PSA 1993].
- b) a married woman who is a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004 and her marriage to the widow (that ends with her death) occurred before the time when the certificate was issued, her widow is entitled to half the basic GMP (including increments) earned at the date of death. Except where the pension became payable on or after 24 July 1990 and the woman died on or after GMP age, in which case her widow is also entitled to half of the post 88 increases

[section 59(5ZA) and section 59(5ZB)(a)(ii) SSPA 1975 and section 17(2)(a), section 17(3) and section 17(10) PSA 1993].

- c) a married woman (other than one covered by either (b) or (e)) dies with an entitlement to a GMP, her widower is entitled to half of that part of her basic GMP (including increments) built up after 5 April 1988 ('Post 88 GMP'). Except where the pension became payable on or after 24 July 1990 and the woman died on or after GMP age, in which case her widower is also entitled to half of the post 88 increases [section 59(5ZA) and section 59(5ZB)(b) SSPA 1975 and section 17(2)(b) and section 17(4) PSA 1993].
- d) England & Wales only - a civil partner, in a civil partnership which was formed because of converting a marriage into a civil partnership, dies with an entitlement to a GMP, the surviving civil partner is entitled to that part of the deceased basic GMP (including increments) built up after 5 April 1988 ('Post 88 GMP'). Except where the pension became payable on or after 24 July 1990 and the civil partner died on or after GMP age, in which case the surviving civil partner is also entitled to half of the post 88 increases [section 59(5ZA) and section 59(5ZB)(c) SSPA 1975 and section 17(2)(c) and section 17(4) PSA 1993].
- e) in a same sex marriage (other than as a result of the deceased spouse having changed gender by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004 where the deceased spouse opposite-sex marriage took place before the certificate was issued) dies with an entitlement to a GMP, the survivor is entitled to half of that part of the deceased basic GMP (including increments) built up after 5 April 1988 ('Post 88 GMP') except where the pension became payable on or after 24 July 1990 and the member died on or after GMP age, in which case the survivor is also entitled to half of the post 88 increases [section 59(5ZA), section 59(5ZB)(b) and section 59(5ZC)(b) SSPA 1975 and section 17(2)(d), section 17(2)(e) and section 17(4) PSA 1993].
- f) an opposite-sex civil partner (other than because of converting a marriage into a civil partnership – England & Wales only – see (d) above) dies with an entitlement to a GMP, the surviving opposite-sex civil partner is entitled to half of that part of the deceased basic GMP (including increments) built up after 5 April 1988 ('Post 88 GMP'). Except where the member died on or after their GMP age, in which case the survivor is also entitled to half of the post 88 increases [section 59(5ZA), section 59(5ZB)(c) and section 59(5ZC)(b) and section 17(2)(c) and section 17(4) PSA 1993].

- g) a same-sex civil partner (other than because of converting a marriage into a civil partnership – England & Wales only – see (d) above) dies is entitled to half of that part of the deceased **basic** GMP (including increments) built up after 5 April 1988 ('Post 88 GMP'). Except where the member died on or after 13 March 2014 and on or after their GMP age, in which case the survivor is also entitled to half of the post 88 increases [section 59(5ZA), section 59(5ZB)(c) and section 59(5ZC)(b) and section 17(2)(c) and section 17(4) PSA 1993].

Survivor – effective date of GMP

The effective date of a survivor's GMP can be either the day after the member's date of death or the same as that of the deceased member. If the deceased member:

1. Initially took payment of their benefits before 24 July 1990 [section 59(5ZC)(a) of SSPA 1975] or initially took payment of their benefits on or after 24 July 1990 and died before GMP age [section 59(5ZA) of SSPA 1975] the effective date of the survivor's GMP for:
 - a) the survivor of an opposite sex marriage, or
 - b) the surviving spouse of a deceased member where the deceased member was a man or woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004 and the marriage of the deceased and the surviving spouse occurred before the time when the certificate was issued
 - c) England & Wales only – a surviving civil partner, where the civil partnership was for formed because of converting a marriage into a civil partnership [section 59(5ZC)(a)(iii) of SSPA 1975]

will be the day after the member's date of death [section 59(5ZC) of SSPA 1975].

2. Initially took payment of their benefits on or after 24 July 1990 and died on or after GMP age the effective date of the survivor's GMP for:
 - a) the widow or widower of an opposite sex marriage, or
 - b) the surviving spouse of a deceased member where the deceased member was a man or woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004 and the marriage of the deceased and the surviving spouse occurred before the time when the certificate was issued

- c) England & Wales only – a surviving civil partner, where the civil partnership was formed because of converting a marriage into a civil partnership [\[section 59\(5ZC\)\(a\)\(ii\) of SSPA 1975\]](#)

will be the same as the member's GMP date [\[section 59\(5ZA\) of SSPA 1975\]](#).

- 3. Died before GMP age [\[section 59\(5ZA\) of SSPA 1975\]](#), the effective date of the survivor's GMP for:

- a) the survivor of a same sex marriage (other than one falling in (1)(b) or (2)(b) above)
- b) the survivor of an opposite-sex civil partnership (other than one in England or Wales falling in (1)(c) or (2)(c) above)

will be the day after the member's date of death [\[section 59\(5ZC\)\(b\) of SSPA 1975\]](#).

- 4. Died on or after GMP age [\[section 59\(5ZA\) of SSPA 1975\]](#), the effective date of the survivor's GMP for:

- a) the survivor of a same sex marriage (other than one falling in (1)(b) or (2)(b) above)
- b) the survivor of an opposite-sex civil partnership (other than one in England or Wales falling in (1)(c) or (2)(c) above)

will be the same as the member's GMP date [\[section 59\(5ZC\)\(b\) of SSPA 1975\]](#).

- 5. Died before 13 March 2014 for payments up to 12 March 2014, or died on or after the 13 March 2014 and before GMP age, the effective date of the survivor's GMP for:

- a) the survivor of a same-sex civil partnership (other than one in England or Wales falling within (2)(c) above)

will be the day after the member's date of death [\[section 17 PSA 1993 and section 59\(5ZC\)\(b\) of SSPA 1975\]](#).

- 6. Died before 13 March 2014 for payments from 13 March 2014 or who died on or after 13 March 2014 and died on or after GMP age the effective date of the survivor's GMP for:

- a) the survivor of a same-sex civil partnership (other than one in England or Wales falling within (1)(c) or (2)(c) above)

will be the same as the member's GMP date.

Paragraphs 5 and 6 are because of s137(8) of the Pensions Act 2008. Before 13 March 2014, double indexation for survivors of civil partners was not addressed in section 59 of the SSPA 1975. The Government rectified this position on 13 March 2014 by way of section 137(8) of the Pensions Act 2008. Paragraph 455 of the explanatory memorandum (EM) confirms the amendment applies to future payments of pensions to survivors of civil partners. This is also confirmed in the EM of the commencement order for section 137 [SI2014/463]. This means on 13 March 2014 the effective date of a surviving civil partner's GMP can be either the day after date of death or the same as the deceased member's GMP date, depending on whether the survivor is AP \ge GMP or AP $<$ GMP. Before the 13 March 2014 the effective date of the surviving civil partner's GMP could only be the day after date of death.

Survivor – effective date of GMP summary tables

Table 2

Applies to:

- a) widow or widower of an opposite sex marriage, or
- b) surviving spouse of a deceased member where the deceased member was a man or woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004 and the original opposite-sex marriage of the deceased and the surviving spouse occurred before the time when the certificate was issued.
- c) England & Wales only – a surviving civil partner, where the civil partnership was for formed because of converting a marriage into a civil partnership

Table 2

Initial payment of LGPS pension benefits made before 24 July 1990	Initial payment of LGPS pension benefits made on or after 24 July 1990
Survivor GMP date = day after date of death sections 59(5ZA) and (5ZC)(a) of SSPA 1975	Member died before GMP age Survivor GMP date = day after date of death section 59(5ZA) of SSPA 1975

Initial payment of LGPS pension benefits made before 24 July 1990

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Initial payment of LGPS pension benefits made on or after 24 July 1990

<p>Member died after GMP age</p> <p>Survivor GMP date = same as member's GMP date</p> <p>section 59(5ZA) of SSPA 1975</p>

Table 3

Applies to:

- a) the survivor of a same sex marriage (other than one falling in Table 2 paragraph (b))
- b) the survivor of an opposite-sex civil partnership (other than one in England or Wales falling in Table 2 paragraph (c))

Table 3

All survivor benefits
<p>Member died before GMP age</p> <p>Survivor GMP date = day after date of death</p> <p>section 59(5ZA) and section 59(5ZC)(b) of SSPA 1975</p>
<p>Member died after GMP age</p> <p>Survivor GMP date = same as member's GMP date</p> <p>section 59(5ZA) and s59(5ZC)(b) of SSPA 1975</p>

Table 4

Applies to:

- a) the survivor of a same-sex civil partnership (other than one in England or Wales falling in Table 2 paragraph (c))

Table 4

Member died before 13 March 2014 survivor payments up to 12 March 2014	Member died before 13 March 2014 survivor payments from 13 March 2014 or member died on or after 13 March 2014
<p>Survivor GMP date = day after date of death</p> <p>section 17 PSA 1993</p>	<p>Member died before GMP age</p> <p>Survivor GMP date = day after date of death</p> <p>section 59(5ZA) and section 59(5ZC)(b) of SSPA 1975</p> <hr/> <p>Member died after GMP age</p> <p>Survivor GMP date = same as member's GMP date</p> <p>section 59(5ZA) and section 59(5ZC)(b) of SSPA 1975</p>

Before 6 April 2016 – interaction between state benefits and LGPS pensions

Before the 6 April 2016 the old State pension system was in operation and increases applied to LGPS benefits were dependent on whether the State applied an 'uprating difference calculation' and paid the net result with any State benefits. This was commonly known to public service pension scheme administrators as payment of net 'Additional Pension' ('net AP'). The 'uprating difference calculation' was broadly calculated as follows:

"DWP calculated the gross AP and increased that value by the percentage increase in prices as currently measured by the Consumer Prices Index. A Contracted-out

Deduction, which was not increased and which broadly equated to the pensioners GMP, was set against the value of the increased gross AP, and any surplus amount was paid to the pensioner = Net AP”.

The value of the pensioner’s gross AP could be less than the value of the pensioner’s GMP or equal to or greater than the value of the pensioner’s GMP. Gross AP was less than the value of the GMP where the individual:

- had an AP (or inherited AP appropriate to a survivor of a deceased member) which was less than their GMP.
- had not claimed their State pension (or was not receiving it because they had elected to be treated as not retired).
- resided abroad in a non-reciprocal (frozen-rate) country. A list of those overseas countries where the UK Government pays an annual increase can be found [here](#).
- was disqualified from receiving the AP because they were undergoing imprisonment or detention in legal custody.
- was not entitled to a category A or category B pension (old State survivor benefits)

There used to be an additional case i.e. where the individual was in receipt of free in-patient treatment for a continuous period of more than 8 weeks.

Full details of the above conditions were contained in the Ministerial Direction dated 6 July 2000. This was subsequently replaced by the Ministerial Direction dated [3 December 2018](#) (with backdated effective date to 6 April 2016) and again on [31 March 2021](#) – effective from 6 April 2021.

The 5 April 2016 Direction (administrators should replace the 5 April 2016 Direction with the Direction dated 31 March 2021) was included as Annex E in the HM Treasury document entitled “[A note on the operation of pensions increase legislation for public service pension schemes](#)”, which was republished on 4 December 2018.

From 6 April 2016 – interaction between state benefits and LGPS pensions

From 6 April 2016 the new State pension system came into effect but with savings and transitional provisions.

This meant from 6 April 2016 the old State pension system and thus the methodology set out in tables 2 to 4, continued to apply to pensioners who had reached SPa before 6 April 2016.

For pensioners who reach SPa after 5 April 2016 the State will no longer apply an 'uprating difference calculation' within the payment of any State pension or State death benefits. Although, a survivor who reaches SPa after 5 April 2016 may be entitled to an inherited amount based on a net inherited AP calculation, the inherited GMP is deducted at the point of award only, in the same way as their own GMP is deducted from their AP in the new State Pension 2016 starting amount calculation. In other words, it is consolidated into the survivor's new State Pension (see paragraph below). Accordingly, as AP is no longer paid, the value of the AP will always be less than the value of the GMP/inherited GMP (i.e. $AP < GMP$).

State survivor benefits and impact to LGPS survivor pensions

The following table sets out the various benefits to which the survivor may be entitled from HMRC dependent on the date of death of the member, and the impact upon LGPS survivor benefits.

1. Survivor was under SPa at the date of death of the member, member may have died:
 - before 6 April 2016
 - on or after 6 April 2016 and before 6 April 2017 (transitional period for new state death benefits)
 - on or after 6 April 2017
2. Survivor reached SPa before 6 April 2016 and was over SPa at the date of death of the member, member may have died:
 - before 6 April 2016
 - on or after 6 April 2016 and before 6 April 2017 (transitional period for new state death benefits)
 - on or after 6 April 2017
3. Survivor reached SPa on or after 6 April 2016 and was over SPa at the date of death of the member, member may have died:
 - on or after 6 April 2016 and before 6 April 2017 (transitional period for new state death benefits)
 - on or after 6 April 2017

Table 5 – State survivor benefits and impact to LGPS survivor benefits

		Member died before 6 April 2016	Member died on or after 6 April 2016 and prior to 6 April 2017	Member died on or after 6 April 2017
(1) Survivor was under SPa at the date of death of the member:	(i) During the period up to the survivor's SPa	<p>Whilst the survivor is in receipt of a bereavement benefit (which contains an AP element i.e. Widow's Pension, Widowed Mother's Allowance – all pre April 2001, Widowed Parent's Allowance – from April 2001) then LGPS survivor pension is:</p> <p>AP >= GMP</p> <p>Else, LGPS survivor pension is:</p> <p>AP < GMP.</p>		<p>The survivor is entitled to Bereavement Support Payment which has no AP element.</p> <p>Accordingly, the LGPS survivor pension is AP < GMP.</p>
	(ii) Upon the survivor reaching SPa (before 6 April 2016)	<p>Survivor is entitled to the old State Pension and may be entitled to inherited AP. If so, the LGPS survivor pension is:</p> <p>AP >= GMP</p>	N/A	

		Member died before 6 April 2016	Member died on or after 6 April 2016 and prior to 6 April 2017	Member died on or after 6 April 2017
	OR	Else, LGPS survivor pension is: AP<GMP		
	(ii) Upon the survivor reaching SPa (after 5 April 2016)	<p>When the survivor reaches SPa they are entitled to the new State Pension which has no AP element.</p> <p>If the deceased member reached SPa before 6 April 2016, although the survivor may be entitled to an inherited amount based on a net inherited AP calculation, the inherited GMP is deducted at the point of award only, in the same way as their own GMP is deducted from their AP in the 2016 new State Pension starting amount calculation. In other words, it is consolidated into the survivor's new State Pension.</p> <p>Accordingly, whether the deceased reached SPa before 6 April 2016 or on or after that date, the LGPS survivor pension is AP<GMP.</p>		<p>When the survivor reaches SPa they are entitled to the new State Pension which has no AP element.</p> <p>If the deceased member reached SPa before 6 April 2016, although the survivor may be entitled to an inherited amount based on a net inherited AP calculation, the inherited GMP is deducted at the point of award only, in the same way as their own GMP is deducted from their AP in the 2016 new State Pension starting amount calculation. In other words, it is consolidated</p>

		Member died before 6 April 2016	Member died on or after 6 April 2016 and prior to 6 April 2017	Member died on or after 6 April 2017
		<p>However, there was one possible exception from the standard rule of no AP beyond new State Pension age: this could occur where a woman was in receipt of a widow's pension or a widowed mother's allowance. A widow's pension can currently continue to age 65, which is beyond female SPa for women reaching 65 before 6 December 2018. After that, the widow's pension ceased at SPa. Widowed mother's allowance continued for as long as Child Benefit (CHB) was in payment so potentially could have been in payment until around 2020 although such cases were likely to have been extremely rare. If the woman did not claim her state pension, AP would have continued in payment with the widow's benefit. If she did claim her state pension, it overlaps the widow's benefit, so the AP would have been reduced or abated altogether. For the duration of such payment the LGPS survivor pension was $AP \geq GMP$.</p>		<p>into the survivor's new State Pension.</p> <p>Accordingly, whether the deceased reached SPa before 6 April 2016, or on or after that date the LGPS survivor pension is $AP < GMP$.</p>
	<p>(2) Survivor reached SPa before 6 April 2016 and was</p>	<p>Survivor is entitled to the old State Pension and may be entitled to inherited AP. If so, the LGPS survivor pension is:</p> <p>$AP \geq GMP$</p>		

		Member died before 6 April 2016	Member died on or after 6 April 2016 and prior to 6 April 2017	Member died on or after 6 April 2017
over SPa at the date of death of the member:	Else, LGPS survivor pension is: AP<GMP			
(3) Survivor reached SPa on or after 6 April 2016 and was over SPa at the date of death of the member	N/A	<p>Survivor is not entitled to any bereavement benefit.</p> <p>Survivor is entitled to the new State Pension which has no AP element.</p> <p>If the deceased member reached SPa before 6 April 2016, although the survivor may be entitled to an inherited amount based on a net inherited AP calculation, the inherited GMP is deducted at the point of award only, in the same way as their own GMP is deducted from their AP in the 2016 new State Pension starting amount calculation. In other words, it is consolidated into the survivor's new State Pension.</p> <p>Accordingly, whether the deceased reached SPa before 6 April 2016 or on or after that date, the LGPS survivor pension is AP<GMP.</p>		

Increases for members

For members who reached SPa prior to 6 April 2016, increases applied to their LGPS pension are dependent on whether the State applies an 'uprating difference calculation' and pays the net result with any State benefits. The value of the member's AP can be less than the value of their GMP or equal to or greater than the value of the member's GMP (i.e. $AP < GMP$ or $AP \geq GMP$).

Where a member's SPa is before 6 April 2016 any $AP < GMP$ notification usually applies from a given date, depending upon when the circumstances set out in [Table 1](#) apply. Where the $AP < GMP$ (which may be from the outset of payment of the pension or from such a time after payment of the pension has commenced) the pension should be recalculated from the effective date of the GMP (or date pension became payable, if later) to the date the pensioner became $AP < GMP$ and thereafter (until such a time as $AP < GMP$ ceases), to include pensions increase on the Pre 88 GMP and any excess in pensions increase above 3% on the Post 88 GMP [paragraphs 2 to 6 of Ministerial Direction dated 31 March 2021 effective from 6 April 2021.

For members who reach SPa after 5 April 2016 the increases applied to their LGPS benefits **are not** dependent on whether the State applies an 'uprating difference calculation' and pays the net result with any State benefits. This is because the application of the 'uprating difference calculation' ended on 5 April 2016 with the ending of contracting out. Their AP will always be less than their GMP, as their AP is no longer paid by the State (i.e. $AP < GMP$). Thus, their pension must be calculated from the outset (or from the effective date of the GMP, if later) to include pensions increase on the Pre 88 GMP and any excess in pensions increase above 3% on the Post 88 GMP [paragraph 7 of Ministerial Direction dated 31 March 2021 effective from 6 April 2021.

Increases for survivors

Increases applied to LGPS survivor benefits may be dependent on whether the State applies an 'uprating difference calculation' and pays the net result with any State benefits - but see [state survivor benefits and impact to LGPS pensions](#). The value of inherited AP can be less than the value of the survivor's inherited GMP or equal to or greater than the value of the survivor's inherited GMP (ie the survivor, regardless of the age by which they reach SPa, can be $AP < GMP$ or $AP \geq GMP$).

Where the survivor is AP<GMP under these circumstances (this may be from the outset of payment of the survivor's pension or from such a time after payment of the survivor's pension has commenced) the LGPS survivor's pension should be recalculated from the effective date of the GMP to the date upon which the survivor became AP<GMP and thereafter (until such a time as AP<GMP ceases), to include pensions increase on the Pre 88 GMP and any excess in pensions increase above 3% on the Post 88 GMP.

The following table sets out how a survivor GMP is applied within the payment of an LGPS survivor benefit from the appropriate entitlement and effective date.

Table 6 – application of survivor GMP

Example No.	Deceased member died	Deceased member reaches SPa	Survivor reaches SPa	Can a survivor be paid an inherited additional pension?	Any survivor GMP will be applied as follows from the appropriate entitlement and effective dates	Paragraph in HMT Direction dated 31 March 2021 where AP<GMP (if not entitled to AP) or where there is a GMP but no entitlement to AP
1 and 2	Before 6 April 2016	Before 6 April 2016	Before 6 April 2016	YES	AP>=GMP or AP<GMP depending upon circumstance	2(a) and 3
3	Before 6 April 2016	Before 6 April 2016	After 5 Apr 2016	YES, before survivor reaching SPa. NO after reaching SPa unless the one exception occurs	Before SPa: AP>=GMP or AP<GMP depending upon circumstance Upon reaching SPa: AP<GMP unless after reaching SPa the one exception occurs	2(b) and 3, or 7 and 8

Example No.	Deceased member died	Deceased member reaches SPa	Survivor reaches SPa	Can a survivor be paid an inherited additional pension?	Any survivor GMP will be applied as follows from the appropriate entitlement and effective dates	Paragraph in HMT Direction dated 31 March 2021 where AP<GMP (if not entitled to AP) or where there is a GMP but no entitlement to AP
5	Before 6 April 2016	After 5 Apr 2016	Before 6 April 2016	YES	AP>=GMP or AP<GMP depending upon circumstance	2(a) and 3
	Before 6 April 2016	After 5 Apr 2016	After 5 Apr 2016	YES	AP>=GMP or AP<GMP depending upon circumstance	2(b) and 3, or 7 and 8
	After 5 April 2016 and before 6 April 2017	Before 6 April 2016	Before 6 April 2016	YES	AP>=GMP or AP<GMP depending upon circumstance	2(a) and 3
	After 5 April 2016 and before 6 April 2017	Before 6 April 2016	After 5 Apr 2016	YES, before survivor reaching SPa NO after reaching SPa unless the	Prior to SPa: AP>=GMP or AP<GMP depending upon circumstance	2(b) and 3, or 7 and 8

Example No.	Deceased member died	Deceased member reaches SPa	Survivor reaches SPa	Can a survivor be paid an inherited additional pension?	Any survivor GMP will be applied as follows from the appropriate entitlement and effective dates	Paragraph in HMT Direction dated 31 March 2021 where AP<GMP (if not entitled to AP) or where there is a GMP but no entitlement to AP
				one exception occurs	Upon reaching SPa: AP<GMP unless after reaching SPa the one exception occurs	
	After 5 April 2016 and before 6 April 2017	After 5 Apr 2016	Before 6 April 2016	YES	AP>=GMP or AP<GMP depending upon circumstance	2(a) and 3
	After 5 April 2016 and before 6 April 2017	After 5 Apr 2016	After 5 Apr 2016	YES – if survivor under SPa at date of deceased member’s death - otherwise NO	AP>=GMP or AP<GMP depending upon circumstance	2(b) and 3, or 7 and 8

Example No.	Deceased member died	Deceased member reaches SPa	Survivor reaches SPa	Can a survivor be paid an inherited additional pension?	Any survivor GMP will be applied as follows from the appropriate entitlement and effective dates	Paragraph in HMT Direction dated 31 March 2021 where AP<GMP (if not entitled to AP) or where there is a GMP but no entitlement to AP
	After 5 April 2017	Before 6 April 2016	Before 6 April 2016	YES	AP>=GMP or AP<GMP depending upon circumstance	2(a) and 3
	After 5 April 2017	Before 6 April 2016	After 5 Apr 2016	NO	Always AP<GMP	7 and 8
7	After 5 April 2017	After 5 Apr 2016	Before 6 April 2016	YES	AP>=GMP or AP<GMP depending upon circumstance	2(a) and 3
8	After 5 April 2017	After 5 Apr 2016	After 5 Apr 2016	NO	Always AP<GMP	7 and 8

The one exception

This occurs whilst the survivor is in receipt of a bereavement benefit which contains an AP element ie Widow's Pension, Widowed Mother's Allowance – all pre April 2001, Widowed Parent's Allowance – from April 2001, then LGPS survivor pension is:

- $AP \geq GMP$

Else, LGPS survivor pension is:

- $AP < GMP$

Summary

Accordingly, at any given point in time the pensioner may be: -

- AP greater than or equal to GMP (' $AP \geq GMP$ '), or
- AP less than GMP (' $AP < GMP$ ')

Whether or not the pensioner is $AP \geq GMP$ or $AP < GMP$, determines how the LGPS benefits are increased.

Increments and their increases

If the member's LGPS benefits are paid 7 weeks or more after GMP age, the LGPS must increment the GMP under section 15(1) of the PSA 1993. Increments are subsumed within the overall GMP guarantee and are not paid in addition to the LGPS pension. This is except where:

- a) they form part of an anti-franking addition, or
- b) the LGPS pension built up before 6 April 1997 is less than the GMP plus increments, in which case the aggregate of the GMP plus GMP increments plus the LGPS pension built up post 5 April 1997 is payable.

The increment attributed to the Post 88 GMP is increased by the LGPS administering authority under section 109 of the PSA 1993 by way of the Guaranteed Minimum Pension Increase Order each 6 April.

Where a pensioner is $AP < GMP$, the LGPS administering authority increases the increment attributed to the: -

- Pre 88 GMP under the PIA 1971, and

- Post 88 GMP also under the PIA 1971 but only to the extent by which the increase exceeds 3%.

Brief overview of the suite of examples

The summary of examples contained in [Appendix A](#) together with the suite of example calculations detail how increases are applied to a pensioner's LGPS benefits under the PIA 1971 and section 109 of the PSA 1993 via the GMP Increase Order. For ease, all examples assume that any Treasury Order revaluation due on any LGPS CARE pension after leaving active membership has been included within the basic pension.

Most of the examples travel through the lifetime of the payment of a member's LGPS pension followed by the payment of any connected survivor benefits up to a specified date. They demonstrate the effect of the Ministerial Direction dated 31 March 2021 and previous Directions issued under section 59A of the SSPA 1975. Consequently, they detail how payment of LGPS pension benefits on 6 April 2016 remain the same from those in payment on 5 April 2016 though with reference to different Ministerial Directions. Accordingly, each example contains payment figures on both those dates (though in reality those figures are the same).

For simplicity, the examples take no account of:

- any anti-franking increase that may have been due to the member under Chapter III of Part IV of the PSA 1993, and
- the Local Government Pensions Scheme (Miscellaneous Amendment) Regulations 2018 [SI2018/1366] which equalise the survivor benefits of civil partners and same sex marriage. To confirm, a surviving civil partners GMP and same sex marriage GMP has not changed because of these regulations.

Disclaimer

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