

POLICE PENSION SCHEMES 2017/03

WHO SHOULD READ:	The Chief Constable of Police Scotland Scheme members Administration staff
ACTION:	The contents of this circular should be brought to the attention of all officers with membership in the 2006 and 2015 schemes
SUBJECT:	Surviving Adult Pensions

The purpose of this circular is to provide clarification on:

- **Surviving Adult Partner pensions under the 2006 and 2015 pension schemes following the Judicial review of the application by Denise Brewster at the Supreme Court**

This circular outlines changes being introduced to the 2006 and 2015 Police schemes in respect of surviving adult partner benefits. These benefits that may become payable to survivors who are neither married nor in a civil partnership with a scheme member.

The 1987 Scheme is **not** affected by these changes.

Benefits for surviving partners were included in the New Police Pension scheme from April 2006 as part of the reforms introduced to public service pensions, and are also provided for in the 2015 scheme. There are underlying conditions that must be met to allow a surviving adult partner pension to be paid. These are :

- the member and partner were co-habiting as partners in an exclusive, committed long-term relationship;
- either the partner was financially dependent on the member, or both were financially interdependent
- the member was free to marry or form a civil partnership with the partner
- the member had acknowledged an obligation to give the scheme manager a signed notice of revocation should the relationship terminate; and
- at the time of death, the circumstances above continued to apply, and the period of co-habitation had been at least two years duration.

In addition to those conditions, a written declaration signed by both the member and the partner that the conditions were met was also required. If a signed declaration had not been completed, then a surviving adult partner pension could not be paid, even if the underlying conditions were met.



On 8 February 2017, the Supreme Court decided that refusing a claim on the grounds that a nomination form had not been completed, despite the underlying conditions being met, is incompatible with Article 14 of the European Convention on Human Rights, and therefore unlawful.

The Supreme Court's decision applies to other public service schemes, and since February SPPA has removed the mandatory requirement for a declaration form in the Police schemes. However the underlying conditions mentioned above have not changed and must still be met for a claim to succeed.

Scottish Ministers have decided that this change should be applied to any case that has previously met the underlying conditions but which would not have gained entitlement due to the lack of a declaration form. In those cases, the surviving partner concerned should contact SPPA for guidance. It remains the case that for a surviving adult partner pension to be paid the underlying conditions **must** be met.

Amendments will be made to the 2006 and 2015 schemes regulations to reflect this ruling.

Please bring the contents of this circular to the attention of all officers, circulating as widely as possible.

Iain Coltman
Senior Policy Manager
18 April 2017

Contact information

Please contact Iain.Coltman@gov.scot if you have any enquiries about this circular. If you have any queries about the administration of the scheme or your benefits, please contact sppapolicepensions@gov.scot.

Scottish Public Pensions Agency
7 Tweedside Park
Tweedbank
GALASHIELS
TD1 3TE

www.sppa.gov.uk
Telephone: 01896 893000
Fax: 01896 893214



INVESTOR IN PEOPLE

An agency of



The Scottish Government
Riaghaltas na h-Alba