

Superannuation (Health Service) Circular No 9/2005

NHS and other participating employers
NHS Trades Unions and Staff Associations

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Your ref:
Our ref: NHS/01/15

14 December 2005

Dear Colleague

NATIONAL HEALTH SERVICE SUPERANNUATION SCHEME (SCOTLAND) – CHANGES TO THE SCHEME - CIVIL PARTNERS

1. This Circular provides information about changes to be made to the Scheme as a consequence of The Civil Partnership Act 2004 which comes into force on 5th December 2005. This Act introduces the new status of “civil partner”. Where same sex couples register their relationship and form a legal civil partnership, they become entitled to rights similar to those of a married couple. The changes to the scheme therefore make provision for civil partners to receive similar pension rights to those currently enjoyed by married members.

2. **The main changes are listed at Annex A** to this circular and include provision of pensions for surviving civil partners backdated to 6th April 1988 with an opportunity for civil partners to purchase pre-6th April 1988 service, and members being able to nominate their civil partner for a “dependent relative” allowance in the main scheme. Changes are also made to the Injury Benefits, AVC and the Premature Retirement Compensation regulations to reflect that a civil partner has the same rights as a spouse and a surviving civil partner the same rights as a widow or widower.

3. **Appendix B**, also attached, constitutes a **Notice to Staff** and, in accordance with the requirements of the Occupational Pensions Schemes (Disclosure of Information) Regulations 1996, **should be brought to the attention of all employees**

4. A copy of the regulations- “ The National Health Service (Superannuation Scheme, Injury Benefits, Additional Voluntary Contributions and Compensation for Premature Retirement) (Civil Partnership)

(Scotland) Amendment Regulations 2005 (SSI 2005/544)” can be accessed from the Office of the Public Sector Information website at:

www.opsi.gov.uk/legislation/scotland/ssi2005/20050544.htm and will also be added to the SPPA Website at www.sppa.gov.uk

Yours faithfully

A handwritten signature in blue ink that reads "Sharon Liptrott". The signature is written in a cursive, slightly slanted style.

Sharon Liptrott (Mrs)
Policy Officer, NHSSS

The Main changes to the Scheme in respect of civil partners are:

1. Surviving civil partners will be eligible to receive a lump sum death benefit compensation payment from an employer on the death of their civil partner. Surviving civil partners will also be able to receive payment of a lump sum on the death of their civil partner.
2. Pensions for surviving civil partners will be backdated at no cost to the member to 6th April 1988 or to the start of the member's pensionable service if this commences after this date. Provision is made for any scheme member to purchase, before 28th February 2007, service prior to 6th April 1988, on similar terms as were available to female members in respect of widowers pensions.
3. A member who has formed a civil partnership may, prior to leaving pensionable employment, nominate the other party to the civil partnership to receive a dependant surviving civil partner's pension on the member's death.
4. Provision is made to include the payment of an allowance in respect of the children of a civil partnership when the member dies.
5. Provision is made to permit a member to allocate part of his pension to a civil partner.
6. Civil partner's pensions are included in the provisions for guaranteed minimum pensions, so that civil partners are included within the protected rights that are transferred to the scheme and that surviving civil partners are included within the state scheme premiums.
7. Civil partners are included in the provisions for the right to buy an unreduced retirement lump sum.
8. Provision is made for the sharing of pension credit rights and pension credit benefit payable on the dissolution or nullity of a civil partnership.
9. Provision is made so that a surviving civil partners' benefits on a member's death may be forfeited in whole or in part on a direction by the Scottish Ministers following the civil partner's conviction of murder, culpable homicide or another offence including the unlawful killing of the member. This mirrors the current position for widows and widowers.
10. The Injury Benefits Regulations are amended to include the circumstances when payment of an annual allowance will or will not be paid to a surviving civil partner. The definition of "dependent child" is amended to include the dependent children of a civil partnership and the definition of "dependent relative" is amended to include the dependent parent of a civil partnership. The amendments also provide for the circumstances when an allowance will or will not be paid to a dependent relative of a civil partner. Provision is also made for a surviving civil partner to receive a lump sum payment on the death of their civil partner when the civil partner qualifies under the Injury Benefits Regulations.
11. The AVC Regulations are amended to include a civil partner in the definition of a dependant, to provide that certain lump sum payments can be paid to a surviving civil partner and for pension sharing to apply on dissolution or nullity of a civil partnership.

12. The Premature Retirement Compensation Regulations are amended to include provisions for civil partners in pension allocation arrangements, so that the officer may surrender part of his or her annual compensation allowance to provide a pension for a surviving civil partner; for surviving civil partners to be paid compensation payments when the officer dies; and for surviving civil partners to be paid compensation payments where a lump sum on death becomes payable when an officer dies.



SCOTTISH PUBLIC PENSIONS AGENCY

THIS NOTICE GIVES EMPLOYEES IMPORTANT INFORMATION ABOUT CHANGES TO THE NHS SUPERANNUATION SCHEME

New Status of Civil Partner

The Regulations that set out the NHS Superannuation Scheme in Scotland have been amended and changes are included in “*The National Health Service (Superannuation Scheme, Injury Benefits, Additional Voluntary Contributions and Compensation for Premature Retirement) (Civil Partnership) (Scotland) Amendment Regulations 2005 (SSI 2005/544)*” which come into force from 5th December 2005.

This notice is designed to inform ALL NHS EMPLOYEES about these changes and their effect for individuals.

Briefly, the changes introduce pension **rights for civil partner members** which are similar to those for married members. These include:

- Provision of pensions for surviving civil partners based on service from 6th April 1988. Opportunity is given for current members to purchase pre 6th April 1988 service for surviving civil partner purposes, on similar terms given previously to members in respect of widowers; and to purchase an unreduced lump sum. **(Time limit applies – must apply before 27th February 2007)**
- Members will be able to nominate their civil partner for a “dependent relative” allowance.
- Past added years and current added years purchased via elections made on or after 6 April 1988 will count for surviving civil partner purposes.
- Where no other nomination has been received, surviving civil partners will automatically be entitled to receive the lump sum on the death of a member.
- Surviving civil partners will lose their pension in the same way a widow or widower loses their survivor’s pension if they remarry or cohabit, (or in future form a civil partnership).
- Pension sharing will apply in the case of dissolved civil partnerships in the same way as for divorced couples.
- Injury Benefits, AVC and Compensation regulations have also been amended to include the new status of civil partner.

For further information about the changes you should contact SPPA enquiries on 01896 893100.

**Scottish Public Pensions Agency
5th December 2005**