

**NHS PENSION SCHEMES
07/2017**

- WHO SHOULD READ:** NHS HR and Payroll Managers
GP Practice Managers
Direction Bodies
Practitioner Service Division (PSD)
Dental Payments
- ACTION:** To advise members of scheme change in respect of nominated non-legal partners
- SUBJECT:** Nominated Partner Benefits

The purpose of this circular is to advise employers of a change to the scheme in respect of nominated non-legal partners and request that they bring the change to the attention of scheme members.

This circular outlines changes being introduced to the NHS Pension Scheme in respect of nominated non-legal partner benefits.

Nominated non-legal partner benefits were introduced to the NHS Pension Scheme from 1 April 2008 as part of the reforms made to public service pensions. There are underlying conditions that must be met to allow a nominated partner pension to be paid, which are :

- The scheme member and partner are living with each other as if they were a married couple or civil partners and have been so for a period of at least 2 years at the date of the member's death;
- The scheme member is free to be able to marry or form a civil partnership with their partner;
- The member and partner are financially interdependent or the partner is financially dependent on the member.

In addition a nomination form was required to be completed confirming the above. If SPPA had not received a nomination form prior to the member's death then a nominated 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 was therefore unlawful.



The Supreme Court decision applies to the devolved public service schemes so there will no longer be a requirement for a nomination form in the NHS scheme although a form may still be completed on a voluntary basis. However the underlying conditions must 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 nomination form. In those cases the member concerned should contact SPPA for further advice and guidance. It remains the case that for a nominated partner pension to be paid, the underlying conditions **must** be met.

The contents of this circular should be brought to the attention of all staff.

Sharon Liptrott
Policy Manager
18 April 2017

Contact information

Please contact Sharon.liptrott@gov.scot if you have any enquiries about this circular.

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