
STATUTORY INSTRUMENTS

2014 No. 78

The National Health Service Pension Scheme, Additional Voluntary Contributions, Compensation for Premature Retirement and Injury Benefits (Amendment) Regulations 2014

PART 2

Amendment of the National Health Service Pension Scheme Regulations 1995

Part 2: General

2. The National Health Service Pension Scheme Regulations 1995(1) are amended in accordance with this Part.

Amendment of regulation A2

3.—(1) Regulation A2 (interpretation)(2) is amended as follows.

(2) At the appropriate place in the alphabetical order, insert—

““civil partner” and “civil partnership” are to be construed in accordance with regulation A4;”;

““marriage” and “married” do not include a reference to marriage of a same sex couple unless otherwise provided;”;

““widow” and “widower” do not include a reference to marriage of a same sex couple;”.

Insertion of regulation A4

4. After regulation A3 (approved Out of Hours providers), insert—

“A4 Civil partnerships and marriage of same sex couples

(1) In these Regulations, except as provided in paragraph (5), a reference to—

(a) civil partnership is to be read as including a reference to marriage of a same sex couple and a reference to civil partners and a person who is in a civil partnership is to be construed accordingly;

(b) a person who is living with another person as if they were in a civil partnership is to be read as including a reference to a person who is living with another person of the same sex as if they were married.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended, a reference to a person

(1) S.I. 1995/300.

(2) Regulation 2 was amended by S.I. 1997/1888, 1998/666 and 2216, 2000/605, 2001/1428, 2002/561 and 2469, 2003/631, 2004/696, 2005/661 and 2011, 2006/600, 2007/2054 and 3280, 2008/654 and 2263, 2009/2446, 2010/234 and 492, 2011/2586, 2012/610, 2013/413 and as modified by S.I. 1996/971.

whose civil partnership has ended, or a reference to persons formerly living together as civil partners) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) The application of the Marriage (Same Sex Couples) Act 2013⁽³⁾ in relation to these Regulations is modified so that—

- (a) section 11(1) and (2) has effect subject to paragraphs (1) to (3); and
- (b) Schedule 3 does not apply to the interpretation of these Regulations.

(5) In this regulation, “civil partnership” and “civil partners” have the meanings given by section 1 of the Civil Partnership Act 2004⁽⁴⁾.”.

Amendment of regulation G9

5.—(1) Regulation G9 (increased widower’s pension) is amended as follows.

(2) In paragraph (5)⁽⁵⁾, omit sub-paragraph (a).

Amendment of regulation G13

6.—(1) Regulation G13 (increased surviving civil partner’s pension) is amended as follows.

(2) In paragraph (6)⁽⁶⁾, omit sub-paragraph (a).

Amendment of regulation G16

7.—(1) Regulation G16 (purchase of surviving partner’s pension in respect of service before 6th April 1988) is amended as follows.

(2) In paragraph (3)⁽⁷⁾, for sub-paragraph (a), substitute—

- “(a) must be made either—
 - (i) during the period beginning on 1st April 2008 and ending on 30th June 2009; or
 - (ii) during the period beginning on 13th March 2014 and ending on 31st March 2015;”.

Amendment of regulation G17

8.—(1) Regulation G17 (increased surviving partner’s pension)⁽⁸⁾ is amended as follows.

(2) In paragraph (1), for “If a member elects on or before 30th June 2009”, substitute “If a member makes a valid election pursuant to regulation G16(3)(a)”.

(3) In paragraph (5), for “no later than 30th June 2009”, substitute “during either of the periods specified in regulation G16(3)(a)”.

(3) 2013 c.30.
(4) 2004 c.33.
(5) Paragraph 5 was inserted by S.I. 2008/654.
(6) Paragraph 6 was inserted by S.I. 2008/654.
(7) Regulation G16 was inserted by S.I. 2008/654.
(8) Regulation G17 was inserted by S.I. 2008/654.