



Established by Act of Parliament

Police Federation of England & Wales

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From the General Secretary's Office

Our Ref: Your Ref:

JF/MM/sg

30 April 2007

JBB CIRCULAR NO: 26/2007

**To: The Chairman and Secretary
All Branch Boards**

Dear Colleagues

Police Pension Scheme – Cessation of Survivor Benefits on Re-Marriage, Formation of a Civil Partnership, or Cohabitation

I have recently received queries regarding the cessation and re-instatement of survivor benefits on re-marriage and cohabitation in the 1987 Police Pension Scheme (PPS).

As you are aware, survivor pensions in the PPS are payable only to a spouse or civil partner. Further, under Regulation C9 of the Police Pension Regulations (1987), these pensions terminate on: remarriage; formation of a civil partnership; or living together with a partner "as husband and wife" or as if they were civil partners.

However, Regulation C9(4) adds a discretion for police authorities to bring the pension into payment again should the survivor become single again (ie become a widow/widower; civil partner dies; marriage/civil partnership is dissolved; or cohabitation ceases).

Currently the PNB is examining the definition of a survivor living with their partner as husband and wife, or as if they were civil partners. In order to standardise the process the PNB will negotiate guidance to determine when a PPS survivor is deemed to be cohabiting in this manner.

Please find attached for your convenience Regulations C9 and C9A.

Yours sincerely

A handwritten signature in black ink that reads "John Francis". The signature is written in a cursive style with a large, stylized initial 'J' and 'F'.

JOHN FRANCIS
GENERAL SECRETARY

Termination of widow's or civil partner's pension award on remarriage or other event

C9 (1) Where a widow entitled to a pension under this Part was widowed before 5th December 2005 or was widowed after that date but her husband had ceased to serve as a member of a police force by that date, and—

(a) remarries or has remarried,
(b) forms or has formed a civil partnership, or
(c) with a person to whom she is not married lives together as husband and wife, she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage, or after the formation of her civil partnership or after her cohabitation begins.

(2) Where the surviving civil partner of a member of a police force who had ceased to serve as a member of a police force by 5th December 2005 is entitled to a pension under this Part and

(a) marries or has married,
(b) forms or has formed a new civil partnership, or
(c) with a person who is not her civil partner lives together as if they were civil partners, she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage, or after the formation of her civil partnership, or after her cohabitation begins.

(3) Where a widow who does not fall within paragraph (1) or a surviving civil partner who does not fall within paragraph (2) is entitled to a pension under this Part and

(a) marries or has married,
(b) remarries or has remarried,
(c) forms or has formed a civil partnership or new civil partnership,
(d) with a person to whom she is not married lives together as husband and wife, or
(e) with a person who is not her civil partner lives together as if they were civil partners, she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage or remarriage, or after the formation of her civil partnership, or after her cohabitation begins.

(4) But if, at any time after her marriage, remarriage, the formation of her civil partnership or the beginning of her cohabitation, a person in any of paragraphs (1) to (3) has again become a widow or her civil partner dies or that marriage or civil partnership has been dissolved or that cohabitation ceases, the police authority may, in their discretion, bring the pension into payment.

Termination of widow's or civil partner's gratuity on remarriage or other event

C9A—(1) Where a widow entitled to a gratuity under this Part was widowed before 5th December 2005 or was widowed after that date but her husband had ceased to serve as a member of a police force by that date, and

(a) remarries or has remarried,
(b) forms or has formed a civil partnership, or
(c) with a person to whom she is not married lives together as husband and wife,
so much of the gratuity as has not been paid before her remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(2) Where the surviving civil partner of a member of a police force who had ceased to serve as a member of a police force by 5th December 2005 person is entitled to a gratuity under this Part and—

(a) marries or has married,
(b) forms or has formed a new civil partnership, or
(c) with a person who is not her civil partner lives together as if they were civil partners,
so much of the gratuity as has not been paid before her marriage or remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(3) Where a widow who does not fall within paragraph (1) or a surviving civil partner who does not fall within paragraph (2) is entitled to a gratuity under this Part and—

(a) marries or has married,
(b) remarries or has remarried,
(c) forms or has formed a civil partnership or new civil partnership,
(d) with a person to whom she is not married lives together as husband and wife, or
(e) with a person who is not her civil partner lives together as if they were civil partners,
so much of the gratuity as has not been paid before her remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(4) But if, at any time after her marriage, remarriage, the formation of her civil partnership or the beginning of her cohabitation, a person in any of paragraphs (1) to (3) has again become a widow or her civil partner dies or that marriage or civil partnership has been dissolved or that cohabitation ceases, the police authority may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage or the formation of her civil partnership or the beginning of her cohabitation."