

## **GS 1770B Parity of Pension Provision for Surviving Civil Partners – Addendum**

1. Paragraph 15 of GS 1770B says,  
‘The NHS pension scheme will be doing the legal minimum, though we understand they have arranged that, for a limited period, scheme members can arrange to buy extra years of survivor rights for civil partners.’.
2. We have been asked why, if this is true (as it is), the NHS scheme provides pension rights for surviving civil partners based on *all* benefits accrued since April 1988, whereas, by contrast in the clergy scheme they are based on all service from December 2005 plus benefits based on *contracted out* rights accrued since April 1998.
3. The explanation is complex but derives from the difference between the legal minimum for private occupational schemes (like the clergy scheme) and for public service schemes. The background is that the Government’s original intention was for pension rights in all schemes to accrue from the implementation date of civil partnership in December 2005. In the light of widespread representations, the Government decided, however, in July 2005 that there should be some backdating.
4. The Government decided that in respect of pensions for which it has responsibility it could, in recognising the exceptional change in status being conferred, make the changes effective from an earlier date for public service schemes funded by the taxpayer than for private occupational schemes funded by companies and voluntary organizations.
5. There was a further imperative for the Government in that the member contributions required from most public service scheme members (ranging up to 8.5% of salary) historically derive from contributions required from members to fund widows and child survivors’ pensions.
6. Statutory orders in respect of schemes such as the NHS pension scheme were made to provide survivor benefits for civil partners based on full members’ rights accrued from service since 6 April 1988 (while in service members make contributions designed to cover the cost of survivor benefits). By contrast, private schemes that contract out are required to provide survivor benefits based on full benefits accrued since December 2005 plus that proportion of benefits that represent a member’s contracted-out rights accrued since 6 April 1988.

7. In debate the Minister for Pensions Reform, the Right Honourable Stephen Timms MP set out the Government's position.

“If an occupational pension scheme is not contracted out, or provides benefits over and above the contracted out rights, the scheme rules will set out the conditions for the payment of survivor benefits under that scheme. We have taken the view that those are matters for the schemes to decide, subject to the sexual orientation regulations. We do not think that the Government should intervene, or that all schemes should be required to bear the cost of paying extra benefits for past periods.”<sup>1</sup>

**The Rt Reverend John Packer**  
**Chair of DRACSC**  
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<sup>1</sup> Twentieth Standing Committee on Delegated Legislation 14 July 2005  
<http://www.publications.parliament.uk/pa/cm200506/cmstand/deleg20/st050714/50714s01.htm>