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War Widows' Pensions

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Picture: [The Cenotaph, Whitehall, London Following the Remembrance Day Parade in 2010](#) by [UK Ministry of Defence](#). Licensed under [CC BY 2.0](#) / image cropped

Summary

The **Armed Forces Compensation Scheme (AFCS)** has provided survivors' benefits for the partners of service personnel whose death was attributable to their service from 6 April 2005. AFCS survivors' benefits are unaffected by any marriage, civil partnership or cohabitation.

For deaths occurring before 6 April 2005, the overall payment may be made up of a non-attributable pension from Armed Forces Pension Scheme (AFPS 75) and a compensation award. The compensation award may be made up of two parts.

- The **War Widow(er)'s Pension** under the **War Pensions Scheme (WPS)**
- **The Armed Forces Attributable Benefits Scheme (AFABS)**

WPS & AFAB has different burdens of proof. There can be instances where only WPS is paid & no compensation is paid from AFAB.

Under both schemes, the original policy was to withdraw survivors' benefits in the event of remarriage or cohabitation. The rules have changed for different groups in stages. In April 2015, they changed to allow all recipients of survivors' pensions (whether under the War Pensions Scheme or AFABS) who remarried, formed a civil partnership or started cohabiting after that date, to keep their pension. However, this did not extend to those whose spouse died or left service between 31 March 1973 and 5 April 2005, who had already surrendered their pension on remarriage or cohabitation. In July 2015, the then Defence Minister Mark Lancaster summarised the position as follows:

It has been the policy of successive Governments that changes or improvements to all public service pension schemes should not be applied retrospectively. Therefore, there are no plans to reinstate war widows' pensions for war widows who remarried between 1973 and 2005. However, from 1 April 2015 those who have already surrendered their pension due to remarriage or cohabitation can apply to have their pension restored for life should that relationship end.

The Department regularly receives representation from the War Widows Association as they are members of the Central Advisory Committee and the retention of war widows' pensions on remarriage or cohabitation is one of the issues we have engaged on in recent years.

The change, as announced by my right hon. Friend the Prime Minister on 8 November 2014, which allowed widows, widowers and surviving civil partners of all members of the Armed Forces Pension Scheme and the War Pensions Scheme to retain their pensions for life came into effect from 1 April 2015. This harmonised the pension rules for Armed Forces widows with effect from the introduction of the Armed Forces Pension Scheme 2015 ([PQ 6523 15 July 2015](#)).

In February 2019, the then Defence Secretary Gavin Williamson described this as "a burning injustice" to which he was "committed to finding a solution." ([HC Deb 18 February 2019, c1187](#)). On 30 January 2020, Defence Minister Johnny Mercer said that the War Widow's Association had accepted in 2015 "that new legislation never has a retrospective effect, and that the change would apply only to those who were receiving the pension when the new legislation came into force that April" ([HC Deb 30 January 2020 c1044](#)). However, on 15 March 2021, he said the Government continued to "examine all possibilities, including the ex gratia scheme [...] the Secretary of State is committed to resolving it, and we will get there in the end" ([HC Deb 15 March 2021 c22](#)).

The introduction of lifetime survivors' pensions in other public service schemes is covered in Library Briefing Paper [SN-07109](#).

1. Background

The overall payment to survivors of Armed Forces regular personnel whose death was due to, or hastened by, service before 6 April 2005 can be made up of a non-attributable pension from AFPS 75 and a compensation award. The compensation award may be made up of two parts; the War Pension Scheme (WPS) and the Armed Forces Attributable Benefits Scheme (AFABS).¹

Guidance is on [Gov.UK](#) and in MoD booklet [AFPS 75: family pension benefits](#) (February 2015) and [War Pension Scheme: what you need to know](#) (August 2019).

The burden of proof for WPS and AFABS are different, so individuals may be eligible for one but not the other.

Where the deceased was a member of the Reserve Forces and death was attributable to service before April 2005, payments could be made under the War Pension Scheme but there was a separate Reserve Forces Pension and attributable benefits scheme.²

1.1 War Widow(er)'s Pensions

War Widow(er)s' Pensions are paid under the War Pensions Scheme to the spouse of a service man or woman whose death was due to, or hastened by, their military service. They must have served before 6 April 2005, but you may be eligible if they died of an illness or injury later.³

Widows and widowers are eligible (following a review in 2001, they are treated equally – before that widowers receive a lower amount).⁴ Unmarried partners are only eligible where the relationship began six months prior to the deceased's entry into the Service and they are responsible for a child of the deceased.⁵

War Widow(er)s' Pensions are non-contributory and tax-free. They are made up of different elements, depending on individual circumstances:

Basic War Widow(er)'s Pension

A tax-free War Widows or Widowers Pension is payable to spouses, civil partners and in certain circumstances partners who lived as spouses or lived as civil partners.

Supplementary Pension

If your husband or wife was discharged from the Armed Forces on or before 31 March 1973, we may pay you a supplementary award.

Age Allowance

¹ MoD, [AFPS 75 – Family Benefits, MMP114](#), February 2015

² MoD, [Reserve Forces Pension Scheme – Your Pension Scheme Explained](#), January 2010

³ Gov.UK, [War Widow\(er\) Pension](#)

⁴ MoD, [Joint compensation review – a consultation document](#), March 2001, para 7.2
MoD, [New Armed Forces Compensation Scheme – Report on Consultation Process](#), September 2003

⁵ [HC Deb 9 June 2003 c650W; Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions Order 1983](#), Article 30

An age allowance is awarded with the War Widow(er)'s Pension at age 65 and is increased at age 70 and age 80.

Allowances for Children

An eligible child under 16 years old may receive a child allowance. The child allowance may continue whilst the child continues in full time education or if the child is incapable of self support due to an infirmity which arose before the age of 16 years.

Rent Allowance

Rent Allowance may be paid when a person who receives WWP has a child in their care. War Widow(er)'s Pension payments made shortly after the date of death

Temporary Allowance

Widows of the most severely disabled pensioners may receive a Temporary Allowance based upon the War Disablement Pension in payment at the time of death.

Funeral Expenses

The person responsible for the funeral may be entitled to a grant towards the cost of the funeral. The time limit for claiming funeral expenses is 3 months from the date of the funeral.⁶

The rules are in the [*Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions Order 2006 \(SI 2006/606 as amended\)*](#).

There is no statutory requirement to uprate the benefits available for from the War Pensions Scheme, but successive governments have honoured the commitment made in 1971 by the then Secretary of State for Social Services, Sir Keith Joseph to review their level on an annual basis to protect their purchasing power.⁷

1.2 Armed Forces Attributable Benefits

War Widow(er)'s Pensions may be supplemented by payments from the Armed Forces Attributable Benefits Scheme (AFABS), administered under the Armed Forces Pension Scheme 1975 (AFPS 75).

Like other public service pension schemes, the AFPS initially only provided survivors' pensions for spouses. However, in 2003 these were extended to unmarried partners where death was attributable to service.⁸

Payments from the AFABS are made up of:

8. Short term pension to spouse/civil partner or eligible partner is extended to 26 weeks even if there are no dependant children.

9. Adult survivor's pension – 90% of AFPS 75 full career pension for the rank less the standard rate of National Insurance Pension as set out in Attributable Family Pension Code

10. The short term and long term pension under AFPS 75 is not in addition to the occupational non attributable pension under AFPS

⁶ Veterans UK, [War Pensions Scheme: what you need to know](#), 23 March 2016

⁷ [HC Deb, 16 December 1971, cc852-53](#)

⁸ [HC Deb, 20 March 2003, c54WS](#); Library Briefing Paper SN-06348 [Occupational pensions: survivors benefits for cohabitants](#) (June 2012), section 3.2

75. The occupational pension will be topped up to the higher rate of AFAB.

11. Attributable gratuity – 100% annual full career pension. This is a lump sum, only payable if death occurred within one year of the scheme member's discharge, with an immediate pension in payment. The amount depends on the rank and the disablement of the deceased, compared to the max amount of pension he/she could qualify for. The higher of the two is paid out to dependants. However, it may be reduced if the member received a lump sum on discharge.

12. Armed Forces Attributable Benefits Scheme benefits paid for life to widows, widowers, civil partners, and eligible partners. 13. Children's benefits may also be paid – See Table 7.⁹

For more people, AFPS attributable benefits were greater than the rates of pension for death not attributable to service. However, this was not always the case, particularly for those with long service.¹⁰

AFPS pensions are uprated annually in line with prices (the Consumer Prices Index).¹¹

The [rules](#) are in Orders in Council under the *Naval and Marine Pay and Pensions Act 1865* for the Royal Navy, the [Army Pensions Warrant 2010](#) for the Army; and the Queen's Regulations for the Royal Air Force.

1.3 Armed Forces Compensation Scheme

The [Armed Forces Compensation Scheme \(AFCS\)](#) was introduced in April 2005 for deaths attributable to service after that date.¹² Its introduction followed a [Joint compensation review](#) in 2001.

All current and former members of the UK Armed forces, including reservists, may claim compensation. The AFCS provides lifetime survivors' benefits for a surviving spouse, civil partner or surviving adult dependant i.e. someone who was cohabiting and in a substantial and exclusive relationship with the deceased serviceperson, was not prevented from marrying or forming a civil partnership with them and was financially dependent or interdependent on them.¹³

The background to this is discussed in more detail in [Library Research Paper 04/05- Armed Forces \(Pensions and Compensation\) Bill \(January 2004\)](#).

⁹ MoD, AFPS 75 – [Family Benefits, \(MMP114\)](#), February 2015

¹⁰ MoD, [Joint Compensation Review: a consultation document](#), March 2001

¹¹ HM Treasury, [Guidance on the operation of pensions increase legislation](#), April 2016, para 1.3; Library Briefing paper SN-05434 [Public service pension increases](#) (Feb 2020)

¹² Library Note SN 5553 [Armed Forces Compensation Scheme: and RP 04/05 Armed Forces \(Pensions and Compensation\) Bill \(January 2004\)](#)

¹³ MoD, [JSP 756, Armed Forces Compensation Scheme – Statement of Policy](#), Updated October 2020, chapter 4

2. Introduction of lifetime survivors' pensions

2.1 Overview

As explained above, payments to survivors of Armed Forces regular personnel whose death was attributable to (i.e: due to or hastened by) their service before 6 April 2005 are from different sources. The overall payment made be made up of a non-attributable pension from AFPS 75 and a compensation award. The compensation award may be from two sources: the War Pensions Scheme and the Armed Forces Attributable Benefits Scheme (AFAB). Under both these schemes, the original policy was to withdraw survivors' benefits in the event of remarriage or cohabitation.

Summary

War Pensions Scheme

A War Widow(er) whose late spouse left service before 31 March 1973 can keep their War Widow(er)s Pension if they remarry, form a civil partnership or start cohabiting with another person after 6 April 2005.

War Widow(er)s Pensions for those whose spouse left service after 31 March 1973 cease upon remarriage, civil partnership or cohabitation, but children's allowances may remain in payment. A Pension can be reinstated upon the death of the new spouse, civil partner or cohabitee; if the marriage ends in divorce or judicial separation, if civil partnership is dissolved, or if cohabitation ends.

AFPS 75 attributable benefits

Since 31 October 2000 attributable survivors' pensions have continued to be paid following remarriage, the formation of a civil partnership, or cohabitation. The change did not apply to people who had remarried or started cohabiting with another person before that date (although their pension may be reinstated if the new partner dies or the relationship ends).

Armed Forces Compensation Scheme

The AFCS provides survivors benefits for deaths attributable to service from 6 April 2005. They are payable for life and are unaffected by any subsequent marriage, civil partnership or cohabitation.

The way in which the rules changed in the different schemes is discussed in more detail below.

2.2 Attributable benefits

The Armed Forces Pension Scheme changed its rules from 31 October 2000, to allow payment of attributable survivors' pensions for life.

The change followed an independent review of career and remuneration structures in the Armed Forces under Sir Michael Betts in 1995. This recommended, among other things, that the pension for widows and widowers should be payable for life in line with private sector practice.¹⁴ During the subsequent passage of the *Pensions Bill*

¹⁴ *Independent Review of the Armed Forces' Manpower, Career and Remuneration Structures: managing people in tomorrow's armed forces*, Report to the Secretary of State under the chairmanship of Michael Betts, March 1995, p 71

1994/95, the Conservative MP Sir Jim Spicer introduced an amendment which would have provided for a widow in receipt of an attributable pension under the AFPS to receive that pension for life.¹⁵ The Conservative government of the time opposed the amendment and it was defeated. William Hague, then Social Security Minister, said that “widows’ pensions are intended to give financial support for as long as the state of widowhood continues”.¹⁶ He announced that the rules of the AFPS were to be amended to automatically reinstate the attributable widow’s pension if the subsequent relationship ended. Previously, widows had had to apply for their pensions to be reinstated and reinstatement was discretionary.

Following the 1997 election, the Labour Government initially maintained the line of the previous administration and argued that the AFPS could not be treated in isolation from other public service schemes. In July 1998, Lord Haskel, then Minister of State at the MoD argued this in response to a Bill introduced in the House of Lords by Lord Morris of Manchester.¹⁷ He went on to say that the issue would be considered as part of a joint MoD/DSS review of compensation arrangements for death or injury to service personnel and that this would be an opportunity to re-examine the arguments.¹⁸ During the debate, supporters of Lord Morris’ Bill pointed to changes to the Local Government Pension Scheme which allowed spouses’ pensions for life. The Bill did not complete its passage through parliament.

On 23 September 1998, the government launched a review of the AFPS which would consider the recommendations made by Sir Michael Betts in his report in March 1995.¹⁹ In a written answer in March 1999, John Spellar, Minister of State at the MoD, said that he could not predict the outcome but said that “it would be a departure from normal practice to make retrospective improvements to the terms of pensions already in payment.”²⁰

Both the joint MoD/DSS review of compensation arrangements for death or injury to service personnel and the MoD review of the AFPS were delayed. In October 1999, Baroness Strange introduced an amendment to the *Welfare Reform and Pensions Bill 1998/99*.²¹ This amendment would have allowed those widows whose death was attributable to service to keep their AFPS attributable pension for life. The amendment was accepted in the Lords but the Government overturned the amendment when the Bill returned to the Commons. In May 2000, Baroness Strange introduced a similar amendment during the Lords Committee Stage of the *Child Support, Pensions and Social Security Bill 1999-2000*.²² The Government again opposed the amendment on the grounds that it was a matter for the MoD and the

¹⁵ [HC Deb 4 July 1995 cc 248-265](#)

¹⁶ [HC Deb 17 July 1995 c 260](#)

¹⁷ [HL Deb 10 July 1998 c 1554](#)

¹⁸ [HC Deb 8 December 1997 c440-441W](#)

¹⁹ MoD press release, *Review of Armed Forces Pension Scheme*, 23 September 1998

²⁰ [HC Deb 18 March 1999 c 811W](#)

²¹ See [HL Deb 27 October 1999 cc 303-314](#)

²² See [HL Deb 22 May 2000 cc 494-511](#)

AFPS review. Baroness Hollis, Social Security Minister in the House of Lords, argued that the issue should wait until the review was completed.²³ She also said that the government needed to consider the possible implications for other public service occupational pension schemes if the rules are changed for the AFPS.²⁴ The Government was defeated and the amendment was included in the Bill when it returned to the House of Commons.

On 20 July 2000, the government announced that it had decided to allow attributable benefits to be paid for life. The announcement came ahead of the results of the AFPS review. The argument was that there was special case for more urgent action for the widows and widowers whose spouses died as a direct result of their service for their country. The change contained an element of retrospection in it apply to those widowed since 1973 and who were in receipt of an attributable pension (although not to those who had already remarried).²⁵ The results of the full review of the AFPS would be announced “soon” and the recommendations would be subject to full consultation. One of the recommendations would be that “all widows and widowers of service personnel covered by any new arrangements should be able to keep their pensions for life”. This would apply where spouses died in circumstances both attributable and non-attributable to their service in the Armed Forces and would be subject to consultation as part of the full review.²⁶

Jeff Rooker, the then Minister of State at the DSS, confirmed the proposed change when the Commons considered the Lords Amendment to the *Child Support, Pensions and Social Security Bill 1999/2000*. He said:

In the exceptional circumstances when a spouse's death is attributable to service, we have decided that widows and widowers who already receive an attributable armed forces pension should be allowed to keep it if they remarry in future.²⁷

The amendment was defeated with all party support to allow the change to be introduced through the correct legislative route in autumn 2000. Although the Government’s announcement was widely supported during the Commons debate on the Lords amendment, some MPs raised the position of those who had already remarried since 1973 and therefore given up their attributable pensions.²⁸ The then Social Security Minister, Jeff Rooker, confirmed that the change would not apply “to widows who remarried in the light of the circumstances that prevailed at the time” and said that “it is not possible to change that”.²⁹

²³ [HL Deb 22 May 2000 c 506](#)

²⁴ [HL Deb 22 May 2000 c 505](#)

²⁵ [DSS Press release, Pensions for Life for Widows and Widowers of Armed Forces Personnel, 20 July 2000](#)

²⁶ Ibid

²⁷ [HC Deb 24 July 2000 c817](#)

²⁸ [HC Deb 24 July 2000 c 818](#)

²⁹ [HC Deb 24 July 2000 c 819](#)

The Labour Government published its *Framework document for the new Armed Forces Pension Scheme* in October 2003. Features of the new pension scheme to be introduced included lifetime widow(er)s' pensions, whether or not death was attributable to service.³⁰ This was provided for in the [Armed Forces Pension Scheme 2005](#) (AFPS 05) – introduced for new entrants from 6 April 2005.³¹

2.3 War Widows' Pensions

Under the War Pensions Scheme, it was a long-standing rule that War Widows who remarried or started cohabiting lost entitlement to their War Widow's Pension.

Provision to restore pension

Originally the loss of pension on remarriage/cohabitation was permanent, but section 168 of the [Pensions Act 1995](#) contained a provision to restore the pension to former widows if they were widowed for a second time, or if they were divorced or legally separated, or if their partnership ended.³² This had effect from 19 July 1995 and was extended to those who had lived with a partner from 7 April 1997.³³

A Court of Appeal decision in March 2019³⁴ found that payment of restored pension should be made from the end of the relationship that caused the pension to stop rather than the date of application. The MoD explains that the judgement applies if:

- The War Widow or Widower first received their pension because their spouse or civil partner had died whilst they were still serving in HM Forces **and**
- Pension stopped due to a new relationship **and**
- There was a delay in claiming the pension either when the legislation which allowed restoration was introduced or following the end of the later relationship.³⁵

A legislative amendment was made on 9 April 2018 to restore the original policy intent and to make it clear that a claim for restoration is required in all cases.³⁶

Veterans UK said in February 2021 that it was checking to see if the correct commencing date had been used when the Restored War Widows/War Widowers Pensions (RWP) was paid following the end of a subsequent relationship.³⁷

³⁰ MoD, *A Framework Document for the new Armed Forces Pension Scheme*, October 2003 (Dep 03/2568)

³¹ [SI 2005/438](#), Schedule 1 (E.1)

³² Article 42 of the Service Pensions Order *The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983* (SI 1983/883) as amended

³³ [MoD and Veterans UK, Additional period of Restored War Widows/War Widowers Pension, Feb 2021](#)

³⁴ *Deakin v Secretary of State for Defence* ECWA [2019] Civ 571

³⁵ [MoD and Veterans UK, Additional period of Restored War Widows/War Widowers Pension, Feb 2021](#)

³⁶ *Ibid*

³⁷ *Ibid*

Pre-1973 widows

Further changes to the War Pensions Scheme rules took effect from 6 April 2005, which affected war widows whose spouse's service ended before 31 March 1973. During the Lords Report Stage of the *Armed Forces (Pensions and Compensation) Bill 2003-04*, Baroness Strange tabled an amendment to restore War Widows' Pensions to all pre-1973 war widows who had had their pensions withdrawn because of remarriage or cohabitation. She explained that this would put pre-1973 widows in the same situation as those eligible to attributable benefits from AFPS 75 who, since October 2000, had been able to keep their pension if they remarried or began cohabiting:

Turning to my amendment, in the year 2000 the War Widows' Association was extremely pleased to secure for its younger members—the post-1973 widows—the right to remarry or cohabit without prejudice to their attributable Armed Forces family pension. That has meant a great deal to those post-1973 war widows who have now had some freedom to rebuild secure family units with some financial stability, although in fact comparatively few of them have actually done so. However, the older ladies—the pre-1973 war widows—do not have an attributable Armed Forces pension, and so do not have this freedom. And some of them do want to remarry.³⁸

The then Defence Minister Lord Bach responded that the Government would change the rules for widows whose spouses' left service or died before 1973. This was in recognition of the fact that they had special needs because their spouses' service ended before major improvements were made to occupational benefits in 1973:

Following eloquent presentation of the amendment both today and in Grand Committee, however, the Government have given very careful consideration to the issues behind it. As noble Lords will be aware, since October 2000—I have just referred to the matter—we have allowed widows and widowers under the Armed Forces pension scheme whose spouse died from causes related to service to keep their pensions on remarriage and cohabitation. In view of the exceptional position of war widows and the special needs of those whose spouses' service ended before major improvements were made to occupational benefits in 1973, we accept the argument for a change in that respect. It will apply only to future remarriages for widows and widowers whose service spouse left service or died before 1973. It would not be affordable to make the change retrospective for past remarriages.

As with the October 2000 change, the change will apply only to those who remarry or cohabit after the date of change. That means that it is not a retrospective concession. However, it means that those war widows who have already remarried will not benefit, although, should their position change and their pension be reinstated in future, the new rules would apply to them. I am

³⁸ [HL Deb 8 September 2004 c606](#)

happy to place on the record the Government's commitment to make that change for war widows.³⁹

The position after this announcement was that War Widow(er)s whose late spouse left service before 31 March 1973 could keep them if they remarried/cohabited after 6 April 2005:

A War Widow(er) whose late spouse left service before 31 March 1973 can keep their War Widow(er)s Pension if they remarry or live with another person as their spouse or form a civil partnership or live with another person as their civil partner after 6 April 2005.

War Widow(er)s Pension for War Widow(er)s whose late spouse or civil partner left service after 31 March 1973 will cease upon remarriage, forming a civil partnership or living with someone, but any children's allowances may remain in payment. A claim can be made for the pension to be reinstated upon the death of their spouse or civil partner, if they cease to live with a partner, the marriage ends in divorce or judicial separation or the civil partnership is dissolved.⁴⁰

Lifetime survivors' pensions for those in receipt from 1 April 2015

Organisations such as the War Widows' Association of Great Britain continued to campaign for a change in the rules for those whose spouse died between 31 March 1973 and 5 April 2005:

RETAINING THE WAR PENSION FOR LIFE

War Widows' Association Chairman, Irene Wills BEM, on 5th April 2014 launched a campaign to secure a War Widow's Pension for life, for a small group of War Widows.

This small group of widows, currently numbering 4200 and declining; (DASA Statistics 31 March 2013) are disadvantaged by the change to the War Pension Scheme and the introduction of the Armed Forces Compensation Scheme in 2005; they do not meet the criteria for retaining their pension for life of either scheme. In other words it was **THE WRONG TIME TO DIE**

For clarification

If your spouse died or left Military or War Service before 31 March 1973 and you also receive the War Pension Scheme Supplementary Pension **you keep your War Widows' Pension for life.**

If you were widowed after 5 April 2005 and receive Survivors Guaranteed Income Payment from the Armed Forces Compensation Scheme **you keep your War Widows Pension for life.**

However, if your spouse died or left Military or War Service after 31 March 1973 and before 5 April 2005, at present you do stand to lose your War Widows Pension if you remarry or cohabit.

³⁹ [HL Deb 8 September 2004 cc611-612](#)

⁴⁰ Service Personnel and Veterans Agency, [Factsheet 5: War Widow\(er\)s – War Pensions Scheme only](#)

We believe this to be unfair and outdated. It would only cost £70,000 a year to right this wrong ([Lord Astor in Hansard on 21 January 2014](#)).⁴¹

In January 2014, the Government estimated that the cost of not suspending pensions on remarriage or cohabitation to those in receipt of a War Widows' Pension was £70,000 a year, or some £30 million over 25 years.⁴²

On 8 November 2014, the Government announced that the rules would change such that all those in receipt of a War Widows; Pension or survivors' pension from the Armed Forces Pension Scheme would be able to keep them for life regardless of remarriage or cohabitation:

From 1 April 2015 all survivors' pensions awarded to armed forces spouses and civil partners will be for life.

Those already in receipt of a survivor's pension will be entitled to keep their pension for life if they decide to remarry, cohabit or form a civil partnership after this date. Previously, some may have had to surrender their pensions upon such changes in their circumstances. The decision highlights the government's commitment to the [Armed Forces Covenant](#) by recognising the difficulties many partners of armed forces personnel face in earning their own occupational pensions, often due to having to relocate their homes within in the UK as well as overseas.

Defence Secretary Michael Fallon said:

"It's vital that we do right by those who put their lives on the line for their country – that's why this government enshrined the Armed Forces Covenant in law.

These changes reflect the huge commitment which service families make to our country.

We recognise that the unique nature of service life has left widows, widowers and surviving civil partners of members of the armed forces at a disadvantage."

The changes, which apply to members of the [Armed Forces Pension Scheme 75](#) (AFPS 75) and the War Pensions Scheme, will allow those who qualify after 1 April 2015 to retain their armed forces pension for life – regardless of whether the AFPS 75 member's death was caused by service or whether the surviving partner remarries or cohabits.

The [Forces Pension Society](#) and the [War Widows' Association](#), which sought to harmonise pension rules from 1 April 2015, have welcomed the move.

This change will come into force in conjunction with the launch of the new [Armed Forces Pension Scheme 15](#).

The Armed Forces Covenant is a key commitment of this government. It was introduced into law to ensure that personnel and veterans, and their families, do not suffer disadvantage due to service.⁴³

⁴¹ [The War Widows' Association of Great Britain – Campaign; HL Deb 21 January 2014 c572](#)

⁴² [HL Deb 21 January 2014 c573](#)

⁴³ [Ministry of Defence, Pensions for life for surviving spouses and civil partners of personnel, 8 November 2014](#)

The change was made in the [*Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) Order 2015 \(SI 2015/208\)*](#) and the [*Army Pensions \(Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme\) \(Amendment\) Warrant 2015*](#).

2.4 Campaign for reinstatement of pensions already surrendered

The change announced on 8 November 2014 did not apply to those who had remarried or cohabited between 1973 and 2005 and had already surrendered their pension on remarriage or cohabitation before 1 April 2015. The War Widows' Association has called upon the government to reinstate pensions to this group:

1. The Association was founded in 1971 as a campaigning organisation and has a history of which it is truly proud. Following our successful 'Pensions for Life' campaign the Association welcomed the announcement made by the Prime Minister on 8 November 2014 that all war widow/ers in receipt of their war pension on 1st April 2015 would retain this for life.
2. However, we recognise that a small number* of War Widows who had already remarried or co-habited fell outside the announcement; they are rightly aggrieved and feel disenfranchised. Those that remarried or cohabited between 1973 and 2005 were required to surrender their War Widows' Pension on remarriage or co-habitation; while the Association appreciates that this was the law at the time we recognise that it is a bad law, absolutely wrong and must be amended.
3. Successive governments have argued that discretionary improvements to benefits from armed forces pension schemes should generally not be applied retrospectively. The War Widows' Association of Great Britain is not calling for any change to the law to be introduced with a retrospective element. The War Widows' Association are calling for reinstatement from the earliest date possible for this small number of war widows; this would be a progressive forward-thinking step and would ensure equality and fairness for all war widows in line with the spirit of the Armed Forces Covenant.
4. The War Widows' Association continue to campaign to ensure that all War Widows and War Widowers are treated equally and fairly. We take every opportunity to engage with Government, influential individuals and groups. The Association is proud to be recognised as the UK's leading representative organisation for widow/ers of armed forces personnel where death of a spouse/recognised partner has been attributed to their service. [...]

*We estimate the figure to be between 200 and 300 War Widows.⁴⁴

An Early Day Motion in support of reinstatement for this group had 22 signatures:

⁴⁴ [War Widows' Association. Reinstatement of the War Widows' Pension \(10 June 2016\)](#)

That this House notes the changes announced in 2014 which allowed war widows or widowers who lost their spouse or cohabiting partner in service in the armed forces before 6 April 2005, and had not remarried by 1 April 2015, to retain their war widow pension for life regardless of ongoing relationship status; further notes that this excluded war widows bereaved before 6 April 2005 who remarried between 31 March 1973 and 6 April 2005 and lost their war widows pension upon remarrying; believes that this is arbitrary, morally wrong and unjustifiable; notes the example of Susan Rimmer, from Otley, whose husband Private James Lee was killed in Northern Ireland in 1972 when Susan was 19, married for just nine months and six months pregnant; notes that Susan lost her war widow pension upon remarrying in 1989 and since then has received no compensation for the loss of her first husband and her daughter's father; notes the Ministry of Defence say her payment can only be reinstated if she divorces her second husband but could then keep it if she remarried him; further believes this to be absurd and not how we should treat families of those who made the ultimate sacrifice for the UK; believes that everyone who lost partners in service to their country at any time should receive equal compensation on an ongoing basis regardless of relationship status; therefore supports the campaign backed by the Wharfedale and Aireborough Observer; and urges the Government to correct this injustice..⁴⁵

In response to a PQ in July 2015 Defence Minister Mark Lancaster said the Government had no plans to change the rules for this group:

Asked by Greg Mulholland (Leeds North West): To ask the Secretary of State for Defence, if he will take steps to ensure that war widows who remarried between 1973 and 2005 have their war widows' pension reinstated.

Answered by: Mark Lancaster: It has been the policy of successive Governments that changes or improvements to all public service pension schemes should not be applied retrospectively. Therefore there are no plans to reinstate war widows' pensions for war widows who remarried between 1973 and 2005. However from 1 April 2015 those who have already surrendered their pension due to remarriage or cohabitation can apply to have their pension restored for life should that relationship end.

The Department regularly receives representation from the War Widows Association as they are members of the Central Advisory Committee and the retention of war widows' pensions on remarriage or cohabitation is one of the issues we have engaged on in recent years.

The change, as announced by my right hon. Friend the Prime Minister on 8 November 2014, which allowed widows, widowers and surviving civil partners of all members of the Armed Forces Pension Scheme and the War Pensions Scheme to retain their pensions for life came into effect from 1 April 2015. This harmonised the pension rules for Armed Forces widows with effect from the introduction of the Armed Forces Pension Scheme 2015.

War Pension Scheme records that are readily available for the period from 2005 to March 2015 show the number of war

⁴⁵ [EDM 1133 of 2015-16: COMPENSATION FOR WAR WIDOWS](#)

widows/ers who surrendered their War Pensions due to remarriage or cohabitation as 145 [...] ⁴⁶

The cost of reinstating War Widows' Pensions for those who remarried between 1973 and 2005 had not been estimated.⁴⁷

The then Prime Minister, Theresa May, said the Government would continue to look at the issue but was of present of the view that such changes should not be made retrospectively:

Of course, it was this Government who made a historic change so that war widows who remarried, from 1 April 2015, would retain their war widow's pension. That was a change long asked for and only delivered under this Government. We will continue to look at this issue, but at present we are of the view—this is the long-standing policy of successive Governments—that we should not make these changes and apply them retrospectively.⁴⁸

The Government addressed the costs issue in response to questions from SNP defence spokesperson Kirsten Oswald and DUP MP Nigel Dodds in July 2016:

At first sight the numbers of widows who surrendered their pensions each here and the amount per annum individually to reinstate these may appear small but cumulatively those eligible could go back several decades, and whilst we have not been asked for backdating, even on a going forward basis, such a change would be very costly.⁴⁹

In response to a PQ in 2016, the then Defence Minister Mark Lancaster said he had asked officials to "continue to consider potential options given the financial and legal considerations we are faced with."⁵⁰

In February 2019, the then Defence Secretary Gavin Williamson described this as a 'burning injustice' to which he was determined to find a solution:

Dr Lewis: On a very much more serious issue, the Secretary of State knows that there are between 200 and 300 war widows who lost their war widows pension on remarriage and who, if they were to divorce or lose their husbands now would have it restored and it could not then be taken away, but who have not had it restored and are therefore in the perverse situation that if they want to get quite a few thousand pounds a year more, they should divorce and remarry their husbands. Everyone agrees that that is an absurd and indeed disgraceful situation, and I know that the Secretary of State wants to do something about it. The war widows have been to see the Financial Secretary to the Treasury, and she has expressed sympathy. When will this matter be dealt with? What is holding it up?

Gavin Williamson [...] My right hon. Friend raises an important issue, and it is one that has been ongoing for a very long time. I have had the opportunity to meet a large number of those affected, and we are keen to work across the Government to find

⁴⁶ [PO 6523 15 July 2015](#); See also [HL Deb 11 January 2016 cc3-4](#); and [PO 212562, 18 November 2014](#)

⁴⁷ [PQ 6874 16 July 2015](#); See also [PQ 903777 29 February 2016](#)

⁴⁸ [HC Deb 4 May 2016 c172](#)

⁴⁹ [Dep 2016-0642 16 July 2016](#)

⁵⁰ [PQ 49238 26 October 2016](#); [PO52042 15 November 2016](#)

a solution. This is a burning injustice, and I know that those women feel it very deeply. I am committed to finding a solution, and I very much hope that we can deliver that across all Departments.⁵¹

On 30 January 2020, Defence Minister Johnny Mercer said that the War Widow's Association had accepted in 2015 "that new legislation never has a retrospective effect, and that the change would apply only to those who were receiving the pension when the new legislation came into force that April."⁵² However, on 15 March 2021, he said the Government continued to explore options, such as the ex-gratia scheme:

Dr Julian Lewis: It should be possible to restore the pensions of the small cohort of war widows who lost them on remarriage or cohabitation without setting a precedent that would open the floodgates in respect of other cohorts, so what progress is the Department making in addressing this debt of honour?

Johnny Mercer: I am aligned with my right hon. Friend's views. The Secretary of State has worked tirelessly on this issue to try to correct the historic injustice of war widows' pensions. We continue to examine all possibilities, including the ex gratia scheme and all the other ideas that my right hon. Friend has come up with in his tireless campaigning. We will arrive at a solution. Like I said, the Secretary of State is committed to resolving it, and we will get there in the end.⁵³

There is an amendment down on the issue for the Committee Stage of the Armed Forces Bill – see [New Clause 18](#).

2.5 Court of Appeal judgment

In April 2019, the Court of Appeal ruled that where a widow whose pension had been withdrawn on remarriage or cohabitation had become entitled again because the subsequent relationship had ended, the restored pension was payable from the date they became entitled to it.

A widow, whose husband had been killed on active service in the Second World War, had received a war widow's pension awarded (under terms now in [article 23\(1\) of the Naval, Military and Air Forces Etc \(Disablement and Death\) Service Pensions Order 2006](#)) ¹ by the Secretary of State until her entitlement to that pension had ceased on her remarriage. Under a legislative change that came into force in 1995, and which affected pensions surrendered before 6 April 2005, the widow became entitled to have her pension restored in the event that her second marriage ended. The widow's second husband died in 2000 but she did not become aware of her entitlement to a restored pension until late 2014, whereupon she made a claim to restore the pension. Issues arose as to the date from which the restored pension was payable.

⁵¹ [HC Deb 18 February 2019, c1187](#)

⁵² [HC Deb 30 January 2020 c1044](#)

⁵³ [HC Deb 15 March 2021 c22](#)

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