



## BRIEFING PAPER

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# Lifetime survivors' pensions from public service schemes

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## Summary

Until the mid-2000s, most public service pension schemes provided for a surviving partner's pension to be lost on remarriage. The rationale was that widow(er)'s pensions were intended to provide a measure of compensation for the loss of financial support the beneficiary had received from their late husband or wife. So, if the beneficiary remarried or cohabited, the expectation was that they would look to their new spouse or partner for financial support.

Reforms to public service pensions in the mid-2000s included changes to survivors' partners to reflect changes in social patterns of behaviour. They included the introduction of pensions for civil partners and nominated unmarried partners and the removal of rules ending pensions on remarriage. However, the new rules were not generally changed with retrospective effect. This reflected a long-standing policy applied by successive governments that improvements to public service schemes should be implemented from a current date for future service only because to do otherwise would make any worthwhile improvements unaffordable.

The Coalition Government announced two exceptions in 2014/15. The first related to survivors of members of the armed forces, in recognition of the particular challenges they face building up an occupational pension in their own right. This change was made in [SI 2015/208](#).

The second related to survivors of police officers and firefighters who died on duty. The relevant change to the police pension scheme regulations was made in [SI 2015/2057](#). In a Westminster Hall debate on 15 March 2017, Minister for Policing and the Fire Service Brandon Lewis said the Government had "no current plans [...] to change the scheme beyond the changes made only last year" ([HC Deb 15 March 2017 c135WH](#)). The relevant change to the firefighters scheme was made in [SI 2017/892](#).

The Executive in Northern Ireland has gone further, extending survivors' pensions for life to all survivors of members of the RUC pension scheme from July 2014 ([press release, 11 March 2014](#)). In March 2016, it announced that lifetime survivors' pensions would be extended to all members of the civil service scheme from April 2016 ([EPN, 11 March 2016](#)).

The Scottish Government has decided to extend lifetime survivors' pensions to survivors of police officers and firefighters killed on duty from October 2015, including reinstating pensions previously withdrawn from those affected individuals ([SPPA, 5 October 2015](#)).

The position for war widows is discussed in Library Briefing Paper SN-00568 [War Widows' Pensions](#) (November 2016).

# 1. Background

Until the mid-2000s, most public service pension schemes provided for a surviving partner's pension to be lost on remarriage. In a debate on the civil service scheme in 2006, the then Cabinet Office Minister, Jim Murphy explained that that the intention was to provide some measure of financial compensation for the loss of financial support that the beneficiary had received from their late husband or wife. So, if the beneficiary remarried or cohabited, the expectation was that they would look to their new spouse or partner for financial support:

[...] In the past, as now, the Government have sought to provide their staff with pension arrangements consistent with those of other good employers. While some of the historical provisions may seem very restrictive now, at the time they would have been seen as unremarkable or, indeed, as relatively generous.

Widows' pensions have featured in civil service pension arrangements since 1949. At that time, there was no legal requirement for an employer to provide any benefits whatever to its employees' widows. The *Superannuation Act 1949* introduced widows' pensions provided that the marriage took place during the civil servant's period of service. That was seen as consistent with the role of a good employer at that time.

Attitudes and social legislation have developed. Since April 1978, as my hon. Friend mentioned, pension schemes that contracted out of the state earnings-related pension scheme have to pay a widow's pension whenever a contributor dies and leaves a widow, irrespective of the date of the marriage. The civil service scheme was changed, but only in relation to service from 6 April 1978. Only service from that date counted for a widow's pension where a member married after leaving civil service employment.

The situation for women was slightly different. Female civil servants were not required to pay contributions for a widower's pension until July 1987. That change anticipated the requirement from April 1988 for contracted-out schemes to pay a widower's pension, irrespective of the date of the marriage. Again that was not applied retrospectively and only service from April 1988 counts for a widower's pension where the marriage has taken place after the woman left civil service employment.

The intention behind the payment of pensions to widows and widowers was to provide some measure of financial compensation for the loss of financial support that the beneficiary had received from their late husband or wife. So, if the beneficiary remarried or cohabited, the expectation was that they would look to their new spouse or partner for financial support. The UK state scheme has similar provisions. It was on that basis that the civil service pension scheme was costed and member contribution levels set.[...].<sup>1</sup>

Reforms to public service pensions in the mid-2000s included changes to survivors' partners to reflect changes in social patterns of behaviour. They included the introduction of pensions for civil partners and nominated unmarried partners and the removal of rules ending

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<sup>1</sup> [HC Deb 27 February 2006 cc 100-101](#)

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pensions on remarriage.<sup>2</sup> These changes were implemented in different ways in different schemes. However, the new rules were not generally introduced with retrospective effect. As explained by the Ministry of Defence in 2002, this has been a long-standing policy, applied by successive governments:

It has been the long-standing policy of successive Governments that discretionary changes to improve the benefits from public service pensions schemes should be implemented from a current date for future service only. Improvements to pension schemes are not applied retrospectively as to do otherwise would make any worthwhile improvements unaffordable. When scheme modifications are introduced on this basis, active members of the scheme may be given an opportunity to pay for the new benefit to apply to their accrued service, but pensioners and deferred pensioners should receive only those benefits which they earned when they were themselves active members. It would not be possible to make an exception for former Service personnel, as this would require a change for all public service schemes. Such a move would be at great public expense and has been judged unaffordable by successive Governments.<sup>3</sup>

In February 2008, the then Armed Forces Minister, Derek Twigg, said that:

[...] legal principles dictate that members' entitlements are generally calculated according to pension rules in force at the date of their retirement. It is a policy principle of public service pensions, upheld by successive Governments, that improvements to pension schemes are not made retrospective.<sup>4</sup>

In February 2014, spokesperson for the current Government, Lord Astor of Hever, said:

Successive Governments have reviewed pensions for life, but changes cannot be taken in isolation from other public sector schemes, including those for the NHS, teachers, police and the fire service, which have similar rules in place for their older schemes.[...] it is a fundamental principle, which has been applied by successive Governments, including that of the noble Lord, that public service occupational pension terms should not be improved retrospectively for those who are no longer active members of these pension schemes or for their dependents.[...]<sup>5</sup>

The new public service schemes to be introduced from April 2015 provide lifetime survivors' pensions.<sup>6</sup>

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<sup>2</sup> For more detail, see Library Note SN 6348 [Occupational pensions: survivors benefits for cohabitants](#) (June 2012) and SN 3035 [Pensions: civil partnerships and same sex marriages](#) (July 2014)

<sup>3</sup> [Memorandum from the Ministry of Defence to the Defence Select Committee on Legacy Issues for the Armed Forces Pension Scheme , 12 December 2002, HC 188-i, 2002-03, 18 December 2002](#)

<sup>4</sup> [HC Deb, 1 February 2008, c629-30](#)

<sup>5</sup> [HL Deb 21 January 2014 c572-4: See also DEP2014-0078](#)

<sup>6</sup> See, for example, HM Treasury, [Public Service Pensions: good pensions that last](#), Cm 8214, November 2011, Box 3.A

## 2. Changes in individual schemes

Each of the main public service schemes had rules providing for a survivors' pension to be removed on remarriage or cohabitation. These rules were removed as part of reforms to the schemes in the mid-2000s. In general, these changes were not made retrospective. A limited exception has been made for some survivors of members of the armed forces in recognition of the fact that the unique nature of service life places them at a particular disadvantage in building up entitlement to an occupational pension in their own right.

### 2.1 Civil service

The PCSPS has been reformed on a number of occasions. The scheme introduced in 1972 – now called the *classic* scheme was closed to new members in October 2002. A widow(er)'s pension from this scheme ceases if they remarry or live with someone else as husband and wife. Following a long-running campaign, when the *premium* scheme was introduced for new entrants in October 2002, one of its features was that survivors' pensions were payable for life. The then Minister for the Civil Service, Ruth Kelly, explained in 2004 the background to this and why the same provision was not being extended to members of *classic*:

**Ruth Kelly:** ...Until recently all public service pension schemes (and many in the private sector) only provided widows' and widowers' pensions up until the beneficiary remarries or cohabits with someone as their husband or wife. From October 2002, a new pension scheme for civil servants was introduced (known as premium) which has an improved benefit structure paid for by higher employee contributions. One of the improvements is to provide widows and widowers pensions for life. To provide a similar improvement in respect of the pre-October 2002 scheme (known as classic), where higher contributions have not been paid, would not only be unfair to the members of premium who are paying higher contributions for enhanced benefits, but would also result in tax payers meeting the additional costs to the classic scheme of doing so. Public service-wide additional costs for future service have been estimated at £150 million per annum, plus a one off cost of £3 billion to cover all past service.<sup>7</sup>

This was the subject of an adjournment debate initiated by Clive Betts MP on 27 February 2006.<sup>8</sup>

### Northern Ireland

In December 2015, Finance Minister in the Northern Ireland Executive Arlene Foster announced a consultation on proposals to reinstate survivors' pensions to members of the civil service scheme:

The Minister was speaking as she launched a public consultation on her proposal to make changes to the Civil Service Pension Scheme. The changes will affect remarried widows and widowers of scheme members, who worked as civil servants including prison officers, the civilian workforce of the Police Service of Northern

<sup>7</sup> HC Deb, 13 October 2004, c317W

<sup>8</sup> [HC Deb 27 February 2006, c96](#)

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Ireland. It will mean that those widows and widowers, whose pensions were stopped if they remarried, will have them reinstated and this change will apply going forward to all such cases.

The Minister said: "Today is a crucial milestone in bringing forward these long overdue reforms. My decision to act on this issue will benefit some widows and widowers whose husbands and wives have served our community over many years, including civil servants, prison officers and also other groups such as, civilian members of the Royal Ulster Constabulary and the Police Service of Northern Ireland. I have proposed that the Scheme will provide for the continued payment of pension in cases where affected members remarry. It is right and just that the spouses of those who have given so much for Northern Ireland, particularly prison officers, should continue to receive their pension, and not be penalised for living their lives. In the coming months, my officials will make contact with the widows and widowers from their records that may be eligible for this reinstatement."

The proposal is for payments to be made from April 2016 onwards and would apply to all members in the future. The costs of this change will be very minimal and will be spread over many years. The costs will be met by employers.<sup>9</sup>

The proposed changes would seek to bring current arrangements in line with pension arrangements introduced in 2002 for Northern Ireland Civil Servants.<sup>10</sup>

[Consultation on proposals to Proposed Changes to Pre-2002 Civil Service Widows/Widowers Pension Arrangements](#) ran until 9 February 2016. On 11 March, the Department of Finance said the proposed changes would proceed:

After careful consideration of all the responses, the Department has concluded that the proposed changes as set out in this document will proceed. Therefore, these changes will mean that surviving wives / husbands / partners in the event of future remarriage or cohabitation will continue to have their pension paid; it will also reinstate pensions to those surviving wives / husbands / partners who have remarried or cohabited with a new partner. Payment will not be retrospective and will become effective from 1 April 2016.<sup>11</sup>

## 2.2 Teachers

In June 2006, the Department for Education and Skills issued proposals for reform of the Teachers' Pension Scheme. This included a proposal for survivors' pensions to be paid for life. This would apply both to new entrants from 1 January 2007 and for existing members on that date.<sup>12</sup> The change was legislated for in the *Teachers' Pensions etc (Reform Amendments) regulations 2006 (SI 2006 No. 3122)*. However, it did not apply where the scheme member retired before 1 January 2007. The Explanatory Memorandum said:

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<sup>9</sup> [Reinstating widows' pensions is the right thing to do, Northern Ireland Assembly - Department of Finance, 16 December 2015](#)

<sup>10</sup> Ibid

<sup>11</sup> [Department of Finance NI, Employee Pension Notice, March 2016](#)

<sup>12</sup> Department for Education and Skills, *First class, adaptable and sustainable*, June 2006, p6

Schedule 3 paragraph 50 amends regulation E30 (duration of long term-survivor pensions) so that survivor pensions are payable for the lifetime of the recipient. Widow, widower and civil partner pensions payable in respect of a member who retired from a date prior to 1 January 2007 will be remain liable to cessation on the recipient's remarriage, civil partnership or cohabitation.<sup>13</sup>

The rule is now in [Teachers' Pensions Regulations 2010](#) (SI 2010 No. 990) ([regulation 94](#)).

The current Government says it has no plans to make further changes:

Louise Haigh: To ask the Secretary of State for Education, if he will make it his policy to extend entitlement to a late spouse's teacher's pension to remarried surviving spouses of teachers who retired or died before January 2007.

Nick Gibb: Pensions were introduced for the widows of teachers in 1972. Spousal pensions were then extended to include widowers and civil partners. Up until 2007, funding of the Teachers' Pension Scheme (TPS) was on the basis that partner pensions would cease, should the dependent partner remarry or enter a civil partnership.

In 2007, the rules governing survivor pensions were changed to ensure that any pension which becomes payable to a surviving spouse or civil partner, where the member had service in the TPS after 1 January 2007, will be paid for life. There are no plans to retrospectively apply this amendment to those who retired, or otherwise left the TPS, before the regulations were changed.<sup>14</sup>

It has made no assessment of the impact of introducing the 2007 change with retrospective effect:

No specific assessment has been made of the number of people who could have benefitted had amendments to the Teachers' Pension Scheme been introduced in 2007, to provide that pensions for surviving spouses or civil partners would be paid for life, been implemented with retrospective effect. Similarly, the costs associated with that have not been assessed.<sup>15</sup>

For more on the 2007 reforms, see SN 405 [Teachers' Pension Scheme - background](#) (September 2013).

## 2.3 NHS

Changes to survivors' benefits in NHS pension scheme were introduced with effect from 1 April 2008. An agreement on reform proposals published in September 2007 proposed introducing a new scheme for new entrants from 1 April 2008. Survivors' pensions would be "payable for life regardless of the changes in their circumstances."<sup>16</sup>

Regulations to implement the reforms came into force on 1 April 2008. Changes to the existing scheme were made by the [NHS Pension Scheme \(Amendment\) Regulations 2008 \(SI 2008/654\)](#). Regulation G1 of the 1995 regulations was amended so that:

<sup>13</sup> [Explanatory Memorandum to the Teachers' Pensions etc \(Reform Amendments\) Regulations 2006 \(SI 2006 No. 3122\)](#), p9

<sup>14</sup> [PO 122066 15 January 2018](#)

<sup>15</sup> [PQ150188 11 June 2018](#)

<sup>16</sup> NHS Pension Scheme Review, *Agreement between NHS Employers and the NHS trade unions*, September 2007, para 32



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[...] regulations that cause a spouse or civil partner pension to stop if a member re-marries or forms a further civil partnership will not apply to members who have pensionable service in the scheme on or after 1 April 2008.<sup>17</sup>

The rules were not changed for survivors of members whose last day of service was before 1 April 2008. Regulation G1 now says:

### **G1 Widow's pension**

(1) Subject to the following provisions of this regulation, if a male member dies in the circumstances described in any of regulations G2 to G6 and leaves a surviving widow, the widow shall be entitled to a pension as described in whichever of regulations G2 to G6 applies.

(1A) Paragraphs (2) to (7) apply if a member's pensionable employment ceases before 1st April 2008.

(2) Subject to paragraphs (3) to (5)—

(a) no widow's pension shall be payable in respect of any period during which the widow and a man to whom she is not married are living together as husband and wife; . . .

(b) the widow shall cease to be entitled to a widow's pension if she remarries[;]

(c) no widow's pension shall be payable in respect of any period during which the widow and a woman who is not her civil partner are living together as if they were civil partners; and

(d) the widow shall cease to be entitled to a widow's pension if she forms a civil partnership.

(2A) Paragraph (2)(c) and (d) shall not apply where the member dies before 5th December 2005.]

(3) Nothing in paragraph (2) shall affect any entitlement to a widow's guaranteed minimum pension under [this Section of] the scheme.

(4) The Secretary of State may pay a pension to a widow who has remarried, or who is living together as husband and wife with a man to whom she is not married, if the Secretary of State is satisfied that the widow will otherwise suffer severe financial hardship.

(5) The Secretary of State may pay a pension to a widow who has remarried if the later marriage comes to an end and the Secretary of State is satisfied that the widow will otherwise suffer hardship.

(6) The amount of any pension payable under paragraph (4) or (5) may, at the Secretary of State's discretion, be equal to, or less than, the original widow's pension and the Secretary of State may (subject to any widow's guaranteed minimum pension) vary the amount, or stop paying the pension, at any time.

(7) If a dependent child is born after the member's death, any entitlement to a widow's pension under regulation G2 (member dies in pensionable employment) or G3 (member dies after pension becomes payable) will be recalculated as if the child had been born before the member died.<sup>18</sup>

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<sup>17</sup> [\(SI 2008/654\) Explanatory Memorandum](#)

<sup>18</sup> [NHS Pension Scheme Regulations 1995 \(SI 1995/300\), regulation G1](#)

An overview of the rules can be found in leaflets produced by the NHS Business Authority:

- [NHS Pension Scheme: Life Assurance and Family Benefits Factsheet 1995 section](#); and
- [NHS Pension Scheme: Life Assurance and Family Benefits Factsheet 2008 section](#).

For more on the 2008 reforms to NHS, see SN 3281 [NHS Pension Scheme](#) (October 2012).

## 2.4 Local Government

Reforms to the LGPS were introduced with effect from 1 April 1998 under the *Local Government Pension Scheme Regulations 1997 (SI 1997/1612)*. The regulations applied to people who were active members of the scheme on or after 1 April 1998. They did not contain provision for a pension to cease on remarriage or cohabitation. However, the regulations they replaced did. The *Local Government Pension Scheme Regulations 1995 (SI 1995/1019)* said:

F7 (1) Except where paragraph (2) applies, where a widower or widow would otherwise be entitled to a pension by virtue of this Part

He or she is not so entitled during any subsequent marriage or any period of cohabitation outside marriage, and

He or she is so entitled from the end of any such marriage or period only if the appropriate administering authority in their discretion so decide.

(2) Where a widower and a widow are entitled to a pension under this Part marry or cohabit with each other outside marriage –

(a) only such one of them as they determine shall be entitled to his or her pension, and

(b) the other shall cease to be entitled to his or her pension until the marriage or cohabitation ends.

Individual pension fund authorities have discretion to pay a lifetime survivor's pension even where the scheme member ceased employment before 1 April 1998. They should have a policy on this and keep it under review.<sup>19</sup>

The LGPS website explains how the rules now apply:

If you are receiving a widow's, widower's or [civil partner's](#) pension it is payable to you for the rest of your life, unless your husband, wife or civil partner left the LGPS before 1 April 1998 and you remarry, enter into a new [civil partnership](#) or cohabit with someone.

If your husband or wife left the LGPS before 1 April 1998 and your pension has been suspended on your remarriage or cohabitation before 1 April 1998 your [pension fund administrator](#)

<sup>19</sup> [Local Government \(Early Termination of Employment\) \(Discretionary Compensation\) \(England and Wales\) Regulations 2000 \(SI 2000/1410\)](#), reg 21 (7); [LGPS Technical guide - discretions policies](#), April 2015

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can decide whether to reinstate your pension if your remarriage or co-habitation comes to an end.

If your husband, wife or [civil partner](#) left the LGPS before 1 April 1998 and you remarry, cohabit or enter into a new [civil partnership](#) after 31 March 1998, your [pension fund administrator](#) can decide whether your pension continues or not.<sup>20</sup>

For more on the 2008 reforms generally, see Library Note SN 4115 [Local Government Pension Scheme: 2008 reforms](#) (June 2012).

### 2.5 Firefighters

A Parliamentary Written Answer of 2002 explained that the surviving spouse of a firefighter who remarried lost the rights to a widow's/widower's pension and that there were no plans to change this.<sup>21</sup>

In 2004, the Office of the Deputy Prime Minister published *Government Proposals for a New Firefighters' Pension Scheme*. The existing scheme would be closed to new entrants from 1 April 2006. Members of the existing scheme would be able to join the new scheme if they wished to do so. Proposed reforms included improvements to survivors' benefits, including a proposal that a survivor's pension would be "paid for life and not cease on remarriage."<sup>22</sup>

Following consultation, it was decided that a new scheme – the New Firefighters' Pension Scheme - would be introduced for new entrants from April 2006. Limited changes would be made to the scheme for existing members - the Firefighters' Pension Scheme 1992. However, members of the FPS were given an option to transfer to the NFPS, as part of a one-off exercise. One reason they might have chosen to do this would have been to secure the extended survivors' benefits in the new scheme.<sup>23</sup> In the NFPS, survivors' benefits are paid for life regardless of remarriage or the formation of a new civil partnership. However, the Government said it would be "unable to extend widow(er)s' pensions for life under the existing scheme without an increase in pension contributions."<sup>24</sup>

The [Firefighters' Pension Scheme Order 1992 \(SI 1992 No. 129\)](#), therefore, still provides for a survivors' pension to cease on remarriage or cohabitation (except in the limited circumstances below). There is discretion for the pension to be restored if the new marriage or civil partnership is dissolved, or the other party to it dies.<sup>25</sup>

In Budget 2015, the Government announced that it would:

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<sup>20</sup> [LGPS website - Widow, widower, civil partner or nominated co-habiting partner \(archived 9 November 2015\)](#)

<sup>21</sup> [HC Deb, 13 May 2002, c444W](#)

<sup>22</sup> ODPM, Government Proposals for a New Firefighters' Pension Scheme, 2004

<sup>23</sup> Office of the Deputy Prime Minister, Firefighters' Pension Scheme Circular, [FPS 07/2006](#) and [FPS 13/2006](#) – The New Firefighters' Pension Scheme (NFPS)

<sup>24</sup> ODPM, Government Proposals for a New Firefighters' Pension Scheme – Government Response to the Consultation, September 2005, para 12.1; [Firefighters' Pension Scheme \(England\) Order 2006 \(SI 2006/3432\), Part IV](#)

<sup>25</sup> [Firefighters' Pension Scheme Order 1992 \(SI 1992 No. 129\)](#), regulation C9

[...] ensure that all widows, widowers and civil partners of police officers and firefighters who are killed on duty will no longer lose their survivor benefits if they remarry, cohabit, or form a civil partnership.<sup>26</sup>

A consultation on amendments to ensure that survivors of firefighters retain their survivor benefits on re-marriage ran until 13 May 2016.<sup>27</sup> The change was implemented by the [Firefighters Pension Schemes and Compensation Scheme \(Amendment\) \(England\) Order](#) (SI 2017/892), the purpose of which is to:

allow surviving widows, widowers and civil partners of firefighters who die or have died, as the result of an injury received without their own default in the execution of their duty, or on journeys reporting for duty or returning home, to continue receiving their survivor benefits in the event of remarriage or formation of a civil partnership on or after 1 April 2015.<sup>28</sup>

## Scotland

On Monday 5 October 2015, the Scottish Government announced that survivors' pensions from the 1992 firefighters pension scheme would be payable for life where the officer had been killed on duty, this would include reinstating pensions that had already been withdrawn:

The Scottish Government has announced a change to the pensions paid to the survivors of police officers and firefighters who are killed in the line of duty.

Although the 2006 and 2015 police and firefighter schemes allow for lifetime adult survivor pension awards, pensions paid to widows, widowers and civil partners under the 1987 Police and 1992 Firefighter pension scheme regulations are withdrawn on remarriage, registering for a civil partnership and in the case of the police scheme, cohabitation.

This announcement means that going forward survivors' pensions paid in respect of members of the 1987 and 1992 regulations will no longer be subject to this particular rule where the police officer or firefighter is killed in the line of duty. In addition those wives, husbands, or civil partners of police officers or firefighters who were killed in the line of duty who have already had their pension withdrawn because of remarriage, forming a civil partnership or cohabitation will have their pension reinstated with effect from 1 October 2015.

### **Which adult survivor pensions qualify for this change?**

**Only those paid as Special or Augmented awards.** An ordinary pension paid to a widow, widower, civil partner under the 1987 Police or 1992 Firefighter regulations is **not** covered and will still be subject to withdrawal on remarriage, registering a civil partnership or in the case of the police regulations, cohabitation.<sup>29</sup>

Further information about the 2006 reforms is in Library Standard Note SN 3260 [Firefighters' Pension Scheme – background](#) (August 2013).

<sup>26</sup> HM Treasury, [Budget 2015](#), HC 1093 18 March 2015

<sup>27</sup> Home Office, [Firefighters' pension schemes: amendments](#), March 2016

<sup>28</sup> [Explanatory Memorandum to SI 2017/892](#), para 2.1

<sup>29</sup> SPPA, [Police and firefighters' survivors' pensions](#), 15 October 2015

## 2.6 Police

There are two police pension schemes: the Police Pension Scheme (PPS) 1987 - closed to new entrants from April 2006 - and the New Police Pension Scheme (NPPS) 2006 - for new entrants from that date. Under the NPPS, survivors' benefits are payable for life "irrespective of whether the survivor remarries or forms a new partnership."<sup>30</sup> However, a survivors' pension from the PPS stops if the survivor remarries, forms a new civil partnership or cohabits:

If your surviving spouse or civil partner later remarries, forms a new civil partnership or cohabits, the pension will stop (or be reduced to only the pensions for any children). But it may, on application, be restored at the discretion of the police authority if the second marriage, civil partnership or cohabitation comes to an end.<sup>31</sup>

In May 2008, the then Home Secretary Jacqui Smith said that she wanted to do more for existing survivors who had already lost a partner in the line of duty:

In the future, the pensions of the surviving partners of officers killed in the line of duty should be payable for life, regardless of whether they go on to remarry.<sup>32</sup>

In the short term, a special discretionary grant scheme – the Police Survivors' Support Scheme – was set up, running until 30 March 2011.<sup>33</sup> For the longer term, the Government intended to change the rules.<sup>34</sup> However, the change had not been made by the time of the 2010 general election.<sup>35</sup>

The Coalition Government estimated that ignoring cessation on remarriage for current and future widows would increase the schemes' liabilities in England and Wales by around £50 million, not including the cost of reinstating the pensions of widows who had already remarried.<sup>36</sup>

In February 2015, Richard Graham MP called for a change in the rules. He argued that there was a precedent for this, in the form of changes to the rules for survivors of police officers in Northern Ireland, and members of the armed forces in the UK:

Having to deal with the consequences of a husband or wife having died in the course of duty is no less ghastly if that happened on the streets of one of our cities, rather than a dusty path in Helmand province.<sup>37</sup>

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<sup>30</sup> ['New Police Pension Scheme: Members' Guide'](#), September 2006, p12;

<sup>31</sup> ['Police Pension Scheme 1987 Members' Guide'](#), October 2006, p13; Police Pensions Regulations 1987 (SI 1987/257), regulation 9

<sup>32</sup> [Speech by the Rt. Hon. Jacqui Smith, Home Secretary, to the Police Federation Conference in Bournemouth](#), 21 May 2008

<sup>33</sup> [Home Office – Police Survivor Support Scheme website](#)

<sup>34</sup> [HC Deb 10 Sep 2008, c126-7WS](#); Home Office, [Review of Injury Award Benefits. Summary and analysis of consultation responses. April 2009; National archives – Injury awards review](#)

<sup>35</sup> See *Police Injury Benefit Regulations 2006 (SI 2006/932)*, regulation 16

<sup>36</sup> [PQ 210104](#), 16 October 2014

<sup>37</sup> [HC Deb 25 February 2015 c128WH](#)

Responding to the debate, Home Office Minister, Mike Penning said the Government was considering the issues.<sup>38</sup>

In the Budget on 19 March 2015, Chancellor of the Exchequer George Osborne announced that the Government would “correct the historical injustice to the spouses of police officers, firefighters, and members of the intelligence services who lose their lives on duty.”<sup>39</sup> The Budget document said:

**2.17 Survivors’ pensions** – The government will ensure that all widows, widowers and civil partners of police officers and firefighters who are killed on duty will no longer lose their survivor benefits if they remarry, cohabit, or form a civil partnership. The government will also examine the possibility of making similar changes for members of the security services killed on duty. On 1 April 2015, the government will be introducing new and reformed public service pension schemes. All these new schemes will allow widows, widowers and civil partners across the public sector workforces to retain survivor benefits if they remarry, cohabit or form a civil partnership.<sup>40</sup>

Following consultation with the Police Advisory Board for England and Wales,<sup>41</sup> the *Police Pensions and Police (Injury Benefit) (Amendment) Regulations 2015 (SI 2015 No. 2057)* came into force on 18 January 2016, with effect from 1 April 2015. The Explanatory Memorandum says:

2.1 These Regulations amend the *Police Pensions Regulations 1987* and the *Police (Injury Benefit) Regulations 2006* to allow surviving widows, widowers and civil partners of police officers who die or have died as the result of an injury received without the officer’s own default in the execution of their duty to continue receiving their survivor benefits in the event of a remarriage, formation of a civil partnership or cohabitation with another partner. The term ‘survivor benefits’ includes pensions or gratuities under the 1987 Scheme and any special or augmented award under the 2006 Regulations. Special and augmented awards for adult survivors under the Police (Injury Benefit) Regulations 2006 do not depend on the payment of pensions contributions under the 1987 Scheme but are in effect compensation for the officer’s surviving spouse or civil partner following the officer’s death, without their own default, in the execution of their duty. An injury shall be treated as received without the default of the officer concerned unless the injury is wholly or mainly due to the officer’s own serious and culpable negligence or misconduct.

2.2 This amendment applies to surviving widows, widowers and civil partners, who remarry, form a civil partnership or begin cohabitation on or after 1 April 2015, provided they were in receipt of their survivor benefits immediately before that date, or those benefits were reinstated after that date and prior to their remarriage, formation of a civil partnership or cohabitation (and those benefits included a special or augmented award).<sup>42</sup>

An associated [Home Office Circular](#) includes some FAQs.

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<sup>38</sup> Ibid c133WH

<sup>39</sup> [HC Deb 18 March 2015 c774](#)

<sup>40</sup> HM Treasury, [Budget 2015](#), HC 1093 18 March 2015

<sup>41</sup> [PQ 1218 \[on Police Pensions\] 9 June 2015](#)

<sup>42</sup> SI 2015/2057 [Explanatory Memorandum](#)

## 15 Lifetime survivors' pensions from public service schemes

The National Association of Retired Police Officers (NARPO) is supporting a [petition](#) on the issue, arguing that survivors of police officers should be treated fairly and equally throughout the United Kingdom.

However, in response to a PQ on 9 November 2016, the then Home Office Minister Brandon Lewis said that the Government did not plan to make further changes:

Steve McCabe: To ask the Secretary of State for the Home Department, for what reasons the Government plans not to reinstate police widow pensions for widowers who have had their pensions revoked due to remarriage or co-habiting under the Police Pension Regulations 1987; and if she will bring forward new proposals to ensure that all police widows are treated equally for the provision of such pensions.

Brandon Lewis: Successive governments have been clear that we have a general presumption against making retrospective changes to public service pension schemes.

However the Government believes that the arguments for making this change in respect of police officers who died on duty are sufficiently compelling to allow a limited exception in this case. The changes to survivor benefits in the police, firefighters and Armed Forces pension schemes have a common implementation date and it is not possible to reinstate the pensions of those who have married before this.

There are no plans to make any further changes to survivor benefits for police pension schemes.<sup>43</sup>

The issue was discussed in a further Westminster Hall debate on 15 March 2017. Madeleine Moon raised the case of a constituent whose survivors' pension from the Police Pension Scheme was withdrawn when she remarried. She said:

There was a welcome breakthrough in 2015, when reforms were introduced. I acknowledge that. The widows, widowers and civil partners of police killed in the line of duty and covered by the 1987 regulations now receive a pension for life if they were in receipt of a special augmented pension, remained unmarried and were not living with a new partner by 1 April 2015. That is a large number of caveats: what of those not covered? The inequality comes over loud and clear.<sup>44</sup>

She asked for the rules to be changed to allow all police widows to keep their pension for life, in line with the change that had been made for armed forces widows:

As I have said, police officers face the same risks every day. They deserve the same pension rights, and their families deserve the same financial protection. Comparisons have already been made between police officers' widows and widowers and their armed forces counterparts, with Ministers often seeking to differentiate between the two as a way of justifying the cessation of pension

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<sup>43</sup> [PQ 51600 9 November 2016](#); See also [PQ 49063 26 October 2016](#)

<sup>44</sup> [HC Deb 15 March 2017 c130WH](#)

rights for police officers. However, as has already been commented on, the 2011 Hutton Report made it clear that

“there is a need to recognise the unique nature of the work the uniformed services (the armed forces, police and firefighters) undertake.”

They put themselves in harm’s way to protect us [...]

I ask the Minister to end this incomprehensible, unfair and, quite honestly, blatant inequality. Let us give the families back the money they are due. All these men and women are asking for is a level playing field instead of a harsh financial penalty. For me, this boils down to a simple issue: we have to stop putting a price on love. The Government have to make sure that widows, widowers and their children have access to the pension rights that were put there to protect them in the future.

In response, Mr Lewis justified the Government’s approach to police widows as follows:

The Government believe that there is difference, and that there are particular factors that apply to the armed forces. Not only do the families of armed forces personnel have to cope with long and uncertain separations while their spouse or civil partner has deployed on operations directly, the mobile nature of service life often prevents those families from earning their own occupational pension. We recognise that that puts them in a difficult position when trying to provide for their own financial future.

The same combination of risk to life and disruption to family life cannot be said to apply to other public service workforces. The Government do not believe that it would be justifiable to make the same changes for all survivors of police officers. Nevertheless, we believe it is right to recognise the risks faced by police officers every day as part of their job. I believe that, when police officers, and also firefighters, die on duty, their surviving spouses and civil partners should not face a decision between a new relationship and retaining their entitlement to their survivor benefits.<sup>45</sup>

The Government has said it has no plans to “make any further changes to survivor benefits for police pension schemes.”<sup>46</sup> It has produced an estimate of the costs of retaining benefits for all police survivors and of reinstating pensions already surrendered:

Liz Saville-Roberts: To ask the Secretary of State for the Home Department, how many police widows have had their pensions revoked under the *Police Pensions Regulations 1987* because they have remarried or moved in with a new partner for each police service in England and Wales.

Nick Hurd: All three occupational police pension schemes provide valuable benefits for survivors on the death of the member. The 2006 and 2015 scheme benefits are broadly the same. The main differences between these schemes and the 1987 scheme are: benefits paid for life, rather than ceasing on remarriage or cohabitation; benefits for partners as well as spouses and civil partners; and lower survivor benefits as a proportion of the pension payable to the member.

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<sup>45</sup> Ibid c134 WH

<sup>46</sup> [PQ 3835 Police: Pensions, 18 July 2017](#)



## 17 Lifetime survivors' pensions from public service schemes

The Home Office does not hold information on the number of survivors' pensions surrendered on remarriage or cohabitation. Detailed information on the police pension scheme is held by each Police Pension Authority.

We have estimated with the Government's Actuary's Department, by using historical actuarial data, that the total cost of retaining benefits for all police survivors would increase the police scheme liabilities by around £144m. Reinstatement of pensions already surrendered, would increase the police scheme liabilities to around £198m. No annual estimate is available.

As at 31 March 2016 there were 82,268 serving police officers who were active members of the 1987 police pension scheme, including those who had moved to the 2015 scheme for future pension accrual. The average survivor's pension as at 31 March 2016 was £9,450 a year – while this is not exclusively attributable to the 1987 police pension scheme, most pensions in payment in 2016 will be in respect of that scheme.<sup>47</sup>

### Northern Ireland

The position in Northern Ireland is that in March 2014, Justice Minister David Ford announced that all survivors of members of the RUC pension scheme should retain their pensions for life:

Since 6 April 2006, every police widow may retain her pension rights for life. However a late amendment incorporated into the *Public Service Pension Act (Northern Ireland) 2014*, by the Assembly allowed only survivors of the 1988 Royal Ulster Constabulary (RUC) Pensions Scheme to have their pensions reinstated effective from 1 July 2014. This benefit does not currently extend to preceding RUC pension schemes in Northern Ireland – those spanning the darkest days of the Troubles in Northern Ireland. David Ford said: "I firmly believe that, with the acceptance of the amendment to the 1988 Scheme, all RUC widows should be treated equally. For this reason, I have asked my officials to take forward steps to explore how this provision might be extended to allow all widows in any Royal Ulster Constabulary pension scheme, to retain their pension rights for life as from 1 July 2014."<sup>48</sup>

Following further examination, the relevant provisions of the [Public Service Pension Act \(NI\) 2014](#) (ss30-1) were found to extend to all widows in the 1988 and the 1973 schemes. Re-instatement to remarried/cohabiting widows in the 1949 scheme was provided for in [Police Pensions Regulations Northern Ireland \(SI 2015/113\)](#), Sch 5.

The effect is that from 1 July 2014, the Northern Ireland Police Pension Scheme permits the re-instatement of a survivors' pension to all widows in the 1988 (or earlier) scheme who previously ceased receiving their widows pension on re-marriage /cohabitation or civil partnership.

Questioned about the difference, Home Office Minister Mike Penning said this was a devolved matter:

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<sup>47</sup> [PO 209902, 25 January 2019](#)

<sup>48</sup> ['Ford – every RUC widow should keep police pension after remarriage', Northern Ireland Executive, 21 March 2014; See also Northern Ireland Policing Board, Reinstatement of Police Widows' pensions after Remarriage, 20 June 2014](#)

As policing is a devolved matter in Northern Ireland and Scotland, the Northern Ireland Executive and Scottish Government respectively are responsible for the design and funding of police pensions in those parts of the United Kingdom. The Government has a continuous duty to ensure that public service pensions are affordable, sustainable and fair, both for the members of those schemes and for other taxpayers.<sup>49</sup>

The National Association of Retired Police Officers (NARPO) is supporting a campaign initially started by a widow member to achieve spouses' pensions for life for all police widow(ers).<sup>50</sup>

## Scotland

On Monday 5 October 2015, the Scottish Government announced that survivors' pensions from the 1987 police pension scheme would be payable for life where the officer had been killed on duty, this would include reinstating pensions that had already been withdrawn:

The Scottish Government has announced a change to the pensions paid to the survivors of police officers and firefighters who are killed in the line of duty.

Although the 2006 and 2015 police and firefighter schemes allow for lifetime adult survivor pension awards, pensions paid to widows, widowers and civil partners under the 1987 Police and 1992 Firefighter pension scheme regulations are withdrawn on remarriage, registering for a civil partnership and in the case of the police scheme, cohabitation.

This announcement means that going forward survivors' pensions paid in respect of members of the 1987 and 1992 regulations will no longer be subject to this particular rule where the police officer or firefighter is killed in the line of duty. In addition those wives, husbands, or civil partners of police officers or firefighters who were killed in the line of duty who have already had their pension withdrawn because of remarriage, forming a civil partnership or cohabitation will have their pension reinstated with effect from 1 October 2015.

### **Which adult survivor pensions qualify for this change?**

**Only those paid as Special or Augmented awards.** An ordinary pension paid to a widow, widower, civil partner under the 1987 Police or 1992 Firefighter regulations is **not** covered and will still be subject to withdrawal on remarriage, registering a civil partnership or in the case of the police regulations, cohabitation.<sup>51</sup>

## 2.7 Armed forces

In the Armed Forces scheme, the rules were changed in October 2000, to introduce lifetime survivors' pensions in cases where a member of the armed forces died as a direct result of service. This change was applied with some retrospective effect, in that widow(er)s already in receipt of a pension who had not remarried at the time of the change, would be allowed to keep their pension if they later re-married or cohabitated. The then Secretary of State for Social Security, Alistair Darling, said:

<sup>49</sup> [PO3882 Police Pensions 30 June 2015](#); [PO 2070 16 June 2015](#)

<sup>50</sup> [NARPO news – spouses pension for life \(11 June 2014\)](#);

<sup>51</sup> SPPA, [Police and firefighters' survivors' pensions](#), 15 October 2015

## 19 Lifetime survivors' pensions from public service schemes

The government has listened carefully to the representations of the War Widows' Association and others. Members of the Armed Forces are in a unique position. It is only right that we should look after their wives and husbands in a way the country would expect. The Government has decided that in these very exceptional circumstances the Armed Forces Pension will continue to be paid to attributable widows and widowers - including existing recipients - if they remarry or cohabit in the future.<sup>52</sup>

In the 2001 review, the Ministry of Defence (MoD) proposed extending lifetime widow(er)s' pensions to cases where the death was not attributable to Service.<sup>53</sup> No retrospection was proposed. The MOD's memorandum to the Defence Select Committee on Legacy issues for the armed forces pension scheme explained that cost was a major factor:

The Department introduced a new policy with effect from 31 October 2000 to allow attributable widow(er)s' pensions to be paid to widows' and widowers' for life, regardless of remarriage or cohabitation. This change was made in recognition of the fact that many attributable widows will be young and have children. However, this improvement did not apply to those who had already remarried or co-habited before changes to the regulations were made. This group were excluded, as they had made their decision to remarry in the full knowledge of the financial consequences.

The principle of no-retrospection was maintained in so far as those who had already remarried did not benefit from this change unless they became widowed again, or became divorced or ceased co-habiting. However, it was agreed that those widow(er)s who had not remarried at the time of the change would be able to retain their pensions on re-marriage or co-habitation in spite of the fact that their pensions had come into payment before the change was made. The case was regarded by Ministers as exceptional.

This change did not affect those in receipt of non-attributable widow(er)s pensions. The AFPS review has proposed extending "pensions for life" to non-attributable pensions under the new AFPS. This change would not benefit members of the current AFPS who choose not to transfer to the new scheme or existing non-attributable widows or widowers. No retrospection is proposed.

The cost of extending any change is a major factor. To have done so on this issue would have been extremely costly and would have meant that we would have been unable to focus on improving the position for the most deserving cases.[...]<sup>54</sup>

This change was provided for in Armed Forces Pension Scheme (AFPS) 2005 (for new entrants from April 2005) but the rules in AFPS 75 were not changed.

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<sup>52</sup> [DSS press release, Pensions for life for widows and widowers of armed forces personnel who die as a direct result of service to their country, 20 July 2000](#) [intranet only]; This is discussed in more detail in SN 568, *War widows' pensions*

<sup>53</sup> MoD, *The Armed Forces Pension Scheme Review. A consultation document*. March 2001, para 5.1

<sup>54</sup> [Memorandum from the Ministry of Defence to the Defence Select Committee on Legacy Issues for the Armed Forces Pension Scheme, 12 December 2002, HC 188-I, 2002-03, 18 December 2002](#)

There was a long-running campaign for lifetime survivors' pensions to be introduced with retrospective effect where the scheme member was a member of the AFPS 75 and death was not attributable to service. In February 2014, Parliamentary Under-Secretary of State for Defence Anna Soubry said she could see no prospect of a change in the rules because a change for one scheme would lead to a change in the others:

Under the 2005 pension scheme, widows and widowers retained their benefit for life. The older schemes are of course subject to Treasury rules, which is no doubt one of the reasons why the previous Government did not amend them. If we were to make changes for our service personnel, we would have to do so for all public service pensions, and it has been estimated that that would cost about £3 billion. I know that this has disappointed many, but I can see no prospect of the rules changing.<sup>55</sup>

However, organisations campaigning for change – the Forces Pension Society and the Royal British Legion – argued that spouses of members of the armed forces were at a particular disadvantage in building pension entitlement in their own right:

Service spouses are frequently unable to contribute to their own pensions by the nature of military life, with relocations preventing them from following a career, contributing to a pension plan or qualifying for a full state pension.<sup>56</sup>

On 8 November 2014, the Government announced a change:

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.<sup>57</sup>

The amendments were 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.<sup>58</sup>

The change introduced on 1 April 2015 did not extend to those who had already surrendered a War Widows' Pension on remarriage or cohabitation. However, in response to a PQ on the issue in October 2016, Defence Minister Mark Lancaster has said he was "sympathetic to the circumstances of this group of widows" and had asked "officials to

<sup>55</sup> [HC Deb, 3 February 2014 c10](#); See also, [HC Deb 9 January 2014 c289W](#)

<sup>56</sup> [Legion backs Forces Pension Society campaign on behalf of service widows, 18 December 2013](#)

<sup>57</sup> [Ministry of Defence, Pensions for life for surviving spouses and civil partners of personnel, 8 November 2014](#)

<sup>58</sup> For more detail, see Library Note SN 1424 [Armed Forces Pension Scheme legacy issues – survivors' benefits](#) (November 2014).

continue to consider potential options given the financial and legal considerations we are faced with".<sup>59</sup> This was still under consideration in June 2018.<sup>60</sup>

The position for war widows is discussed in Library Briefing Paper SN-00568 [War Widows' Pensions](#) (November 2016).

### 2.8 MPs

The SSRB's 2001 report made a number of recommendations on the subject of survivors' benefits, including that they should be payable for life, with the increase in cost met by the Exchequer:

**Recommendation two:** We recommend that the rules should be amended to remove the provision for curtailing the pension of a widow/widower of a deceased Member on remarriage or cohabitation. Any consequential increase in the contribution rate should be borne by the Exchequer. (Paragraph 15) [...]

**Recommendation eight:** We recommend that the Trustees should canvas the views of Members of the PCPF on the issue of survivor pensions for unmarried partners. (Paragraph 34).<sup>61</sup>

In a written answer of 15 July 2002 the then Leader of the House Robin Cook said the Government's policy was that the cost of improvements to survivor's benefits should be met by scheme members:

There are two remaining issues, whether survivor pensions should be extended to unmarried adult dependants and whether survivor pensions should continue if a spouse remarries. It is the Government's policy that neither the cost of extending pensions to surviving adult dependants, nor that of the SSRB recommendation to pay pensions to surviving spouses for life, should fall on the taxpayer. Following the vote last year, the trustees of the pension scheme were asked to consider how these proposals could best be implemented at no cost to the Exchequer. The trustees only reported on 5 July. There has not therefore been sufficient notice for the Government to reach a view on these proposals and whether they do protect the taxpayer against any additional cost. I expect to bring forward proposals to the House in the autumn. Changes will be backdated to today's date.<sup>62</sup>

On 3 November 2004, the House resolved that this changes should be implemented as part of a package that was cost-neutral to the Exchequer:

That this House notes recommendation 3 contained in the report of the Review Body on Senior Salaries on parliamentary pay and allowances (Cm. 6354-1), a copy of which was laid before this House on 21st October, and is of the opinion that, subject to consultation with the Trustees of the PCPF and the Government Actuary as to the detailed implementation, the proposals set out in paragraphs (1) to (3) below should be adopted as a package which is, overall, at least cost neutral to the Exchequer:

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<sup>59</sup> [PO 49238 26 October 2016](#))

<sup>60</sup> [PO 147986, 6 June 2018](#)

<sup>61</sup> *Review Body on Senior Salaries, Review of the Parliamentary Pension Scheme*, Cm 4996, March 2001, p7-8

<sup>62</sup> [HC Deb 15 July 2002 c83-4W](#)

(1) Pensions calculated on the same basis as pensions for widows and widowers should be introduced for surviving unmarried partners of members in service on or after 3rd November 2004.

(2) Pensions for the widows, widowers and unmarried partners of members in service on or after 3rd November 2004 should be payable for life.<sup>63</sup>

The [Parliamentary Pension \(Amendment\) Regulations 2005 \(SI 2005/887\)](#) provided for survivors' pensions to be payable for life, provided that the MP had service after 3 November 2004.<sup>64</sup>

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<sup>63</sup> [House of Commons, Votes and proceedings: 3 November 2004 ; HC Deb, 3 November 2004, c368-9](#)

<sup>64</sup> [Parliamentary Pension \(Amendment\) Regulations 2005 \(SI 2005. No. 887\)](#)

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