

**Effect of remarriage or formation of civil partnership**

**Rule C9 explains what happens to a widow(er)'s or civil partner's pension if he or she enters a new marriage or civil partnership**

**Effect on pension**

Rule C9(1) explains that if your widow(er)

- remarries or forms a civil partnership

or your civil partner

- forms a subsequent civil partnership or marries

he or she will have no entitlement to any payment of pension from the date of the registration of the new relationship.

If, however, your widow(er)'s or civil partner's new spouse or civil partner were to die, or the marriage or civil partnership were to be dissolved, at the discretion of the fire and rescue authority all or part of the pension could come back into payment for such period as the fire and rescue authority decide.

**Effect on lump sum/gratuity**

Usually a lump sum/gratuity is paid as a single lump sum but there are occasions where a fire and rescue authority have the discretion to withhold it for a period, or to pay it in instalments – see Rule L3.

If, at the time of the subsequent marriage or civil partnership, the lump sum/gratuity had not been paid in full, Rule C9(2) says that no further payments of that lump sum/gratuity will be made.

As with the pension, however, if your widow(er)'s or civil partner's new spouse or civil partner were to die, or if the marriage or civil partnership were to be dissolved, the fire and rescue authority has the discretion to pay the whole or part of the lump sum/gratuity that remained unpaid.

**Useful reference source**

- FSC 52/1973: recommendation that fire authorities should inform a widow(er) on remarriage and termination of benefits, the terms under which the fire authority has the discretion to re-instate the benefits
- FPSC 5/2005: introduction of survivor's benefits for civil partners

**Points To Note**

1. Fire and rescue authorities are advised, when terminating a widow(er)'s pension or civil partner's pension on these grounds, to ask to be notified if and when the later marriage or civil partnership ends, so that they can act appropriately.
2. This Rule does not affect a widow(er)'s or civil partner's Guaranteed Minimum Pension if he or she had reached State pensionable age by the time of further marriage or civil partnership. The fire and rescue authority must continue to pay a pension equal to the Guaranteed Minimum Pension in these circumstances. However, if the widow(er) or civil partner is below State pensionable age at the date of further marriage or civil partnership, the Guaranteed Minimum Pension will not be paid by the fire and rescue authority.

**RULE C9**

**Effect of remarriage or formation of civil partnership**

**Rule C9 (continued)**

**Points To Note continued**

3. This Rule does not affect payment of an allocated pension (see Rule B9 “Points To Note, Point 7).
4. Benefits for surviving civil partners were introduced into the FPS on 5 December 2005 but are based on service after 5 April 1988 only.
5. Some gratuity payments previously allowed for surviving spouses or civil partners under Part C had to be removed or replaced by lump sums to meet the requirements of the tax regime which came into effect on 6 April 2006.