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STATUTORY INSTRUMENTS

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**1987 No. 1850**

**The Local Government Superannuation  
(Scotland) Regulations 1987**

**PART E  
BENEFITS**

**Entitlement to widow's short-term and long-term pensions**

**E5.**—(1) If at the time of his death a man—

- (a) was entitled to receive payments in respect of a retirement pension, or
- (b) would have been so entitled but for the operation of regulation E15 (reduction of certain retirement pensions), or
- (c) was in a local government employment and—
  - (i) the total of his reckonable service and any qualifying service when added together amounted to not less than 5 years, or
  - (ii) he would if he had then ceased to be employed otherwise than by reason of his death have become entitled to benefits by virtue of regulation E21(1)(d),

and he leaves a widow or widows she is, or as the case may be they are jointly, entitled, subject to paragraphs (3) to (5), to a widow's short-term pension for 3 months after his death and then to a widow's long-term pension.

(2) If at the time of his death a man was entitled to preserved benefits and he leaves a widow or widows she is, or as the case may be they are jointly, entitled, subject to paragraphs (3) to (5), to a widow's long-term pension.

(3) A widow is not entitled to any pension by virtue of paragraph (1) or (2) if when her husband died or became entitled to a retirement pension she was judicially separated from him.

(4) A widow is not entitled to any pension by virtue of paragraph (1)(a) or (b) or paragraph (2) if—

- (a) she was not her husband's wife at some time while he was in local government employment after 31st March 1972 and before the date on which he became entitled to a retirement pension, or
- (b) her husband became entitled to a retirement pension by virtue of regulation E2(2).

(5) Where but for paragraph (4)(a) a widow would have been entitled—

- (a) under paragraph (1) to a widow's short-term pension and to a widow's long-term pension, or
- (b) under paragraph (2) to a widow's long-term pension,

she is entitled, where sub-paragraph (a) applies to a short-term pension and a long-term pension and where sub-paragraph (b) applies to a long-term pension only, calculated in each case in accordance with regulation E6(4).

(6) A pension to which a widow is entitled by virtue of this regulation—

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) is not payable to her during any subsequent marriage or any period of cohabitation outside marriage, and
- (b) is payable from the end of any such marriage or period only if the appropriate administering authority in their discretion so decide.