



(By E-Mail)

Civil Service Pensions

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Dear Section 75 Equality Consultee,

PROPOSED THE PRINCIPAL CIVIL SERVICE PENSION (AMENDMENT) SCHEME (NORTHERN IRELAND) 2026

In accordance with Article 3(2) of the Superannuation (Northern Ireland) Order 1972, I am writing to consult you about proposed rule amendments under the Principal Civil Service Pension Scheme Northern Ireland (PCSPS(NI)). These amendments make the necessary rule changes arising from the three legal judgments, "Walker", "Goodwin" and "Brewster", together with a number of additional technical amendments. The proposed changes are intended to improve survivor benefit entitlement, remove historic inequalities identified by the courts and align the PCSPS(NI) with existing policy and administrative practice. The Department considers the overall package to be beneficial to members and their dependants. The technical amendments are beneficial in nature and, in many cases, simply bring the PCSPS(NI) into line with the provisions of the alpha regulations. The policy intent underpinning these amendments is already being applied in practice, and the purpose of the scheme amendment is therefore to formally align the PCSPS(NI) with the Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014 and to ensure that the scheme rules accurately reflect current policy and administrative practice. In most cases these amendments formalise benefit improvements and administrative practices that are already being applied.

The Walker and Goodwin judgments are landmark UK legal rulings concerning discrimination in pension rights, specifically regarding survivor benefits for same-sex partners and male spouses of female members. Both rulings found that certain pension scheme rules, required changes to ensure equal treatment. Summaries of the judgments are detailed below.

Walker v Innospec Ltd (2017)

- **Context:** John Walker, who was in a civil partnership (later marriage) with a man, brought a claim against his employer's pension scheme. The scheme calculated spouse benefits based on service from 5 December 2005 (when civil partnerships were introduced), rather than from the start of his employment in 1980.
- **Judgment:** The Supreme Court unanimously ruled that where a pension scheme provides survivor benefits for opposite-sex spouses, it must provide the same for same-sex spouses, based on the **entire duration of the marriage/partnership**, not just from 2005 onwards.
- **Impact:** This forced the amendment of occupational pension schemes to ensure same-sex partners received benefits equivalent to widows in opposite-sex marriages.

Goodwin v Department for Education (2020)

- **Context:** Mrs. Goodwin, a female member of the Teachers' Pension Scheme, challenged that in the event of her death, her male spouse would receive a lower survivor pension than the widower of a female member in a same-sex marriage.
- **Judgment:** An Employment Tribunal concluded that the Teachers' Pension Scheme regulations breached the non-discrimination rule in the Equality Act 2010. It found that male survivors of female members were treated less favourably than same-sex spouses.
- **Impact:** The government concluded that this discrimination must be remedied across all public service pension schemes. Survivor benefits for male spouses of female members are now aligned with those of same-sex spouses, typically backdated to 5 December 2005.

Brewster v Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) (2017)

- **Context:** Ms Brewster lived with her partner for around 10 years. Following his sudden death Ms Brewster did not automatically qualify for a survivor's pension as she was not a surviving spouse or civil partner and her partner had not completed a formal nomination form prior to his death. Ms Brewster challenged this requirement for a nomination form through judicial review, arguing that it was discriminatory and unjustified.
- **Judgment:** In 2017 the Supreme Court ruled in Ms Brewster's favour ruling that the requirement for an unmarried cohabiting partner to be formally nominated was unjustified discrimination.
- **Impact:** The judgment led pension schemes across the UK to review rules requiring nomination forms for cohabiting partners.

Summary Table of Impact		
Case	Key Issue	Ruling
Walker	Same-sex survivor benefits restricted to service from 2005.	Survivor benefits must be calculated on the entire period of service .
Goodwin	Male spouse of female member received lower benefits than same-sex spouse.	Male spouses of females must receive equal survivor benefits to same-sex spouses.
Brewster	Unmarried cohabiting partner denied a survivor's pension because no nomination form had been completed.	Requiring a nomination form for cohabiting partners was unlawful discrimination. Eligible cohabiting partners are entitled to survivor benefits without a nomination requirement.

Purpose of proposed amendments following Walker and Goodwin Judgments.

Active and Deferred members

Where a male or female member is in a same-sex marriage/civil partnership on drawing their pension, at present they are automatically paid a refund of WPS contributions in respect of their pre-6 April 1988 service. Where such a member dies in service or in deferment, that refund is paid to their estate. These amendments provide that the spouse/civil partner will instead receive a survivor's pension based on all their service for which they had originally paid WPS contributions (or had committed to pay by deduction from their retirement lump sum).

When an active or deferred female member draws their pension, the arrangements which apply will depend on whether they are single or married/in a civil partnership (either same-sex or opposite-sex):

- **Married/civil partnership** – As well as not paying a refund in respect of pre-6 April 1988 service to female members in a same-sex marriage/civil partnership, the amendments provide all female members with an option to pay extra WPS contributions (although this is not required by the equalisation of the benefit/contribution arrangements stemming from the

legal judgments). If a female member did not choose in 1987 to pay extra contributions to cover pre-1 July 1987 service, they will now have another opportunity on drawing their pension, by accepting a deduction from their retirement lump sum in respect of the relevant contributions¹. The Department is also considering, as a separate project, whether female pensioners should be offered an opportunity to pay extra WPS contributions as well.

- **Single** – Members who are single on retirement have a premium deducted from their WPS refund to provide for post-retirement spouse/civil partner's pension. These rule changes amend the calculation of this premium for female members so that it covers the service on or after 6 April 1978 that the member originally paid contributions for – i.e. from 1987 in the majority of cases.

In all circumstances where WPS contributions are made by a deduction from the retirement/death benefit lump sum, these amendments will change the calculation for that deduction to 1.5% of final pensionable earnings for each year WPS contributions are due, as opposed to the current calculation of 1.5/80^{ths}. This will reduce the cost to the member by 20%. This represents a significant financial benefit for affected members who choose to secure additional survivor pension cover.

Pensioner Members

Where a member was in a same-sex marriage/civil partnership on drawing their pension, they were paid a full refund of WPS contributions they paid in respect of their pre-6 April 1988 service. Where such a member died in service or in deferment, that refund was paid to their estate.

Rather than ask pensioners for repayment of those refunds, this scheme amendment will provide a survivor's pension (if and when it becomes due) that is based on pre-1988 service, subject to a debit to recognise that a refund of pre-1988 WPS contributions was given on retirement. No pensioner will be required to repay a refund already received. This will also apply in cases where a female member was single on retirement, only paid a premium in relation to post-1988 service, and subsequently married/formed a civil partnership². In such circumstances, the debit from the surviving spouse/civil partner's pension will reflect the fact that no premium was deducted from the WPS refund on retirement to cover the member's service between 1978 and 1988 for which they originally paid contributions – i.e. from 1987 in the majority of cases.

As a separate project (to a separate timescale), the Department plans to explore whether female pensioners who did not choose in 1987 to pay extra contributions to cover pre-1 July 1987 service, should be given another opportunity. Consideration will be given to whether a new mechanism to pay extra

¹ We plan to also make this option available to members taking partial retirement provided their retirement lump sum is larger than the deduction.

² Male members who were single on retirement paid a premium to cover post-78 service, so no new arrangements are required for them.

contributions should be introduced for this group, taking account of administrative policy and legal issues.

I have attached a table at **Annex A** showing differences for service counting for survivor benefits pre and post the Walker and Goodwin judgments.

Purpose of proposed amendments following Brewster Judgment.

This amendment will remove the requirement for a member and their unmarried partner to complete a joint partnership declaration before the partner can qualify for an adult dependant's pension. The amendment removes an administrative barrier that could otherwise prevent an eligible surviving partner from receiving benefits and aligns the scheme rules with the Brewster judgment, which held that imposing additional administrative requirements on eligible cohabiting partners was discriminatory, and brings the scheme into line with the provisions already applied within the alpha regulations, where entitlement is determined by assessing eligibility criteria rather than by the existence of a prior declaration.

Proposed further technical amendments to the PCSPS(NI)

In addition to rule amendments related to the Walker, Goodwin and Brewster Judgments we propose some further changes consisting of updates, corrections, clarifications and technical amendments. These amendments are primarily administrative in nature and are not expected to have any adverse impact on members' accrued pension rights. Many of these simply bring the PCSPS(NI) into line with the alpha regulations, with some reflecting amendments made to that scheme by The Public Service (Civil Servants and Others) Pensions (Amendment) Regulations (Northern Ireland) 2022.

The proposed Amendment Scheme is set out in two Schedules. A detailed description of the amendments can be found in the Explanatory note for each Schedule of the scheme amendment. A copy of the Amendment Scheme and Explanatory note is attached at **Annex B**.

However, in summary the proposed technical amendments involve updating the references to pensionability of various types of leave, updating definitions and references to overriding legislation to reflect changes in numbering. Updates are also made to allow qualifying service in specified other schemes to qualify under PCSPS(NI). Rules around switching between Partnership and PCSPS(NI) as well as rules regarding opting out and back in again have been updated as well as the definition of the Partnership Pension Account.

The amendments will also clarify that survivors' pensions should be based on unreduced member pensions. The changes will also allow a transfer of pension rights after the NPA if the receiving scheme is willing to accept such a transfer.

Definitions around prison officers are also updated so that pre-fresh start lists can be changed without the need for further amendments and corrects the uniform accrual provisions.

Clarification is added around inverse commutation and a rule that was previously deleted in error has been re-introduced.

Updates to children's pension rules, clarification on contributions payable and rules relating to National Insurance are also updated. Rules relating to forfeiture are updated, Rules dealing with the Governance group and cost have been removed as they are now obsolete.

There are technical amendments to clarify provisions for downgrading and partial retirement as well as on payment of interest to refunds of WPS contributions.

This letter opens our statutory consultation with you on the proposed amendment Regulations. The 10-week consultation period begins today, Thursday 03 September 2026 and ends on Wednesday 11 November 2026. Cabinet Office have previously undertaken a similar 10-week consultation exercise, between 13 December 2024 and 21 February 2025, with employee representatives on comparable changes to the PCSPS in GB.

In the course of the GB consultation, one of the Unions proposed that women should not be required to pay contributions in respect of pre-July 1987 service for which they had not previously paid contributions, in order for that pre-July 1987 service to count for an adult survivor's pension. The Cabinet Office rejected this claim as such an approach would likely give rise to sex discrimination claims from male scheme members who **had** paid contributions in respect of that service, and would not be cost neutral for the scheme

TUS in GB also raised the possibility of a change to the provisions whereby an adult survivor's pension ceases if the beneficiary remarries or cohabits with someone. Cabinet Office responded by asserting that this was not part of neither the Walker nor Goodwin Judgments and, therefore, could not be included in these particular amendments.

This provision is already a feature of the NI scheme. Following a separate public consultation in 2016, the Department amended the rules of the Classic and Classic Plus sections of the PCSPS(NI) so that where a widow, widower or surviving partner is entitled to a pension and subsequently marries or begins to cohabit with another person in an exclusive, committed long-term relationship, the pension continues to be paid until the survivor's death. The 2016 amendment also reinstated pensions for surviving spouses and partners whose pensions had previously ceased following remarriage or cohabitation with a new partner. These payments became effective from 1 April 2016.

Other than these two points, the GB Unions were generally content with the changes that were proposed.

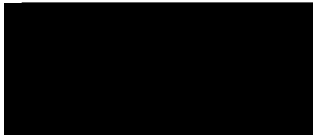
The proposed draft amendment scheme and explanatory note is attached at **Annex B**. In addition, the DoF Screening documents for this policy have been published on the Civil Service Pensions website at: [PCSPS\(NI\) \(Amendment\) Scheme - August 2026 | Department of Finance](#)

In summary, the proposed amendments remove historic inequalities in survivor pension provision, improve protection for eligible spouses, civil partners and cohabiting partners, reduce the cost of securing certain survivor benefits, and align the PCSPS(NI) with established policy and administrative practice. The Department considers the proposed amendments to be beneficial overall for scheme members and their families.

I welcome any comments or questions you may have regarding this consultation prior to its closure on 11 November 2026.

The next meeting of the NICS Pensions Forum will take place on Thursday 10 September 2026 and this will provide a further opportunity for discussion if necessary.

Yours sincerely,



Peter Philip
Head of PSP / CSP Policy, Legislation and Communications Branch