

## SCHEDULE 3

### Consequential and related amendments

## PART 3

### Pension schemes

#### **Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010**

**113.**—(1) The Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(1) is amended as follows.

(2) In Schedule 1(2) (which sets out the Armed Forces Pension Scheme 1975 as it applies to the Air Force)—

(a) in rule E.1(3)—

(i) in paragraph (3)(c), for paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex);

(iia) was a woman and leaves a surviving civil partner who is a woman; or”;

(ii) in paragraph (5), for sub-paragraph (c) substitute—

“(c) the member was a woman and—

(i) was married to a man whom she leaves a widower; or

(ii) leaves a surviving civil partner who is a man.”;

(b) in rule E.9(3)(4), after “married couple” insert “or civil partners”.

(3) In Schedule 2 (which sets out the Air Force Attributable Benefits Scheme)—

(a) in rule C.2(5)—

(i) in paragraph (a), for sub-paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex);

(iia) was a woman and leaves a surviving civil partner who is a woman; or”;

(ii) in paragraph (b), for paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex), where the civil partnership was formed after discharge;

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(1) Order by Her Majesty of 10th February 2010; amended by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010, [S.I. 2014/107](#), the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015, and the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018. There are other amending instruments not relevant to this instrument. This Order, and certain further orders amending it, are not statutory instruments. They are available at <https://www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations>. Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB.

(2) Schedule 1 was substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010.

(3) Paragraphs (3)(c) and (5)(c) of rule E.1 were substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018. There are other amendments to rule E.1 that are not relevant to this instrument.

(4) Rule E.9 was substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015.

(5) Rule C.2 was substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018.

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

- (iia) was a woman and leaves a surviving civil partner who is a woman, where the civil partnership was formed after discharge; or”;
- (iii) in paragraph (c), for the words from “married to” to the end (but not the final “or”) substitute—
  - “—
  - (i) married to a man whom she leaves a widower; or
  - (ii) who leaves a surviving civil partner who is a man;”;
- (b) in rule C.3(6)—
  - (i) in paragraph (a), at the end insert “or”;
  - (ii) for paragraphs (b) and (c) (including the final “and”) substitute—
    - “(b) the person and the deceased were living together as if they were a married couple or civil partners and were not—
      - (i) prevented from marrying (or, prior to 13th March 2014 (which is the date on which section 1 of the Marriage (Same Sex Couples) Act 2013 came fully into force), would not have been prevented from doing so apart from both being of the same sex), or
      - (ii) prevented from forming a civil partnership (or, prior the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force, would not have been prevented from doing so apart from both being of the opposite sex), and”.

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(6) Rule C.3 was amended, in relation to England and Wales, by [S.I. 2014/107](#).