

## SCHEDULE 1

### AMENDMENT TO THE LOCAL GOVERNMENT (DISCRETIONARY PAYMENTS AND INJURY BENEFITS) (SCOTLAND) REGULATIONS 1998

#### *Amendments to Part V: Injury Allowances etc.*

18. Regulation 42 (death benefits) is amended in accordance with paragraphs 19 to 23.
19. In paragraph (1)(b)(i) omit “and”.
20. After paragraph (1)(b)(i) insert—
  - “(ia) subject to paragraph (2), if the deceased leaves a surviving civil partner, the surviving civil partner shall be entitled to an annual allowance or lump sum; and”.
21. In paragraph (2)—
  - (a) after “surviving spouse” insert “or civil partner”; and
  - (b) after “marriage” insert “or civil partnership”.
22. In paragraph (4) for the words from “an allowance” to “that marriage is dissolved” substitute “an allowance to a surviving spouse or civil partner shall cease if he marries, forms a civil partnership or cohabits with another person outside of marriage or civil partnership; but if that marriage or civil partnership is dissolved”.
23. For paragraph (5) substitute—
  - “(5) Where the person whom the surviving spouse or civil partner marries, or with whom he forms a civil partnership or lives as if they were husband and wife or as if they were civil partners, is also a surviving spouse or civil partner entitled to an allowance under this regulation, they may determine which of them is to be entitled to the allowance and the other shall cease to be entitled to it until the dissolution of the marriage, civil partnership or, as the case may be, the ending of the cohabitation.
    - (5A) For the purposes of this regulation, two people of the same sex are to be regarded as living together as if they were civil partners if they would be regarded as living together as husband and wife if they were not of the same sex.”.