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## SCHEDULES

### SCHEDULE 24

Section 254

#### SOCIAL SECURITY, CHILD SUPPORT AND TAX CREDITS

#### PART 1

##### AMENDMENTS OF THE CHILD SUPPORT ACT 1991 (C. 48)

- 1 In section 8 (role of the courts with respect to maintenance for children), after subsection (11)(e) insert—  
“(ea) Schedule 5, 6 or 7 to the Civil Partnership Act 2004; or”.
- 2 In section 15 (powers of inspectors), in subsection (7)—  
(a) after “married” insert “ or is a civil partner ”, and  
(b) after “spouse” insert “ or civil partner ”.
- 3 [<sup>F1</sup>In section 55 (meaning of “child”), in subsection (2)—  
(a) in paragraph (a), after “married” insert “ or a civil partner ”,  
(b) in paragraph (b), after “marriage” insert “ , or been a party to a civil partnership, ”, and  
(c) in paragraph (c), after “granted” insert “ or has been a party to a civil partnership in respect of which a nullity order has been made ”.]

#### Textual Amendments

- F1** Sch. 24 para. 3 repealed (10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 8](#); [S.I. 2012/3042, arts. 2\(g\)\(ii\), 3 \(with arts. 5, 6\) \(as amended \(29.7.2013\) by S.I. 2013/1860, art. 6 and \(24.6.2014\) by S.I. 2014/1635, art. 6\)](#); [S.I. 2013/1860, arts. 2\(g\)\(ii\), 3 \(with arts. 5, 7\) \(as amended \(24.6.2014\) by S.I. 2014/1635, art. 7\)](#); [S.I. 2013/2947, art. 2\(e\)\(ii\) \(with arts. 3-5\)](#)

- 4 For paragraph 6(5)(b) (as originally enacted) of Schedule 1 (maintenance assessments) substitute—  
“(b) where the absent parent—  
(i) is living together in the same household with another adult of the opposite sex (regardless of whether or not they are married),  
(ii) is living together in the same household with another adult of the same sex who is his civil partner, or  
(iii) is living together in the same household with another adult of the same sex as if they were civil partners,  
income of that other adult”.
- 5 After paragraph 6(5) (as originally enacted) of that Schedule insert—

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“(5A) For the purposes of this paragraph, two adults of the same sex are to be regarded as living together in the same household as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two adults of the opposite sex.”

6 In paragraph 10C of that Schedule (as substituted by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act 2000 (c. 19)), for sub-paragraph (5) substitute—

“(5) In sub-paragraph (4)(a), “couple” means—

- (a) a man and a woman who are married to each other and are members of the same household,
- (b) a man and a woman who are not married to each other but are living together as husband and wife,
- (c) two people of the same sex who are civil partners of each other and are members of the same household, or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.

(6) For the purposes of this paragraph, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”

## PART 2

### AMENDMENTS OF THE CHILD SUPPORT (NORTHERN IRELAND) ORDER 1991 (S.I. 1991/ 2628 (N.I. 23))

- 7 [F2]In Article 3 (meaning of “child”), in paragraph (2)—
- (a) in sub-paragraph (a), after “married” insert “ or a civil partner ”,
  - (b) in sub-paragraph (b), after “marriage” insert “ , or been a party to a civil partnership, ”, and
  - (c) in sub-paragraph (c), after “granted” insert “ or has been a party to a civil partnership in respect of which a nullity order has been made ”.]

#### Textual Amendments

**F2** Sch. 24 para. 7 repealed (N.I.) (10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by [Child Maintenance Act \(Northern Ireland\) 2008 \(c. 10\), s. 41\(1\), Sch. 5; S.R. 2012/440, arts. 2\(1\)\(d\)\(ii\), 3 \(with art. 4\) \(as modified \(30.6.2014\) by S.R. 2014/194, art. 4\); S.R. 2013/201, arts. 2\(1\)\(d\)\(ii\), 3 \(with art. 4\) \(as modified \(30.6.2014\) by S.R. 2014/194, art. 5\); S.R. 2013/276, art. 2\(e\)\(ii\) \(with arts. 3-5\)](#)

8 In Article 10 (role of the courts with respect to maintenance for children), after paragraph (11)(d) insert—

“(da) Schedule 15, 16 or 17 to the Civil Partnership Act 2004; or”.

9 In Article 17 (powers of inspectors), in paragraph (7)—

- (a) after “married” insert “ or is a civil partner ”, and
- (b) after “spouse” insert “ or civil partner ”.

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- 10 For paragraph 6(5)(b) (as originally enacted) of Schedule 1 (maintenance assessments) substitute—
- “(b) where the absent parent—
- (i) is living together in the same household with another adult of the opposite sex (regardless of whether or not they are married),
- (ii) is living together in the same household with another adult of the same sex who is his civil partner, or
- (iii) is living together in the same household with another adult of the same sex as if they were civil partners,
- income of that other adult.”
- 11 After paragraph 6(5) (as originally enacted) of that Schedule insert—
- “(5A) For the purposes of this paragraph, two adults of the same sex are to be regarded as living together in the same household as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two adults of the opposite sex.”
- 12 In paragraph 10C of that Schedule (as substituted by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))), for sub-paragraph (5) substitute—
- “(5) In sub-paragraph (4)(a), “couple” means—
- (a) a man and a woman who are married to each other and are members of the same household,
- (b) a man and a woman who are not married to each other but are living together as husband and wife,
- (c) two people of the same sex who are civil partners of each other and are members of the same household, or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.
- (6) For the purposes of this paragraph, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”

### PART 3

#### AMENDMENTS OF THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 (C. 4)

- 13 In section 20 (descriptions of contributory benefits), in subsection (1)(f)(ii), after “spouse” insert “ or civil partner ”.
- 14 In section 30A (incapacity benefit: entitlement), in subsection (2)(b)(ii), after “spouse” insert “ or deceased civil partner ”.
- 15 In section 30B (incapacity benefit: rate), in subsection (3)(a), after “people” insert “ or civil partners ”.
- 16 (1) Amend section 36 (bereavement payment) as follows.
- (2) In subsection (1), after “spouse” (in each place) insert “ or civil partner ”.

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- (3) For subsection (2) substitute—
- “(2) A bereavement payment shall not be payable to a person if—
- (a) that person and a person of the opposite sex to whom that person was not married were living together as husband and wife at the time of the spouse’s or civil partner’s death, or
  - (b) that person and a person of the same sex who was not his or her civil partner were living together as if they were civil partners at the time of the spouse’s or civil partner’s death.”
- 17 In section 36A (cases in which sections 37 to 41 apply), in subsection (2), after “spouse” insert “ or civil partner ”.
- 18 (1) Amend section 37 (widowed mother’s allowance) as follows.
- (2) In subsection (3), after “remarries” insert “ or forms a civil partnership ”.
  - (3) After subsection (4)(b) insert “or
    - (c) for any period during which she and a woman who is not her civil partner are living together as if they were civil partners.”
- 19 (1) Amend section 38 (widow’s pension) as follows.
- (2) In subsection (2), after “remarries” insert “ or forms a civil partnership ”.
  - (3) After subsection (3)(c) insert “or
    - (d) for any period during which she and a woman who is not her civil partner are living together as if they were civil partners.”
- 20 (1) Amend section 39A (widowed parent’s allowance) as follows.
- (2) After “spouse” (in each place other than subsections (2)(b) and (4)), insert “ or civil partner ”.
  - (3) After “spouse's” (in each place) insert “ or civil partner's ”.
  - (4) In subsection (2), after paragraph (b) insert “or
    - (c) the surviving civil partner is a woman who—
      - (i) was residing together with the deceased civil partner immediately before the time of the death, and
      - (ii) is pregnant as the result of being artificially inseminated before that time with the semen of some person, or as a result of the placing in her before that time of an embryo, of an egg in the process of fertilisation, or of sperm and eggs.”
  - (5) In subsection (4), after “remarries” insert “ or forms a civil partnership ”.
  - (6) After subsection (4) insert—
 

“(4A) The surviving civil partner shall not be entitled to the allowance for any period after she or he forms a subsequent civil partnership or marries, but, subject to that, the surviving civil partner shall continue to be entitled to it for any period throughout which she or he—

    - (a) satisfies the requirements of subsection (2)(a) or (b) above; and
    - (b) is under pensionable age.”
  - (7) After subsection (5)(b) insert “or

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- (c) for any period during which the surviving spouse or civil partner and a person of the same sex who is not his or her civil partner are living together as if they were civil partners.”
- 21 (1) Amend section 39B (bereavement allowance where no dependent children) as follows.
- (2) After “spouse” (in each place) other than subsection (4), insert “ or civil partner ”.
- (3) After “spouse's” (in each place) insert “ or civil partner's ”.
- (4) In subsection (4), after “remarries” insert “ or forms a civil partnership ”.
- (5) After subsection (4) insert—
- “(4A) The surviving civil partner shall not be entitled to the allowance for any period after she or he forms a subsequent civil partnership or marries, but, subject to that, the surviving civil partner shall continue to be entitled to it until—
- (a) she or he attains pensionable age, or
- (b) the period of 52 weeks mentioned in subsection (3) above expires, whichever happens first.”
- (6) After subsection (5)(b) insert “or
- (c) for any period during which the surviving spouse or civil partner and a person of the same sex who is not his or her civil partner are living together as if they were civil partners.”
- 22 In section 39C (rate of widowed parent’s allowance and bereavement allowance)—
- (a) after “spouse” (in each place) insert “ or civil partner ”, and
- (b) in subsection (5), after “spouse's” insert “ or civil partner's ”.
- 23 In section 46 (modifications of section 45 for calculating the additional pension in certain benefits)—
- (a) after “under pensionable age”, in subsection (2), insert “ or by virtue of section 39C(1) above or section 48A(4), 48B(2) or 48BB(5) below in a case where the deceased civil partner died under pensionable age ”,
- (b) after “spouse”, in paragraph (b)(i) of the definition of “N” in subsection (2), insert “ or civil partner ”, and
- (c) after “spouse” (in each place) in subsection (3), insert “ or civil partner ”.
- 24 (1) Amend section 48 (use of former spouse’s contributions) as follows.
- (2) In subsection (1)—
- (a) for “married” substitute “ in a relevant relationship ”,
- (b) for “marriage” substitute “ relationship ”, and
- (c) after “spouse” insert “ or civil partner ”.
- (3) In subsection (2), for “marriage” substitute “ relevant relationship ”.
- (4) For subsection (3) substitute—
- “(3) Where a person has been in a relevant relationship more than once, this section applies only to the last relevant relationship and the references to his relevant relationship and his former spouse or civil partner shall be construed accordingly.

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- (4) In this section, “relevant relationship” means a marriage or civil partnership.”
- 25 (1) Amend section 48A (category B retirement pension for married person) as follows.
- (2) After subsection (2) insert—
- “(2A) A person who—
- (a) has attained pensionable age, and
- (b) on attaining that age was a civil partner or forms a civil partnership after attaining that age,
- shall be entitled to a Category B retirement pension by virtue of the contributions of the other party to the civil partnership (“the contributing civil partner”) if the following requirement is met.
- (2B) The requirement is that the contributing civil partner—
- (a) has attained pensionable age and become entitled to a Category A retirement pension, and
- (b) satisfies the conditions specified in Schedule 3, Part 1, paragraph 5.”
- (3) In subsections (3) and (4), after “spouse” insert “ or contributing civil partner ”.
- (4) In subsection (4A), for “widow or widower” substitute “ widow, widower or surviving civil partner ”.
- (5) <sup>F3</sup> .....
- (6) Section 48A (as amended by this paragraph) does not confer a right to a Category B retirement pension on a person by reason of his or her forming a civil partnership with a person who was born before 6th April 1950.

#### Textual Amendments

**F3** Sch. 24 Pt. 3 para. 25(5) repealed (6.4.2010) by [Pensions Act 2007 \(c. 22\)](#), ss. 27(4)(a), 30, [Sch. 7 Pt. 1](#)

- 26 (1) Amend section 48B (category B retirement pension for widows and widowers) as follows.
- (2) After subsection (1) insert—
- “(1A) A person (“the pensioner”) who attains pensionable age on or after 6th April 2010 and whose civil partner died—
- (a) while they were civil partners of each other, and
- (b) after the pensioner attained pensionable age,
- shall be entitled to a Category B retirement pension by virtue of the contributions of the civil partner if the civil partner satisfied the conditions specified in Schedule 3, Part 1, paragraph 5.”
- (3) In subsection (2), after “subsection (1)” insert “ or (1A) ”.
- (4) In subsection (3), after “spouse” (in each place) insert “ or civil partner ”.
- 27 (1) Amend section 48BB (category B retirement pension: entitlement by reference to benefits under section 39A or 39B) as follows.

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- (2) After “spouse” (in each place) insert “ or civil partner ”.
- (3) After “spouse's” (in each place) insert “ or civil partner's ”.
- (4) In subsections (1)(b) and (3)(b), for “remarried” substitute “ following that death married or formed a civil partnership ”.
- 28 (1) Amend section 51 (category B retirement pension for widowers) as follows.
- (2) After subsection (1) insert—
- “(1A) A civil partner shall be entitled to a Category B retirement pension if—
- (a) his or her civil partner has died and they were civil partners of each other at the time of that death,
- (b) they were both over pensionable age at the time of that death, and
- (c) before that death the deceased civil partner satisfied the contribution conditions for a Category A retirement pension in Schedule 3, Part 1, paragraph 5.”
- (3) In subsection (2)—
- (a) for “man's” substitute “ person's ”, and
- (b) after “wife” insert “ or deceased civil partner ”.
- (4) In subsection (3), after “2002” insert “ or a surviving civil partner ”.
- (5) In subsection (4)—
- (a) for “man” substitute “ person ”, and
- (b) after “pension” insert “ under this section ”.
- (6) Section 51 (as amended by this paragraph) does not confer a right to a Category B retirement pension on a person who attains pensionable age on or after 6th April 2010.
- 29 In section 51A (special provision for married people), in subsection (1)—
- (a) after “person” insert “ or civil partner ”, and
- (b) after “marriage” insert “ or civil partnership ”.
- 30 In section 52 (special provision for surviving spouses), in subsection (1), after “spouse” insert “ or civil partner ”.
- 31 In section 60 (complete or partial failure to satisfy contributions conditions), in subsection (2)—
- (a) after “married” insert “ or a civil partner ”, and
- (b) for “widow or widower” substitute “ widow, widower or surviving civil partner ”.
- 32 In section 61A (contributions paid in error), in subsection (3)—
- (a) after “spouse” insert “ or civil partner ”, and
- (b) in paragraph (b), for “widows or widowers” substitute “ widows, widowers or surviving civil partners ”.
- 33 In section 62 (graduated retirement benefit), after subsection (1)(aa) insert—
- “(ab) for extending section 37 of that Act (increase of woman’s retirement pension by reference to her late husband’s graduated retirement benefit) to civil partners and their late civil partners and for that

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section (except subsection (5)) so to apply as it applies to women and their late husbands;”.

- 34 In section 77 (guardian’s allowance)—
- (a) in subsection (6)(a)(ii), after “spouses” insert “ or civil partners ”, and
  - (b) in subsection (8)(a), after “divorce” insert “ or the civil partnership of the child’s parents has been dissolved ”.

35 F4 .....

#### Textual Amendments

- F4 Sch. 24 para. 35 repealed (12.1.2010 (with effect on 6.4.2010)) by [Welfare Reform Act 2009 \(c. 24\)](#), ss. 58, 61, [Sch. 7 Pt. 2](#)

36 F5 .....

#### Textual Amendments

- F5 Sch. 24 Pt. 3 para. 36 repealed (26.9.2007) by [Pensions Act 2007 \(c. 22\)](#), ss. 27(3)(b), 30, [Sch. 7 Pt. 2](#)

37 F6 .....

#### Textual Amendments

- F6 Sch. 24 Pt. 3 para. 37 repealed (6.4.2010) by [Pensions Act 2007 \(c. 22\)](#), ss. 27(4)(b), 30, [Sch. 7 Pt. 2](#)

38 In section 113 (general provisions as to disqualification and suspension), in subsection (1), for “wife or husband,” substitute “ wife, husband or civil partner, ”.

- 39 In section 114 (persons maintaining dependants etc.)—
- (a) in subsection (2), for “wife” substitute “ wife, civil partner ”, and
  - (b) in subsection (3)(a), after “spouse” insert “ or civil partner ”.

40 After subsection (1)(a) of section 121 (treatment of certain marriages) insert—

“(aa) for a voidable civil partnership which has been annulled, whether before or after the date when the regulations come into force, to be treated for the purposes of the provisions to which this subsection applies as if it had been a valid civil partnership which was dissolved at the date of annulment;”.

41 (1) Amend section 122 (interpretation of Parts 1 to 6 and supplementary provisions) as follows.

(2) In subsection (1), in the definition of “relative” after “by marriage” insert “ or civil partnership ”.

(3) After subsection (1) insert—

“(1A) For the purposes of Parts 1 to 5 and this Part of this Act, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”



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- 42 In section 124 (income support), in subsection (1)(c), (f) and (g), for “married or unmarried couple” substitute “ couple ”.
- 43 In section 126 (trade disputes), in subsection (3)(b), (c) and (d), for “married or unmarried couple” substitute “ couple ”.
- 44 In section 127 (effect of return to work), for “married or unmarried couple” (in each place) substitute “ couple ”.
- 45 In section 132 (couples), in subsection (1), for “married or unmarried couple” substitute “ couple ”.
- 46 (1) Amend section 137 (interpretation of Part 7 and supplementary provisions) as follows.
- (2) In paragraphs (a), (b) and (c) of the definition of “family” in subsection (1), for “married or unmarried couple” substitute “ couple ”.
- (3) After the definition of “child” in subsection (1) insert—
- ““couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;”.
- (4) Omit the definitions of “married couple” and “unmarried couple” in subsection (1).
- (5) After subsection (1) insert—
- “(1A) For the purposes of this Part, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”
- 47 In section 143 (meaning of “person responsible for child”), in subsection (5), after “spouses” insert “ or civil partners ”.
- 48 (1) Amend section 145A (entitlement after death of child) as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), after “couple” insert “ or civil partnership ” and after “to whom he was married” insert “ or who was his civil partner ”,
- (b) in paragraph (b), after “couple” insert “ or a cohabiting same-sex couple ”, and
- (c) for “married couple or unmarried couple” substitute “ couple or partnership ”.
- (3) Before the definition of “married couple” in subsection (5) insert—
- ““civil partnership” means two people of the same sex who are civil partners of each other and are neither—

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- (a) separated under a court order, nor
- (b) separated in circumstances in which the separation is likely to be permanent,

“cohabiting same-sex couple” means two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.”.

- (4) After subsection (5) insert—
- “(6) For the purposes of this section, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”
- 49 (1) Amend section 150 (interpretation of Part 10) as follows.
- (2) In the definition of “war widow’s pension” in subsection (2)—
- (a) after “any widow’s” insert “ or surviving civil partner’s ”, and
  - (b) after “widow” insert “ or surviving civil partner ”.
- (3) For subsection (3) substitute—
- “(3) In this Part of this Act, “couple” has the meaning given by section 137(1) above.”
- 50 In section 171ZL (entitlement to statutory adoption pay), in subsection (4)(b)—
- (a) after “married couple” insert “ or civil partnership ”, and
  - (b) after “spouse” (in each place) insert “ or civil partner ”.
- 51 (1) Amend Schedule 4A (additional pension) as follows.
- (2) In paragraph 1(2), after “under pensionable age,” insert “ or by virtue of section 39C(1), 48A(4) or 48B(2) above, in a case where the deceased civil partner died under pensionable age, ”.
- (3) In paragraph 1(4)(a) and (b), (5), (6) and (7)(a) and (b), after “spouse” insert “ or civil partner ”.
- 52 (1) Amend Schedule 7 (industrial injuries benefits) as follows.
- (2) For paragraph 4(3)(a) of Part 1 substitute—
- “(a) a beneficiary is one of two persons who are—
- (i) spouses or civil partners residing together,
  - (ii) a man and woman who are not married to each other but are living together as if they were husband and wife, or
  - (iii) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners, and”.
- (3) In paragraph 5(2)(a)(ii) of Part 1, after “spouses” insert “ or civil partners ”.
- (4) In Part 1—
- (a) in paragraph 6(1), (3) and (4), after “spouse” (in each place) insert “ or civil partner ”, and
  - (b) in paragraph 6(4)(a), after “spouse’s” insert “ or civil partner’s ”.

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- (5) In paragraph 15 of Part 6—
- (a) in sub-paragraph (2), after “remarries” insert “ or forms a civil partnership ”, and
  - (b) at the end of sub-paragraph (3), insert “ or is living together with a person of the same sex as if they were civil partners ”.
- 53 (1) Amend Schedule 8 (industrial injuries and diseases: old cases) as follows.
- (2) In paragraph 6(4)(d), and the substituted paragraph (d) in paragraph 6(5), after “spouse” (in each place) insert “ or civil partner ”.
- (3) After paragraph 8(1) insert—
- “(1A) Any reference in this Schedule to a member of a person’s family within the meaning of the Workmen’s Compensation Act 1925 is to be read as including a civil partner of his.”
- 54 In Schedule 9 (exclusions from entitlement to child benefit), in paragraph 3, after “married” insert “ or is a civil partner ”.

#### PART 4

##### AMENDMENTS OF THE SOCIAL SECURITY ADMINISTRATION ACT 1992 (C. 5)

- 55 In section 2AA (full entitlement to certain benefits conditional on work-focused interview for partner), in subsection (7), for the definition of “couple” substitute—
- ““couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;”.
- 56 In section 3 (late claims for bereavement benefit where death is difficult to establish)—
- (a) after “spouse” (in each place) insert “ or civil partner ”, and
  - (b) after “spouse's” (in each place) insert “ or civil partner's ”.
- 57 (1) Amend section 15A (payment out of benefit of sums in respect of mortgage interest etc.) as follows.
- (2) In subsection (4)—
- (a) in paragraph (a) of the definition of “partner”, for “to whom the borrower is married” substitute “ who is married to, or a civil partner of, the borrower ”, and
  - (b) in paragraph (b) of that definition, for “to whom the borrower is not married but who lives together with the borrower as husband and wife” substitute “ who is neither married to, nor a civil partner of, the borrower but who lives together with the borrower as husband and wife or as if they were civil partners ”.
- (3) After subsection (4A) insert—
- “(4B) For the purposes of this section, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”

*Status: Point in time view as at 01/03/2015.*

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- 58 (1) Amend section 71 (overpayments – general) as follows.
  - (2) In subsection (9), for “married or unmarried couple” substitute “ couple ”.
  - (3) After subsection (11) insert—
    - “(12) In this section, “couple” has the meaning given by section 137(1) of the Contributions and Benefits Act.”
- 59 In section 73 (overlapping benefits – general), in subsections (2)(b) and (d) and (5) (b) and (d), for “wife or husband” substitute “ wife, husband or civil partner ”.
- 60 In section 74A (payment of benefit where maintenance payments collected by Secretary of State), in subsection (5)—
  - (a) after the definition of “child maintenance” insert—
    - ““couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;”,
  - (b) in the definition of “family”, for “married or unmarried couple” (in each place) substitute “ couple ”, and
  - (c) omit the definitions of “married couple” and “unmarried couple”.
- 61 (1) Amend section 78 (recovery of social fund awards) as follows.
  - (2) In subsection (3)(b), for “married or unmarried couple” substitute “ couple ”.
  - (3) For subsection (5) substitute—
    - “(5) In this section “couple” has the meaning given by section 137(1) of the Contributions and Benefits Act.”
  - (4) In subsection (6)—
    - (a) in paragraph (a), after “wife” insert “ or civil partner ”, and
    - (b) in paragraph (b), after “husband” insert “ or civil partner ”.
- 62 In section 105 (failure to maintain – general), in subsection (4), after “spouse” insert “ or civil partner ”.
- 63 (1) Amend section 107 (recovery of expenditure on income support: additional amounts and transfer of orders) as follows.
  - (2) In subsection (1)(b), after “wife” insert “ or civil partner ”.
  - (3) In subsection (15), after paragraph (a)(ii) of the definition of “maintenance order” insert—
    - “(iii) any order under Schedule 7 to the Civil Partnership Act 2004 for the making of periodical payments or for the payment of a lump sum;”.
- 64 In section 109B (power to require information), in subsection (5)(a), for “married, his spouse” substitute “ married or is a civil partner, his spouse or civil partner ”.
- 65 F7 .....

**Textual Amendments**

**F7** Sch. 24 para. 65 repealed (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 40, 67, 70, Sch. 5 para. 14, [Sch. 8](#)

*Status: Point in time view as at 01/03/2015.*

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- 66 In section 156 (up-rating under section 150 of pensions increased under section 52(3) of the Contributions and Benefits Act)—
- (a) in subsection (1), after “spouse” insert “ or civil partner ”, and
  - (b) in subsections (2) and (3), after “spouse's” (in each place) insert “ or civil partner's ”.

## PART 5

### AMENDMENTS OF THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS (NORTHERN IRELAND) ACT 1992 (C. 7)

- 67 In section 20 (descriptions of contributory benefits), in subsection (1)(f)(ii), after “spouse” insert “ or civil partner ”.
- 68 In section 30A (incapacity benefit: entitlement), in subsection (2)(b)(ii), after “spouse” insert “ or deceased civil partner ”.
- 69 In section 30B (incapacity benefit: rate), in subsection (3)(a), after “people” insert “ or civil partners ”.
- 70 (1) Amend section 36 (bereavement payment) as follows.
- (2) In subsection (1), after “spouse” (in each place) insert “ or civil partner ”.
- (3) For subsection (2) substitute—
- “(2) A bereavement payment shall not be payable to a person if—
- (a) that person and a person of the opposite sex to whom that person was not married were living together as husband and wife at the time of the spouse’s or civil partner’s death, or
  - (b) that person and a person of the same sex who was not his or her civil partner were living together as if they were civil partners at the time of the spouse’s or civil partner’s death.”
- 71 In section 36A (cases in which sections 37 to 41 apply), in subsection (2), after “spouse” insert “ or civil partner ”.
- 72 (1) Amend section 37 (widowed mother’s allowance) as follows.
- (2) In subsection (3), after “remarries” insert “ or forms a civil partnership ”.
- (3) After subsection (4)(b) insert “or
- (c) for any period during which she and a woman who is not her civil partner are living together as if they were civil partners.”
- 73 (1) Amend section 38 (widow’s pension) as follows.
- (2) In subsection (2), after “remarries” insert “ or forms a civil partnership ”.
- (3) After subsection (3)(c) insert “or
- (d) for any period during which she and a woman who is not her civil partner are living together as if they were civil partners.”
- 74 (1) Amend section 39A (widowed parent’s allowance) as follows.
- (2) After “spouse” (in each place other than subsections (2)(b) and (4)), insert “ or civil partner ”.

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- (3) After “spouse's” (in each place) insert “ or civil partner's ”.
- (4) In subsection (2), after paragraph (b) insert “or
- (c) the surviving civil partner is a woman who—
- (i) was residing together with the deceased civil partner immediately before the time of the death, and
- (ii) is pregnant as the result of being artificially inseminated before that time with the semen of some person, or as a result of the placing in her before that time of an embryo, of an egg in the process of fertilisation, or of sperm and eggs.”
- (5) In subsection (4), after “remarries” insert “ or forms a civil partnership ”.
- (6) After subsection (4) insert—
- “(4A) The surviving civil partner shall not be entitled to the allowance for any period after she or he forms a subsequent civil partnership or marries, but, subject to that, the surviving civil partner shall continue to be entitled to it for any period throughout which she or he—
- (a) satisfies the requirements of subsection (2)(a) or (b) above; and
- (b) is under pensionable age.”
- (7) After subsection (5)(b) insert “or
- (c) for any period during which the surviving spouse or civil partner and a person of the same sex who is not his or her civil partner are living together as if they were civil partners.”
- 75 (1) Amend section 39B (bereavement allowance where no dependent children) as follows.
- (2) After “spouse” (in each place other than subsection (4)), insert “ or civil partner ”.
- (3) After “spouse's” (in each place) insert “ or civil partner's ”.
- (4) In subsection (4), after “remarries” insert “ or forms a civil partnership ”.
- (5) After subsection (4) insert—
- “(4A) The surviving civil partner shall not be entitled to the allowance for any period after she or he forms a subsequent civil partnership or marries, but, subject to that, the surviving civil partner shall continue to be entitled to it until—
- (a) she or he attains pensionable age, or
- (b) the period of 52 weeks mentioned in subsection (3) above expires, whichever happens first.”
- (6) After subsection (5)(b) insert “or
- (c) for any period during which the surviving spouse or civil partner and a person of the same sex who is not his or her civil partner are living together as if they were civil partners.”
- 76 In section 39C (rate of widowed parent’s allowance and bereavement allowance)—
- (a) after “spouse” (in each place) insert “ or civil partner ”, and
- (b) in subsection (5), after “spouse's” insert “ or civil partner's ”.

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- 77 In section 46 (modifications of section 45 for calculating the additional pension in certain benefits)—
- (a) after “under pensionable age”, in subsection (2), insert “ or by virtue of section 39C(1) above or section 48A(4), 48B(2) or 48BB(5) below in a case where the deceased civil partner died under pensionable age ”,
  - (b) after “spouse”, in paragraph (b)(i) of the definition of “N” in subsection (2), insert “ or civil partner ”, and
  - (c) after “spouse” (in each place) in subsection (3), insert “ or civil partner ”.
- 78 (1) Amend section 48 (use of former spouse’s contributions) as follows.
- (2) In subsection (1)—
- (a) for “married” substitute “ in a relevant relationship ”,
  - (b) for “marriage” substitute “ relationship ”, and
  - (c) after “spouse” insert “ or civil partner ”.
- (3) In subsection (2), for “marriage” substitute “ relevant relationship ”.
- (4) For subsection (3) substitute—
- “(3) Where a person has been in a relevant relationship more than once, this section applies only to the last relevant relationship and the references to his relevant relationship and his former spouse or civil partner shall be construed accordingly.
- (4) In this section, “relevant relationship” means a marriage or civil partnership.”
- 79 (1) Amend section 48A (category B retirement pension for married person) as follows.
- (2) After subsection (2) insert—
- “(2A) A person who—
- (a) has attained pensionable age, and
  - (b) on attaining that age was a civil partner or forms a civil partnership after attaining that age,
- shall be entitled to a Category B retirement pension by virtue of the contributions of the other party to the civil partnership (“the contributing civil partner”) if the following requirement is met.
- (2B) The requirement is that the contributing civil partner—
- (a) has attained pensionable age and become entitled to a Category A retirement pension, and
  - (b) satisfies the conditions specified in Schedule 3, Part 1, paragraph 5.”
- (3) In subsections (3) and (4), after “spouse” insert “ or contributing civil partner ”.
- (4) In subsection (4A), for “widow or widower” substitute “ widow, widower or surviving civil partner ”.
- <sup>F8</sup>(5) .....
- (6) Section 48A (as amended by this paragraph) does not confer a right to a Category B retirement pension on a person by reason of his or her forming a civil partnership with a person who was born before 6th April 1950.

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### Textual Amendments

**F8** Sch. 24 para. 79(5) repealed (N.I.) (6.4.2010) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\), s. 19\(4\)\(a\)](#), [Sch. 6 Pt. 1](#) (with s. 4(5)(8), [Sch. 4 Pt. 3](#))

- 80 (1) Amend section 48B (category B retirement pension for widows and widowers) as follows.
- (2) After subsection (1) insert—
- “(1A) A person (“the pensioner”) who attains pensionable age on or after 6th April 2010 and whose civil partner died—
- (a) while they were civil partners of each other, and
- (b) after the pensioner attained pensionable age,
- shall be entitled to a Category B retirement pension by virtue of the contributions of the civil partner if the civil partner satisfied the conditions specified in Schedule 3, Part 1, paragraph 5.”
- (3) In subsection (2), after “subsection (1)” insert “ or (1A) ”.
- (4) In subsection (3), after “spouse” (in each place) insert “ or civil partner ”.
- 81 (1) Amend section 48BB (category B retirement pension: entitlement by reference to benefits under section 39A or 39B) as follows.
- (2) After “spouse” (in each place) insert “ or civil partner ”.
- (3) After “spouse's” (in each place) insert “ or civil partner's ”.
- (4) In subsections (1)(b) and (3)(b), for “remarried” substitute “ following that death married or formed a civil partnership ”.
- 82 (1) Amend section 51 (category B retirement pension for widowers) as follows.
- (2) After subsection (1) insert—
- “(1A) A civil partner shall be entitled to a Category B retirement pension if—
- (a) his or her civil partner has died and they were civil partners of each other at the time of that death,
- (b) they were both over pensionable age at the time of that death, and
- (c) before that death the deceased civil partner satisfied the contribution conditions for a Category A retirement pension in Schedule 3, Part 1, paragraph 5.”
- (3) In subsection (2)—
- (a) for “man's” substitute “ person's ”, and
- (b) after “wife” insert “ or deceased civil partner ”.
- (4) In subsection (3), after “2002” insert “ or a surviving civil partner ”.
- (5) In subsection (4)—
- (a) for “man” substitute “ person ”, and
- (b) after “pension” insert “ under this section ”.



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- (6) Section 51 (as amended by this paragraph) does not confer a right to a Category B retirement pension on a person who attains pensionable age on or after 6th April 2010.
- 83 In section 51A (special provision for married people), in subsection (1)—  
(a) after “person” insert “ or civil partner ”, and  
(b) after “marriage” insert “ or civil partnership ”.
- 84 In section 52 (special provision for surviving spouses), in subsection (1), after “spouse” insert “ or civil partner ”.
- 85 In section 60 (complete or partial failure to satisfy contribution conditions), in subsection (2)—  
(a) after “married” insert “ or a civil partner ”, and  
(b) for “widow or widower” substitute “ widow, widower or surviving civil partner ”.
- 86 In section 61A (contributions paid in error), in subsection (3)—  
(a) after “spouse” insert “ or civil partner ”, and  
(b) in paragraph (b), for “widows or widowers” substitute “ widows, widowers or surviving civil partners ”.
- 87 In section 62 (graduated retirement benefit), after subsection (1)(aa) insert—  
“(ab) for extending section 36 of that Act (increase of woman’s retirement pension by reference to her late husband’s graduated retirement benefit) to civil partners and their late civil partners and for that section (except subsection (5)) so to apply as it applies to women and their late husbands;”.
- 88 In section 77 (guardian’s allowance)—  
(a) in subsection (6)(a)(ii), after “spouses” insert “ or civil partners ”, and  
(b) in subsection (8)(a), after “divorce” insert “ or the civil partnership of the child’s parents has been dissolved ”.
- 89 <sup>F9</sup> .....

**Textual Amendments**

**F9** Sch. 24 para. 89 repealed (14.8.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), ss. 34(1)(2)(c), 36(1)(p), [Sch. 4 Pt. 2](#) (with s. 14(2))

- 90 [<sup>F10</sup>In section 83A (pension increase for spouse)—  
(a) in subsection (1), for “married pensioner” substitute “ pensioner who is married or a civil partner ”, and  
(b) in subsections (2) and (3), after “spouse” (in each place) insert “ or civil partner ”.]

**Textual Amendments**

**F10** Sch. 24 para. 90 repealed (N.I.) (11.2.2008) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1 \(N.I.\)\)](#), ss. 19, 21, [Sch. 6 Pt. 2](#) (with s. 4(5), [Sch. 4 Pt. 3](#))

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- 91 <sup>F11</sup>(1) Amend section 85 (pension increase (person with care of children)) as follows.
- (2) Omit subsection (1).
- (3) After subsection (1) insert—
- “(1A) Subject to subsections (2A) and (4) below, the weekly rate of a Category A retirement pension shall be increased by the amount specified in relation to that pension in Schedule 4, Part 4, column (3) for any period during which a person who is neither the spouse or civil partner of the pensioner nor a child has the care of a child or children in respect of whom the pensioner is entitled to child benefit.”
- (4) In subsection (2)—
- (a) for “the following provisions” substitute “ subsections (3) and (4) below ”, and
- (b) for “pension to which this section applies” substitute “ Category C retirement pension payable by virtue of section 78(1) above ”.
- (5) After subsection (2) insert—
- “(2A) Subsection (1A) above does not apply if the pensioner is a person whose spouse or civil partner is entitled to a Category B retirement pension, or to a Category C retirement pension by virtue of section 78(2) above or in such other cases as may be prescribed.”
- (6) In subsection (4), after “subsection” insert “ (1A) or ”.]

#### Textual Amendments

**F11** Sch. 24 Pt. 5 para. 91 repealed (N.I.) (6.4.2010) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\), s. 19\(4\)\(b\)](#), [Sch. 6 Pt. 2](#) (with [s. 4\(5\)\(8\)](#), [Sch. 4 Pt. 3](#))

- 92 In section 113 (general provisions as to disqualification and suspension), in subsection (1), for “wife or husband,” substitute “ wife, husband or civil partner, ”.
- 93 In section 114 (persons maintaining dependants etc.)—
- (a) in subsection (2), for “wife” substitute “ wife, civil partner ”, and
- (b) in subsection (3)(a), after “spouse” insert “ or civil partner ”.
- 94 In section 120 (treatment of certain marriages), after subsection (1)(a) insert—
- “(aa) for a voidable civil partnership which has been annulled, whether before or after the date when the regulations come into force, to be treated for the purposes of the provisions to which this subsection applies as if it had been a valid civil partnership which was dissolved at the date of annulment;”.
- 95 (1) Amend section 121 (interpretation of Parts 1 to 6 and supplementary provisions) as follows.
- (2) In subsection (1), in the definition of “relative” after “by marriage” insert “ or civil partnership ”.
- (3) After subsection (1) insert—

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- “(1A) For the purposes of Parts 1 to 5 and this Part of this Act, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”
- 96 In section 123 (income support), in subsection (1)(c), (f) and (g), for “married or unmarried couple” substitute “ couple ”.
- 97 In section 125 (trade disputes), in subsection (3)(b), (c) and (d), for “married or unmarried couple” substitute “ couple ”.
- 98 In section 126 (effect of return to work), for “married or unmarried couple” (in each place) substitute “ couple ”.
- 99 (1) Amend section 133 (interpretation of Part 7 and supplementary provisions) as follows.
- (2) In paragraphs (a), (b) and (c) of the definition of “family” in subsection (1), for “married or unmarried couple” substitute “ couple ”.
- (3) After the definition of “child” in subsection (1) insert—
- ““couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;”.
- (4) Omit the definitions of “married couple” and “unmarried couple” in subsection (1).
- (5) After subsection (1) insert—
- “(1A) For the purposes of this Part, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”
- 100 In section 139 (meaning of “person responsible for child”), in subsection (5), after “spouses” insert “ or civil partners ”.
- 101 (1) Amend section 141A (entitlement after death of child) as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), after “couple” insert “ or civil partnership ” and after “to whom he was married” insert “ or who was his civil partner ”,
- (b) in paragraph (b), after “couple” insert “ or a cohabiting same-sex couple ”, and
- (c) for “married couple or unmarried couple” substitute “ couple or partnership ”.
- (3) Before the definition of “married couple” in subsection (5) insert—

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“civil partnership” means two people of the same sex who are civil partners of each other and are neither—

- (a) separated under a court order, nor
- (b) separated in circumstances in which the separation is likely to be permanent,

“cohabiting same-sex couple” means two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.”

- (4) After subsection (5) insert—
- “(6) For the purposes of this section, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”
- 102 (1) Amend section 146 (interpretation of Part 10) as follows.
- (2) In the definition of “war widow’s pension” in subsection (2)—
- (a) after “any widow's” insert “ or surviving civil partner's ”, and
  - (b) after “widow” insert “ or surviving civil partner ”.
- (3) For subsection (3) substitute—
- “(3) In this Part of this Act, “couple” has the meaning given by section 133(1) above.”
- 103 In section 167ZL (entitlement to statutory adoption pay), in subsection (4)(b)—
- (a) after “married couple” insert “ or civil partnership ”, and
  - (b) after “spouse” (in each place) insert “ or civil partner ”.
- 104 (1) Amend Schedule 4A (additional pension) as follows.
- (2) In paragraph 1(2), after “under pensionable age,” insert “ or by virtue of section 39C(1), 48A(4) or 48B(2) above, in a case where the deceased civil partner died under pensionable age, ”.
- (3) In paragraph 1(4)(a) and (b), (5), (6) and (7)(a) and (b), after “spouse” insert “ or civil partner ”.
- 105 (1) Amend Schedule 7 (industrial injuries benefits) as follows.
- (2) For paragraph 4(3)(a) of Part 1 substitute—
- “(a) a beneficiary is one of two persons who are—
- (i) spouses or civil partners residing together,
  - (ii) a man and woman who are not married to each other but are living together as if they were husband and wife, or
  - (iii) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners, and”.
- (3) In paragraph 5(2)(a)(ii) of Part 1, after “spouses” insert “ or civil partners ”.
- (4) In Part 1—

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- (a) in paragraph 6(1), (3) and (4), after “spouse” (in each place) insert “ or civil partner ”, and
  - (b) in paragraph 6(4)(a), after “spouse's” insert “ or civil partner's ”.
- (5) In paragraph 15 of Part 6—
- (a) in sub-paragraph (2), after “remarries” insert “ or forms a civil partnership ”, and
  - (b) at the end of sub-paragraph (3), insert “ or is living together with a person of the same sex as if they were civil partners ”.
- 106 In Schedule 9 (exclusions from entitlement to child benefit), in paragraph 3, after “married” insert “ or is a civil partner ”.

## PART 6

### AMENDMENTS OF THE SOCIAL SECURITY ADMINISTRATION (NORTHERN IRELAND) ACT 1992 (C. 8)

- 107 In section 2AA (full entitlement to certain benefits conditional on work-focused interview for partner), in subsection (7), for the definition of “couple” substitute—
- ““couple” has the meaning given by section 133(1) of the Contributions and Benefits Act;”.
- 108 In section 3 (late claims for bereavement benefit where death is difficult to establish)
- (a) after “spouse” (in each place) insert “ or civil partner ”, and
  - (b) after “spouse's” (in each place) insert “ or civil partner's ”.
- 109 (1) Amend section 13A (payment out of benefit of sums in respect of mortgage interest etc.) as follows.
- (2) In subsection (4)—
- (a) in paragraph (a) of the definition of “partner”, for “to whom the borrower is married” substitute “ who is married to, or a civil partner of, the borrower ”, and
  - (b) in paragraph (b) of that definition, for “to whom the borrower is not married but who lives together with the borrower as husband and wife” substitute “ who is neither married to, nor a civil partner of, the borrower but who lives together with the borrower as husband and wife or as if they were civil partners ”.
- (3) After subsection (4A) insert—
- “(4B) For the purposes of this section, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”
- 110 (1) Amend section 69 (overpayments – general) as follows.
- (2) In subsection (9), for “married or unmarried couple” substitute “ couple ”.
  - (3) After subsection (11) insert—

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- “(12) In this section, “couple” has the meaning given by section 133(1) of the Contributions and Benefits Act.”
- 111 In section 71 (overlapping benefits – general), in subsections (2)(b) and (d) and (5) (b) and (d), for “wife or husband” substitute “ wife, husband or civil partner ”.
- 112 In section 72A (payment of benefit where maintenance payments collected by Department), in subsection (5)—
- (a) after the definition of “child maintenance” insert—
- ““couple” has the meaning given by section 133(1) of the Contributions and Benefits Act;”,
- (b) in the definition of “family”, for “married or unmarried couple” (in each place) substitute “ couple ”, and
- (c) omit the definitions of “married couple” and “unmarried couple”.
- 113 (1) Amend section 74 (recovery of social fund awards) as follows.
- (2) In subsection (3)(b), for “married or unmarried couple” substitute “ couple ”.
- (3) For subsection (5) substitute—
- “(5) In this section, “couple” has the meaning given by section 133(1) of the Contributions and Benefits Act.”
- (4) In subsection (6)—
- (a) in paragraph (a), after “wife” insert “ or civil partner ”, and
- (b) in paragraph (b), after “husband” insert “ or civil partner ”.
- 114 In section 100 (failure to maintain – general), in subsection (4), after “spouse” insert “ or civil partner ”.
- 115 In section 102 (recovery of expenditure on income support: additional amounts and transfer of orders), in subsection (1)(b), after “wife” insert “ or civil partner ”.
- 116 In section 103B (power to require information), in subsection (5)(a), for “married, his spouse” substitute “ married or is a civil partner, his spouse or civil partner ”.
- 117 In section 136 (up-rating under section 132 of pensions increased under section 52(3) of the Contributions and Benefits Act)—
- (a) in subsection (1), after “spouse” insert “ or civil partner ”, and
- (b) in subsections (2) and (3), after “spouse's” (in each place) insert “ or civil partner's ”.

## PART 7

### AMENDMENTS OF THE JOBSEEKERS ACT 1995 (C. 18)

- 118 [F12In section 1 (the jobseeker’s allowance), in subsection (4), in the definition of “a joint-claim couple”, for “married or unmarried couple” substitute “ couple ”.]

#### Textual Amendments

- F12** Sch. 24 paras. 118-122 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and

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7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 1; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (as amended (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; and (20.7.2015) by S.I. 2015/1537)

119 [F12]In section 3 (the income-based conditions), in subsection (1)(dd) and (e), for “married or unmarried couple” substitute “couple”.]

#### Textual Amendments

**F12** Sch. 24 paras. 118-122 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 1; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634;

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and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (as amended (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; and (20.7.2015) by S.I. 2015/1537)

120 [F12]In section 15 (effect on other claimants), in subsection (2)(b), for “married or unmarried couple” substitute “ couple ”.]

#### Textual Amendments

**F12** Sch. 24 paras. 118-122 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (as amended (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; and (20.7.2015) by S.I. 2015/1537)



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- 121 <sup>[F12]</sup>In section 15A (trade disputes: joint-claim couples), in subsection (5)(c), for “married or unmarried couple” substitute “couple”.]

#### Textual Amendments

**F12** Sch. 24 paras. 118-122 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (as amended (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; and (20.7.2015) by S.I. 2015/1537)

- 122 <sup>[F12]</sup>In section 23 (recovery of sums in respect of maintenance), in subsection (1), after “spouse” insert “or civil partner”.]

#### Textual Amendments

**F12** Sch. 24 paras. 118-122 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015)

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by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended: (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; and (20.7.2015) by S.I. 2015/1537)

123 In section 31 (termination of awards), in subsections (1) and (2), for “married or  
unmarried couple” substitute “ couple ”.

124 (1) Amend section 35 (interpretation) as follows.

(2) After the definition of “contribution-based jobseeker’s allowance” in subsection (1) insert—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;”.

(3) In paragraphs (a), (b) and (c) of the definition of “family” in subsection (1), for “married or unmarried couple” substitute “ couple ”.

(4) Omit the definitions of “married couple” and “unmarried couple” in subsection (1).

(5) After subsection (1) insert—

“(1A) For the purposes of this Act, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”

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- 125 In Schedule 1 (supplementary provisions), in paragraph 9C(1), for “married or unmarried couple” substitute “couple”.

## PART 8

### AMENDMENTS OF THE CHILD SUPPORT ACT 1995 (C. 34)

- 126 (1) Amend subsection (7) of section 10 (the child maintenance bonus) as follows.
- (2) After the definition of “child maintenance” insert—
- ““couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
  - (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
  - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
  - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;”.
- (3) In the definition of “family” for “married or unmarried couple” (in each place) substitute “couple”.
- (4) Omit the definitions of “married couple” and “unmarried couple”.
- 127 After section 10(7) insert—

“(7A) For the purposes of this section, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”

## PART 9

### AMENDMENTS OF THE CHILD SUPPORT (NORTHERN IRELAND) ORDER 1995 (S.I. 1995/ 2702 (N.I. 13))

- 128 (1) Amend paragraph (7) of Article 4 (the child maintenance bonus) as follows.
- (2) After the definition of “child maintenance” insert—
- ““couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
  - (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
  - (c) two people of the same sex who are civil partners of each other and are members of the same household; or

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- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;”.
- (3) In the definition of “family” for “married or unmarried couple” (in each place) substitute “couple”.
- (4) Omit the definitions of “married couple” and “unmarried couple”.
- 129 After that paragraph insert—
- “(7A) For the purposes of this Article, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”

## PART 10

### AMENDMENTS OF THE JOBSEEKERS (NORTHERN IRELAND) ORDER 1995 (S.I. 1995/2705 (N.I. 15))

- 130 (1) Amend Article 2 (interpretation) as follows.
- (2) After the definition of “contribution-based jobseeker’s allowance” in paragraph (2) insert—
- ““couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;”.
- (3) In paragraphs (a), (b) and (c) of the definition of “family” in paragraph (2), for “married or unmarried couple” substitute “couple”.
- (4) Omit the definitions of “married couple” and “unmarried couple” in paragraph (2).
- (5) After paragraph (2) insert—
- “(2A) For the purposes of this Order, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”
- 131 In Article 3 (the jobseeker’s allowance), in paragraph (4), in the definition of “a joint-claim couple”, for “married or unmarried couple” substitute “couple”.
- 132 In Article 5 (the income-based conditions), in paragraphs (1)(dd) and (e), for “married or unmarried couple” substitute “couple”.

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- 133 In Article 17 (effect on other claimants), in paragraph (2)(b), for “married or unmarried couple” substitute “ couple ”.
- 134 In Article 17A (trade disputes: joint-claim couples), in paragraph (5)(c), for “married or unmarried couple” substitute “ couple ”.
- 135 In Article 25 (recovery of sums in respect of maintenance), in paragraph (1), after “spouse” insert “ or civil partner ”.
- 136 In Article 32 (termination of awards), in paragraphs (1) and (2), for “married or unmarried couple” substitute “ couple ”.
- 137 In Schedule 1 (supplementary provisions), in paragraph 9C(1), for “married or unmarried couple” substitute “ couple ”.

## PART 11

### AMENDMENTS OF THE SOCIAL SECURITY ACT 1998 (C. 14)

- 138 (1) Amend section 72 (power to reduce child benefit for lone parents) as follows.
- (2) In subsection (2), after “spouse” (in each place) insert “ or civil partner ”.
- (3) After subsection (2) insert—
- “(3) For the purpose of this section, a parent is to be regarded as living with another person as his civil partner if, but only if, he would be regarded as living with the other person as his spouse, were they instead two people of the opposite sex.”

## PART 12

### AMENDMENTS OF THE SOCIAL SECURITY (NORTHERN IRELAND) ORDER 1998 (S.I. 1998/ 1506 (N.I. 10))

- 139 (1) Amend Article 68 (power to reduce child benefit for lone parents) as follows.
- (2) In paragraph (2), after “spouse” (in each place) insert “ or civil partner ”.
- (3) After paragraph (2) insert—
- “(3) For the purpose of this Article, a parent is to be regarded as living with another person as his civil partner if, but only if, he would be regarded as living with the other person as his spouse, were they instead two people of the opposite sex.”

## PART 13

### AMENDMENTS OF THE STATE PENSION CREDIT ACT 2002 (C. 16)

- 140 In sections 2(5)(a) and (8)(b), 3(1)(b), 4(1), 5, 6(3)(c)(ii) and 9(4)(a), (b) and (d), for “married or unmarried couple” substitute “ couple ”.
- 141 In section 2(5)(b), for “such a couple” substitute “ a couple ”.
- 142 (1) Amend subsection (1) of section 17 (other interpretation provisions) as follows.

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- (2) After the definition of “the Contributions and Benefits Act” insert—
- ““couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
  - (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
  - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
  - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;”.
- (3) In the definition of “foreign war widow’s or widower’s pension” for “widow or widower” (in each place) substitute “ widow, widower or surviving civil partner ”.
- (4) Omit the definitions of “married couple” and “unmarried couple”.
- (5) In the definition of “war widow’s or widower’s pension”—
- (a) in paragraph (a), for “any widow’s or widower’s” substitute “ any widow’s, widower’s or surviving civil partner’s ”, and
  - (b) in paragraph (b), for “widow or widower” substitute “ widow, widower or surviving civil partner ”.
- 143 After section 17(1) insert—
- “(1A) For the purposes of this Act, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”

## PART 14

### AMENDMENTS OF THE TAX CREDITS ACT 2002 (C. 21)

- 144 (1) Amend section 3 (claims) as follows.
- (2) In subsection (3)(a), for “married couple or unmarried couple” substitute “ couple ”.
- (3) For subsections (5) and (6) substitute—
- “(5A) In this Part “couple” means—
- (a) a man and woman who are married to each other and are neither—
    - (i) separated under a court order, nor
    - (ii) separated in circumstances in which the separation is likely to be permanent,
  - (b) a man and woman who are not married to each other but are living together as husband and wife,
  - (c) two people of the same sex who are civil partners of each other and are neither—
    - (i) separated under a court order, nor

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- (ii) separated in circumstances in which the separation is likely to be permanent, or
  - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.”
- 145 In sections 4(1)(g), 11(6)(b) and (c), 17(10)(b), 24(2) and 32(6), for “married couple or an unmarried couple” (in each place) substitute “ couple ”.
- 146 In sections 4(1)(g) and 17(10)(b), for “the married couple or unmarried couple” substitute “ the couple ”.
- 147 (1) Renumber section 48 (interpretation) as subsection (1) of that section.
- (2) In subsection (1), after the definition of “child” insert—
- ““couple” has the meaning given by section 3(5A),”
- and omit the definitions of “married couple” and “unmarried couple”.
- (3) After subsection (1) insert—
- “(2) For the purposes of this Part, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”

## PART 15

### AMENDMENTS OF THE STATE PENSION CREDIT ACT (NORTHERN IRELAND) 2002 (C. 14 (N.I.))

- 148 In sections 2(5)(a) and (8)(b), 3(1)(b), 4(1), 5, 6(3)(c)(ii) and 9(4)(a), (b) and (d), for “married or unmarried couple” substitute “ couple ”.
- 149 In section 2(5)(b), for “such a couple” substitute “ a couple ”.
- 150 (1) Amend subsection (1) of section 17 (other interpretation provisions) as follows.
- (2) After the definition of “the Contributions and Benefits Act” insert—
- ““couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
  - (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
  - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
  - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;”.
- (3) In the definition of “foreign war widow’s or widower’s pension” for “widow or widower” (in each place) substitute “ widow, widower or surviving civil partner ”.
- (4) Omit the definitions of “married couple” and “unmarried couple”.

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(5) In the definition of “war widow’s or widower’s pension”—

- (a) in paragraph (a), for “any widow’s or widower’s” substitute “ any widow’s, widower’s or surviving civil partner’s ”, and
- (b) in paragraph (b), for “widow or widower” substitute “ widow, widower or surviving civil partner ”.

151 After section 17(1) insert—

“(1A) For the purposes of this Act, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”



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