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Changes to legislation: Civil Partnership Act 2004, SCHEDULE 26 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 26

Section 257

AMENDMENT OF CERTAIN ENACTMENTS RELATING TO THE ARMED FORCES

Greenwich Hospital Act 1865 (c. 89)

- 1 In section 5 (power to appoint pensions to officers, etc.), after “widows” insert “or surviving civil partners”.

Navy and Marines (Property of Deceased) Act 1865 (c. 111)

- 2 In section 4 (disposal of residue belonging to deceased person in civil service of navy), after “widow” insert “or surviving civil partner”.

Pensions Commutation Act 1871 (c. 36)

- 3 (1) In section 4 (power to Treasury to commute pensions), in subsection (2) —
(a) after “marries” insert “or forms a civil partnership”, and
(b) after “widow” insert “or surviving civil partner”.
- (2) In section 4(3), for “wife” substitute “wife, civil partner”.

Greenwich Hospital Act 1883 (c. 32)

- 4 In section 2 (power to grant pensions, allowances, and gratuities), in subsection (1), after “widows” insert “or surviving civil partners”.

Commencement Information

- II** Sch. 26 para. 4 wholly in force at 5.12.2005; Sch. 26 para. 4 not in force at Royal Assent see s. 263; Sch. 26 para. 4 in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and Sch. 26 para. 4 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

Pensions and Yeomanry Pay Act 1884 (c. 55)

- 5 In section 4 (distribution of money not exceeding £5,000 without requiring probate), after “widower” insert “surviving civil partner”.

Commencement Information

- II** Sch. 26 para. 5 wholly in force at 5.12.2005; Sch. 26 para. 5 not in force at Royal Assent see s. 263; Sch. 26 para. 5 in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and Sch. 26 para. 5 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

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Regimental Debts Act 1893 (c. 5)

6 In section 10 (application of residue undisposed of), in subsection (2), for “widows” substitute “ widows, surviving civil partners ”.

7 In section 24 (application of Act to cases of insanity), in paragraph (a), for “wife or husband” substitute “ wife, husband or civil partner ”.

Naval Medical Compassionate Fund Act 1915 (c. 28)

F18

Textual Amendments
F1 Sch. 26 para. 8 repealed (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 5](#); S.I. 2012/669, art. 4(f)(i)

Naval and Military War Pensions, &c., (Administrative Expenses) Act 1917 (c. 14)

9 (1) In section 5 (alteration of purposes for which voluntary funds may be applied in certain cases)—

(a) after “wives,” (in each place) insert “ civil partners, ”, and

(b) after “widows,” (in each place) insert “ surviving civil partners, ”.

(2) In section 6 (power of Secretary of State to accept and administer gifts for assisting disabled officers and men), after “widows,” insert “ surviving civil partners, ”.

War Pensions (Administrative Provisions) Act 1919 (c. 53)

10 In section 8 (appeals to Pensions Appeal Tribunals), in subsection (1), for “the motherless child or” substitute “ surviving civil partner or the orphan, ”.

War Pensions Act 1920 (c. 23)

11 In section 7 (restoration of forfeited pensions), in subsection (2), after “wife,” insert “ civil partner, ”.

12 In section 8 (statutory right of widow or dependant to a pension), for “widow” substitute “ widow, surviving civil partner ”.

Admiralty Pensions Act 1921 (c. 39)

13 In section 2 (restoration of forfeited pension), in subsection (2), after “wife,” insert “ civil partner, ”.

Greenwich Hospital Act 1942 (c. 35)

14 (1) In section 1 (extension of powers to grant pensions to persons employed for the purposes of Greenwich Hospital), in subsection (1)(a) and (b) for “widows” substitute “ widows, surviving civil partners ”.

(2) In section 1(2), for “spouses” substitute “ spouses, civil partners ”.

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Pensions Appeal Tribunals Act 1943 (c. 39)

- 15 In section 1 (appeals against rejection of war pension claims made in respect of members of the naval, military or air forces), in subsection (4)(ii) —
- (a) after “widower,” insert “ surviving civil partner, ”,
 - (b) for “husband” substitute “ husband, civil partner ”,
 - (c) after “marriage” insert “ or civil partnership ”, and
 - (d) after “place” insert “ or been formed ”.

Greenwich Hospital Act 1947 (10 & 11 Geo. 6 c. 5)

- 16 In section 2 (extension of power to grant pensions, etc.), in subsection (1), after “widows” insert “ and surviving civil partners ”.

Polish Resettlement Act 1947 (c. 19)

- 17 In section 1 (power to apply Royal Warrant as to pensions etc. to certain Polish forces), in subsection (1), after “widows,” insert “ surviving civil partners, ”.

Commencement Information

- I3** Sch. 26 para. 17 wholly in force at 5.12.2005; Sch. 26 para. 17 not in force at Royal Assent see s. 263; Sch. 26 para. 17 in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and Sch. 26 para. 17 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(I\)](#), [Sch. 1](#)

- 18 In section 2 (allowances from the Assistance Board), in subsection (2)(c)—
- (a) for “of men” substitute “ or civil partners of persons ”,
 - (b) for “woman” substitute “ person ”,
 - (c) for “of a man” substitute “ or civil partner of a person ”, and
 - (d) for “re-married” substitute “ subsequently married or formed a civil partnership ”.

Naval Forces (Enforcement of Maintenance Liabilities) Act 1947 (c. 24)

- 19 (1) Amend section 1 (deduction from pay in respect of liabilities for maintenance, etc.) as follows.
- (2) In subsection (1), in paragraphs (a), (aa) and (b) after “wife” insert “ or civil partner ”.
- (3) In subsection (2A), after paragraph (a) insert—
- “(aa) if, in proceedings in connection with the dissolution or annulment of a civil partnership, an order has been made for the payment of any periodical or other sum in respect of the maintenance of the person who, if the civil partnership had subsisted, would have been the civil partner of any such person as is mentioned in subsection (1) above, references in this section to that person’s civil partner include references to the person in whose favour the order was made; and”.

Royal Patriotic Fund Corporation Act 1950 (c. 10)

- 20 In section 1 (extension of objects of soldiers' effects fund), in subsection (1)—

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- (a) for “widows or children” substitute “ widows, surviving civil partners or children ”, and
- (b) after “widows,” insert “ surviving civil partners, ”.

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

- 21 In section 23(1) (interpretation of Part 2)—
- (a) in paragraph (a) of the definition of “dependant”, for “wife” substitute “ spouse or civil partner ”, and
 - (b) in the definition of “statutory tenancy”, for “widow” substitute “ surviving spouse or surviving civil partner ”.
- 22 In paragraph (a) of section 25(6) (meaning of “dependant”), for “wife” substitute “ spouse or civil partner ”.
- 23 In section 27(5) (interpretation of section), for “wife” (in each place) substitute “ spouse or civil partner ”.
- 24 In section 38(5) (interpretation of section), for “wife” (in each place) substitute “ spouse or civil partner ”.
- 25 (1) Amend section 46 (general provisions as to payments to make up civil remuneration) as follows.
- (2) In subsection (2), for “wife” substitute “ spouse or civil partner ”.
- (3) In subsection (3)—
- (a) the words from “a widow entitled to a widow’s pension” to the end of paragraph (iv) become paragraph (a) of the subsection (so that paragraphs (i) to (iv) become sub-paragraphs of that paragraph (a)),
 - (b) in that paragraph (a), for “widow entitled to a widow’s pension” substitute “ surviving spouse entitled to a surviving spouse’s pension ”,
 - (c) in sub-paragraph (iv) of that paragraph (a), at the end insert “ or ”, and
 - (d) before “there may” insert the following paragraph—
 - “(b) a surviving civil partner entitled to a surviving civil partner’s pension by virtue of any of those provisions.”.
- 26 In section 52(2)(a) (“service pay” includes marriage etc. allowances), after “marriage,” insert “ civil partnership, ”.
- 27 (1) Amend Schedule 3 (financial provisions consequential on treating a person dying on service as alive and the converse) as follows.
- (2) In paragraph 1(3), for “widow” substitute “ surviving spouse, surviving civil partner ”.
- (3) In paragraph 2(4), for “wife” (in each place) substitute “ spouse, civil partner ”.

Army Act 1955 (3 & 4 Eliz. 2 c. 18)

- 28 (1) Section 150 (enforcement of maintenance and affiliation orders by deduction from pay) is amended as follows.
- (2) In subsection (1)(a) and (aa), after “wife” insert “ or civil partner ”.

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- (3) In subsection (5), after “marriage had subsisted;” insert— “ references to a civil partner include, in relation to an order made in proceedings in connection with the dissolution or annulment of a civil partnership, references to a person who would have been the civil partner of the defendant if the civil partnership had subsisted. ”
- 29 In section 151 (deductions from pay for maintenance of wife or child), in subsection (1)—
- (a) after “wife” (in the first place) insert “ or civil partner ”, and
 - (b) for “wife” (in the second place) substitute “ wife, civil partner ”.

Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)

- 30 (1) Section 150 (enforcement of maintenance and affiliation orders by deduction from pay) is amended as follows.
- (2) In subsection (1)(a) and (aa), after “wife” insert “ or civil partner ”.
- (3) In subsection (5), after “marriage had subsisted;” insert— “ references to a civil partner include, in relation to an order made in proceedings in connection with the dissolution or annulment of a civil partnership, references to a person who would have been the civil partner of the defendant if the civil partnership had subsisted. ”
- 31 In section 151 (deductions from pay for maintenance of wife or child), in subsection (1)—
- (a) after “wife” (in the first place) insert “ or civil partner ”, and
 - (b) for “wife” (in the second place) substitute “ wife, civil partner ”.

Naval Discipline Act 1957 (c. 53)

- 32 (1) Section 101 (service of proceedings for maintenance etc.) is amended as follows.
- (2) In subsection (5)(a) and (b), after “wife” insert “ or civil partner ”.
- (3) In subsection (5A), after paragraph (a) insert—
- “(aa) references to the civil partner of a person include, in relation to an order made in proceedings in connection with the dissolution or annulment of a civil partnership, references to a person who would have been his civil partner if the civil partnership had subsisted; and”.

Courts-Martial (Appeals) Act 1968 (c. 20)

- 33 In section 48A (appeals on behalf of deceased persons), in subsection (3)(a), for “widow or widower” substitute “ widow, widower or surviving civil partner ”.

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