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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 107**

**The Occupational Pension Schemes  
(Schemes that were Contracted-out)  
Regulations (Northern Ireland) 2016**

**PART 4**

**ADDITIONAL REQUIREMENTS IN RELATION  
TO GUARANTEED MINIMUM PENSIONS**

**Period for the purposes of section 13(6) of the 1993 Act for which widower's [<sup>F1</sup>, widow's] or surviving civil partner's guaranteed minimum pension is payable**

**13.—(1)** Where a pension is payable by virtue of regulation 12(1)(a), the scheme is to make provision for the pension to be payable for the remainder of the widower's [<sup>F2</sup>, widow's] or surviving civil partner's life.

(2) Subject to paragraph (4), where a pension is payable by virtue of regulation 12(1)(b) but not by virtue of regulation 12(1)(a) or (c), the scheme is to make provision for the pension to be payable for the period during which the circumstances described in regulation 12(1)(b) continue to exist.

(3) Subject to paragraph (4), where a pension is payable by virtue of regulation 12(1)(c), but not by virtue of regulation 12(1)(a), the scheme is to make provision for the pension to be payable for the remainder of the widower's [<sup>F3</sup>, widow's] or surviving civil partner's life.

[<sup>F4</sup>(3A) Where a pension is payable by virtue of regulation 12(1)(d) but not by virtue of regulation 12(1)(a), (b), (c) or (e), the scheme is to make provision for the pension to be payable for the period during which the circumstances described in regulation 12(1)(d) continue to exist.

(3B) Subject to paragraph (4A), where a pension is payable by virtue of regulation 12(1)(e) but not by virtue of regulation 12(1)(a), (b), (c) or (d), the scheme is to make provision for the pension to be payable for the remainder of the widower's [<sup>F5</sup>, widow's] or surviving civil partner's life.]

[<sup>F6</sup>(4) Subject to paragraph (5), there is excluded from the periods prescribed by paragraphs (2) and (3) any period—

(a) after the time of any—

(i) marriage, or

(ii) formation of a civil partnership,

by the widower [<sup>F7</sup>, widow] or surviving civil partner whilst under pensionable age and which takes place after the earner's death;

[<sup>F8</sup>(b) during which the surviving spouse or civil partner is under pensionable age and he or she and another person are living together as if spouses of each other; or

- (c) after the surviving spouse or civil partner has attained pensionable age if, immediately before he or she attained that age, he or she and another person were living together as if spouses of each other.]
- (4A) Subject to paragraph (5), there is excluded from the period prescribed by paragraph (3B) any period—
- (a) after the time of any—
- (i) marriage, or
- (ii) formation of a civil partnership,
- by the widower [<sup>F9</sup>, widow] or surviving civil partner which takes place after the earner's death, or
- [<sup>F10</sup>(b) during which the surviving spouse or civil partner and another person are living together as if spouses of each other.]
- (5) The following provisions do not apply where a man became a widower before 5th December 2005—
- [<sup>F11</sup>(za) paragraphs (4)(a)(i) and (4A)(a)(i) so far as they relate to a marriage involving two people of the same sex,]
- (a) paragraph (4)(a)(ii), <sup>F12</sup>...
- (b) paragraph (4A)(a)(ii) [<sup>F13</sup>, and]
- [<sup>F14</sup>(c) paragraphs (4)(b) and (c) and (4A)(b) so far as they relate to the living together of two people of the same sex.]]

#### Textual Amendments

- F1** Word in reg. 13 heading inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **113(3)(a)** (with regs. 6-9)
- F2** Word in reg. 13(1) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **113(3)(b)** (with regs. 6-9)
- F3** Word in reg. 13(3) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **113(3)(b)** (with regs. 6-9)
- F4** Reg. 13(3A)(3B) inserted (6.4.2017) by [The Occupational Pension Schemes and Social Security \(Schemes that were Contracted-out and Graduated Retirement Benefit\) \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/57\)](#), regs. 1(1), **4(4)(a)**
- F5** Word in reg. 13(3B) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **113(3)(b)** (with regs. 6-9)
- F6** Reg. 13(4)-(5) substituted (6.4.2017) for reg. 13(4)(5) by [The Occupational Pension Schemes and Social Security \(Schemes that were Contracted-out and Graduated Retirement Benefit\) \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/57\)](#), regs. 1(1), **4(4)(b)**
- F7** Word in reg. 13(4)(a) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **113(3)(c)** (with regs. 6-9)
- F8** Reg. 13(4)(b)(c) substituted (13.1.2020) for reg. 13(4)(b)-(d) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **113(3)(d)** (with regs. 6-9)

- F9** Word in reg. 13(4A)(a) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **113(3)(e)** (with regs. 6-9)
- F10** Reg. 13(4A)(b) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **113(3)(f)** (with regs. 6-9)
- F11** Reg. 13(5)(za) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **113(3)(g)(i)** (with regs. 6-9)
- F12** Words in reg. 13(5)(a) omitted (13.1.2020) by virtue of The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **113(3)(g)(ii)** (with regs. 6-9)
- F13** Word in reg. 13(5)(b) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **113(3)(g)(iii)** (with regs. 6-9)
- F14** Reg. 13(5)(c) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **113(3)(g)(iv)** (with regs. 6-9)

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**Commencement Information**

- I1** Reg. 13 in operation at 6.4.2016, see **reg. 1(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016, Section 13.