
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Marriage and Civil Partnership (Scotland) Act
2014 and Civil Partnership Act 2004 (Consequential
Provisions and Modifications) Order 2014

PART 4

STATE PENSIONS

Category B retirement pension for widows and widowers

9.—(1) Section 48B of the 1992 Act⁽¹⁾ (Category B retirement pension for widows and widowers) does not confer a right to a Category B retirement pension on a woman who attained pensionable age before 6th April 2010 by reason of her marriage to another woman.

(2) But that does not prevent section 48B from conferring a right to such a pension on a woman by reason of her marriage to another woman (“the spouse”) if—

- (a) the spouse was, at the time of her death, a woman by virtue of a full gender recognition certificate having been issued under the 2004 Act; and
- (b) the marriage subsisted before the time when that certificate was issued.

⁽¹⁾ Section 48B was inserted by the 1995 Act, Schedule 4, paragraph 3(1); and was amended by Civil Partnership Act 2004, Schedule 24(3), paragraph 26; the 2007 Act, Schedule 1(1), paragraph 3 and Schedule 2(3), paragraph 8; and the 2013 Act, Schedule 4(5), paragraph 12.