

## SCHEDULE 6

Article 31

### CONSEQUENTIAL MODIFICATIONS TO SECONDARY LEGISLATION

#### **Merchant Shipping (Maintenance of Seaman’s Dependants) Regulations 1972**

1. In the Merchant Shipping (Maintenance of Seamen’s Dependants) Regulations 1972(1), in regulation 4(a) (expenses in respect of which a retention notice may be served), after “spouse” insert “, civil partner”.

#### **Social Security Benefit (Dependency) Regulations 1977**

2. In paragraph 2C of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977(2) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

#### **Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978**

3. In regulation 3(2) of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978(3) (continuation in force of sections 36, 37 and 118(1) of the 1965 Act)—

- (a) omit the “and” at the end of sub-paragraph (c); and
- (b) after sub-paragraph (d) insert—
  - “and
  - (e) to extend section 37 of the 1965 Act to men and their late husbands, and women and their late wives.”.

#### **Merchant Shipping (Returns of Births and Deaths) Regulations 1979**

4. In regulation 11 of the Merchant Shipping (Returns of Births and Deaths) Regulations 1979(4) (rules for ascertaining appropriate Registrar General)—

- (a) in paragraph (2)(a), for the words from “(which” to “partnership)” substitute “(which relates to treatment provided to a woman who at the time of treatment is married to another woman, or in certain circumstances is a party to a void marriage with another woman, or party to a civil partnership or in certain circumstances a void civil partnership);”;
- (b) for paragraph (2)(b) substitute—
  - “(b) section 43 of that Act (which relates to treatment provided to a woman where she agrees a second woman is to be the parent of the child) where the woman—
    - (i) is married to, or the civil partner of, the child’s mother at the time of the child’s birth; or

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(1) [S.I. 1972/1635](#); regulation 4(a) was substituted by [S.I. 1972/1875](#) and amended by [S.I. 1988/479](#) and [S.I. 2014/107](#). There are other amending instruments but none is relevant.

(2) [S.I. 1977/343](#); paragraph 2C was inserted by [S.I. 1984/1699](#), and the definition of “couple” was inserted by [S.I. 2005/2877](#) and substituted by [S.I. 2014/107](#). There are other amending instruments but none is relevant.

(3) [S.I. 1978/393](#). Regulation 3(2) was amended by regulation 2(1) and (3) of [S.I. 2005/3078](#).

(4) [S.I. 1979/1577](#); paragraph 2 was inserted by [S.I. 2009/1892](#) and amended by [S.I. 2014/107](#). There are other amending instruments but none is relevant.

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- (ii) was married to, or the civil partner of, the child’s mother at any time during the period beginning with the time mentioned in section 43(b) of that Act and ending with the child’s birth.”.

### **Income Support (General) Regulations 1987**

5. In regulation 2(1) of the Income Support (General) Regulations 1987(5) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Social Security (Claims and Payments) Regulations 1987**

6. In regulation 2(1) of the Social Security (Claims and Payments) Regulations 1987(6) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Judicial Pensions (Preservation of Benefits) Order 1988**

7. In article 9 of the Judicial Pensions (Preservation of Benefits) Order 1988(7) (inalienability), for “widow” substitute “surviving spouse, surviving civil partner”.

### **Judicial Pensions (Requisite Benefits) Order 1988**

8.—(1) The Judicial Pensions (Requisite Benefits) Order 1988(8) is amended as follows.

(2) In article 4 (office-holders to whom Order applies), for “his widow” substitute “that person’s surviving spouse or surviving civil partner”.

(3) In article 7 (widow’s benefits)—

- (a) in the heading, for “Widow’s” substitute “Surviving spouse’s or surviving civil partner’s”;
- (b) in paragraph (1), for “his widow” substitute “that person’s surviving spouse or surviving civil partner”; and
- (c) in paragraph (2), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.

(4) In article 9 (widow’s guaranteed minimum pension)—

- (a) for the heading, substitute “Guaranteed minimum pension for surviving spouse or surviving civil partner”;

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(5) *S.I. 1987/1967*; the definition of “couple” was substituted by *S.I. 2005/2877* and by *S.I. 2014/107*. There are other amending instruments but none is relevant.

(6) *S.I. 1987/1968*; the definition of “couple” was inserted by *S.I. 2005/2877* and substituted by *S.I. 2014/107*. Regulation 2 has been revoked for certain purposes by *S.I. 2003/492*. There are other amending instruments but none is relevant.

(7) *S.I. 1988/1418*; article 9 was amended by *S.I. 2014/107*. There are other amending instruments but none is relevant.

(8) *S.I. 1988/1420*; article 10 was amended by *S.I. 2005/3325*. Article 12 was amended by *S.I. 1995/2647*. Articles 4, 7, 9, 10 and 11 to 13 were amended by *S.I. 2014/107*. There are other amending instruments but none is relevant.

- (b) in paragraph (1)—
  - (i) for “his widow” substitute “that person’s surviving spouse or surviving civil partner”; and
  - (ii) for “her” substitute “that person’s”, and
- (c) in paragraph (3), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.
- (5) Omit article 10 (widower’s or surviving civil partner’s guaranteed pension).
- (6) In article 11(3) (ascertainment of salary for requisite benefits), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.
- (7) In article 12 (contribution in event of marriage during retirement)—
  - (a) for paragraph (1) substitute—

“(1) Where on the date when an office-holder (“O”) ceases to hold office, O is neither married, nor in a civil partnership, O may be required to undertake, in return for payment to O of a lump sum under or by virtue of whichever of the enactments mentioned in paragraph (2) below is applicable to O, that the first time O—

    - (a) marries (and where O has not previously entered into a civil partnership); or
    - (b) enters into a civil partnership (and where O has not previously married),

O will pay a contribution in respect of the benefits that may become payable to O’s surviving spouse or surviving civil partner by virtue of articles 7 and 9.”; and
  - (b) for paragraph (3) substitute—

“(3) The contribution referred to in paragraph (1) above shall be equal to 1 7/8 per cent of O’s final salary multiplied by the number of whole years of relevant service of O’s prior to the Principal Appointed Day which were—

    - (a) completed by O before O attained pensionable age; and
    - (b) not years—
      - (i) during any part of which O was married or in a civil partnership; or
      - (ii) preceding a marriage of O’s contracted, or a civil partnership of O’s entered into, before O ceased to hold office.”.
- (8) For article 13 (marriage shortly before death), substitute—

**“Marriage or entry into a civil partnership shortly before death**

**13.** Where an office-holder (“O”) marries or enters into a civil partnership after O has ceased to hold office, and not more than six months before O’s death, any pension paid to O’s surviving spouse or surviving civil partner by virtue of this Order shall be limited to the guaranteed minimum pension due to that person.”.

**Child Support (Maintenance Assessments and Special Cases) Regulations 1992**

**9.** In regulation 1(2) of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(9) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or

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(9) *S.I. 1992/1815*; the definition of “couple” was inserted by *S.I. 1993/913*, and substituted by *S.I. 2005/2877* and by *S.I. 2014/107*. These Regulations have been revoked for certain purposes by *S.I. 2001/155* and *S.I. 2012/2785* but are subject to saving provisions in *S.I. 2013/2947*. There are other amendments to the Regulations but none is relevant.

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- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Child Support (Collection and Enforcement) Regulations 1992**

**10.** In regulation 3(9) of the Child Support (Collection and Enforcement) Regulations 1992(**10**) (methods of payment), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Jobseeker’s Allowance Regulations 1996**

**11.** In regulation 1(3) of the Jobseeker’s Allowance Regulations 1996(**11**) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Occupational Pension Schemes (Contracting-out) Regulations 1996**

**12.—**(1) The Occupational Pension Schemes (Contracting-out) Regulations 1996(**12**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), omit paragraph (1A)(**13**).

(3) In regulation 26(**14**) (reference scheme: circumstances in which widows’, widowers’ or surviving civil partners’ pensions need not be payable)—

- (a) in paragraph (1)(b), after paragraph (ii) insert “or” and for paragraphs (iii) and (iv) substitute—

“(iii) lives together as a married couple with another person whom he or she is not married to or in a civil partnership with,”,

- (b) in paragraph (1)(c), for paragraphs (i) and (ii) substitute “living together as a married couple with another person whom he or she is not married to or in a civil partnership with.”; and

- (c) for paragraph (2) substitute—

“(2) The following provisions do not apply where the scheme member died before 5th December 2005—

- (a) paragraph (1)(b)(i) so far as it relates to a marriage or remarriage involving two people of the same sex;

**(10)** S.I. 1992/1989; paragraphs (3) to (9) of regulation 3 were inserted by S.I. 2008/2544 and amended by S.I. 2014/107. There are other amending instruments but none is relevant.

**(11)** S.I. 1996/207; the definition of “couple” was substituted by S.I. 2005/2877 and S.I. 2014/107. There are other amending instruments but none is relevant.

**(12)** S.I. 1996/1172.

**(13)** Regulation 1(1A) was inserted by S.I. 2005/2050 and amended by S.I. 2014/107.

**(14)** Regulation 26 was substituted by S.I. 2005/2050 and amended by S.I. 2014/107.

- (b) paragraph (1)(b)(ii); and
  - (c) paragraph (1)(b)(iii) and (1)(c) so far as they relate to the living together of two people of the same sex.”.
- (4) In regulation 57(15) (circumstances in which widower’s or surviving civil partner’s guaranteed minimum pension is to be payable)—
- (a) in the heading—
    - (i) after “Circumstances” insert “for the purposes of section 17(6) of the 1993 Act”; and
    - (ii) after “widower’s” insert “, widow’s”,
  - (b) in the opening words, after “widower’s” insert “, widow’s”; and
  - (c) in paragraphs (a), (b) and (c), after “widower” in each place it occurs, insert “, widow”.
- (5) In regulation 58(16) (period for which widower’s or surviving civil partner’s guaranteed minimum pension is to be payable)—
- (a) in the heading—
    - (i) after “Period” insert “for the purposes of section 17(6) of the 1993 Act”; and
    - (ii) after “widower’s” insert “, widow’s”,
  - (b) in paragraph (1)(a) and (c), after “widower’s” insert “, widow’s”;
  - (c) in paragraph (2)(a), after “widower’s” insert “or widow’s”;
  - (d) in paragraph (2)(b), after “widower” insert “or widow”;
  - (e) in paragraph (2)(c)—
    - (i) after “widower” insert “, widow”; and
    - (ii) for paragraphs (i) and (ii) substitute “he or she and another person are living together as a married couple.”,
  - (f) in paragraph (2)(d)—
    - (i) after “widower” insert “or widow”;
    - (ii) for “he attained” substitute “he or she attained”; and
    - (iii) for paragraphs (i) and (ii) substitute “he or she and another person whom he or she was not married to, or in a civil partnership with, were living together as a married couple; or”,
  - (g) in paragraph (2)(e), for paragraphs (i) and (ii) substitute “he or she and another person whom he or she was not married to, or in a civil partnership with, were living together as a married couple.”; and
  - (h) for paragraph (3) substitute—

“(3) The following provisions do not apply where a man became a widower before 5th December 2005—

    - (a) paragraph (2)(a) so far as it relates to a marriage or remarriage involving two people of the same sex;
    - (b) paragraph (2)(b); and
    - (c) paragraphs (2)(c) and (2)(d) so far as they relate to the living together of two people of the same sex.”.

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(15) Regulation 57 was amended by [S.I. 2005/2050](#) and [S.I. 2014/107](#).

(16) Regulation 58 was amended by [S.I. 2005/2050](#) and [S.I. 2014/107](#).

(6) In regulation 59(17) (statutory references to persons entitled to guaranteed minimum pensions: application to widowers and surviving civil partners)—

- (a) in the heading, for “widowers” substitute “widowers, widows of female earners”; and
- (b) for the words from “so entitled” to the end substitute—

“so entitled—

- (a) by virtue of being a widower of an earner only in the case where the earner and the widower were both over pensionable age when the earner died;
- (b) by virtue of being a widow of a female earner only in the case where the earner and the widow were both over pensionable age when the earner died; or
- (c) by virtue of being the surviving civil partner of an earner only in the case where the earner and the surviving civil partner were both over pensionable age when the earner died.”.

(7) In regulation 69B(18) (conversion of guaranteed minimum pensions into other benefits: survivors’ benefits)—

- (a) in paragraph (2)(b)(ii), for “such a widower” substitute “in a case where section 17(6) of the 1993 Act applies, such a widower’s, widow’s”;
- (b) in paragraph (3)(b)(i), for sub-paragraphs (aa) and (bb) (but not the “nor” following sub-paragraph (bb)) substitute “another person are living together as a married couple,”; and
- (c) for paragraph (4) substitute—

“(4) The following provisions do not apply where the earner died before 5th December 2005—

- (a) paragraph (3)(b)(i) so far as it relates to the living together of two people of the same sex;
- (b) paragraph (3)(b)(ii)(aa) so far as it relates to a marriage involving two people of the same sex; and
- (c) paragraph (3)(b)(ii)(bb).”.

### **Contracting-out (Transfer and Transfer Payment) Regulations 1996**

13.—(1) Schedule 2 to the Contracting-out (Transfer and Transfer Payment) Regulations 1996(19) (modifications of Part 3 of the 1993 Act) is amended as follows.

(2) In paragraph 1, in the substituted definition of “guaranteed minimum pension” for “or widower’s” substitute “, widower’s or surviving same sex spouse’s”.

(3) In paragraph 6, in the substituted definition of “guaranteed minimum pension” for “or widower’s” substitute “, widower’s or surviving same sex spouse’s”.

### **Social Security Benefit (Computation of Earnings) Regulations 1996**

14. In regulation 2(1) of the Social Security Benefit (Computation of Earnings) Regulations 1996(20) (interpretation), for the definition of “couple” substitute—

““couple” means—

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(17) Regulation 59 was amended by the Pensions Act 1995 c.26 (paragraph 47 of Schedule 5), S.I. 2005/2050 and S.I. 2014/107.

(18) Regulation 69B was inserted by S.I. 2009/846 and amended by S.I. 2014/107.

(19) S.I. 1996/1462, Schedule 2 amended by S.I. 1997/786 and S.I. 2014/107; there are other amending instruments but none is relevant.

(20) S.I. 1996/2745; the definition of “couple” was substituted by S.I. 2005/2919 and S.I. 2014/107. There are other amending instruments but none is relevant.

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Social Security (Child Maintenance Bonus) Regulations 1996**

**15.** In regulation 1(2) of the Social Security (Child Maintenance Bonus) Regulations 1996<sup>(21)</sup> (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Occupational Pension Schemes (Discharge of Liability) Regulations 1997**

**16.**—(1) The Occupational Pension Schemes (Discharge of Liability) Regulations 1997<sup>(22)</sup> are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), omit paragraph (1A).

(3) In regulation 11 (conditions on which liability to provide pensions under a relevant scheme may be discharged)—

(a) in paragraph (4)(b)—

(i) for paragraphs (iii) and (iv) substitute—

“(iii) lives together as a married couple with another person whom he or she is not married to or in a civil partnership with; or”, and

(ii) in paragraph (v), for sub-paragraphs (a) and (b) substitute “is living together as a married couple with another person whom he or she is not married to or in a civil partnership with.”, and

(b) for paragraph (7) substitute—

“(7) The following provisions do not apply where the beneficiary died before 5th December 2005—

- (a) paragraph (4)(b)(i) so far as it relates to a marriage or remarriage involving two people of the same sex;
- (b) paragraph (4)(b)(ii); and
- (c) paragraphs (iii) and (v) of paragraph (4)(b) so far as they relate to the living together of two people of the same sex.”.

### **Working Time Regulations 1998**

**17.** In Schedule 3 (enforcement) to the Working Time Regulations 1998<sup>(23)</sup>, in paragraph 2(3), for “husband or wife” substitute “spouse or civil partner”.

(21) *S.I. 1996/3195*; the definition of “couple” was substituted by *S.I. 2005/2877* and *S.I. 2014/107*. There are other amending instruments but none is relevant.

(22) *S.I. 1997/784*; Regulations 1 and 11 were amended by *S.I. 2005/2050* and *S.I. 2014/107*. There are other amending instruments but none is relevant.

(23) *S.I. 1998/1833*; Schedule 3 was inserted by *S.I. 2003/1684* and amended by *S.I. 2014/107*. There are other amending instruments but none is relevant.

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### **Social Security and Child Support (Decisions and Appeals) Regulations 1999**

**18.** In regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(**24**) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Social Fund Winter Fuel Payment Regulations 2000**

**19.** In regulation 1(2) of the Social Fund Winter Fuel Payment Regulations 2000(**25**) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Child Support (Maintenance Calculations and Special Cases) Regulations 2001**

**20.** In regulation 1(2) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(**26**) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001**

**21.** In regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(**27**) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

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(24) *S.I. 1999/991*; the definition of “couple” was inserted by *S.I. 2005/2878* and substituted by *S.I. 2014/107*. There are other amending instruments but none is relevant.

(25) *S.I. 2000/729*; the definition of “couple” was inserted by *S.I. 2005/2877* and substituted by *S.I. 2014/107*. There are other amending instruments but none is relevant.

(26) *S.I. 2001/155*; the definition of “couple” was substituted by *S.I. 2005/2877* and by *S.I. 2014/107*. These Regulations have been revoked by *S.I. 2012/2785* but are subject to saving provisions in *S.I. 2013/2878*. There are other amending instruments but none is relevant.

(27) *S.I. 2001/1002*; the definition of “couple” was inserted by *S.I. 2005/2878* and substituted by *S.I. 2014/107*. There are other amending instruments but none is relevant.



### **Open-Ended Investment Companies Regulations 2001**

**22.** In regulation 13 of the Open-Ended Investment Companies Regulations 2001(**28**) (particulars of directors), for paragraph (4)(b)(iii) substitute—

“(iii) in the case of a married person, the name by which that person was known previous to the marriage; and”.

### **State Pension Credit Regulations 2002**

**23.** In regulation 1(2) of the State Pension Credit Regulations 2002(**29**) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Pension Protection Fund (Compensation) Regulations 2005**

**24.** In regulation 1(2) of the Pension Protection Fund (Compensation) Regulations 2005(**30**) (interpretation), for the definition of “relevant partner” substitute—

““relevant partner” means a person who was not married to, or in a civil partnership with, the member but who was living with the member as if that person and the member were a married couple;”.

### **Financial Assistance Scheme Regulations 2005**

**25.** In regulation 2(1) of the Financial Assistance Scheme Regulations 2005(**31**) (interpretation), for the definition of “partner” substitute—

““partner” means a person who was not married to, or in a civil partnership with, the qualifying member but who was living with that member as if that person and the qualifying member were a married couple;”.

### **Social Fund Maternity and Funeral Expenses (General) Regulations 2005**

**26.** In regulation 3(1) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005(**32**) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

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(28) *S.I. 2001/1228*; regulation 13(4) was amended by *S.I. 2011/1265* and *S.I. 2014/107*. There are other amending instruments but none is relevant.

(29) *S.I. 2002/1792*; the definition of “couple” was inserted by *S.I. 2005/2877* and substituted by *S.I. 2014/107*. There are other amending instruments but none is relevant.

(30) *S.I. 2005/670*; the definition of “relevant partner” was substituted by *S.I. 2006/580* and by *S.I. 2014/107*. There are other amending instruments but none is relevant.

(31) *S.I. 2005/1986*; the definition of “partner” was inserted by *S.I. 2009/1851* and substituted by *S.I. 2014/107*. There are other amending instruments but none is relevant.

(32) *S.I. 2005/3061*; the definition of “couple” was substituted by *S.I. 2014/107*. There are other amending instruments but none is relevant.

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### **Housing Benefit Regulations 2006**

27. In regulation 2(1) of the Housing Benefit Regulations 2006(33) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

28. In regulation 2(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(34) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006**

29. In regulation 1(2) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006(35) (interpretation), for the definition of “relevant partner” substitute—

““relevant partner” means a person who is not married to, or in a civil partnership with, the member but who is living with the member as if that person and the member were a married couple;”.

### **Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006**

30. In Part 2 of Schedule 6 to the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006(36) (interpretation)—

- (a) in paragraph (a) of the definition of “dependant living as a spouse”—
  - (i) omit “of the opposite sex”; and
  - (ii) after “who is not married to,” insert “or in a civil partnership with,” and
- (b) in the definition of “dependant living as a civil partner”, after “who has not” insert “married or”.

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(33) S.I. 2006/213; the definition of “couple” was substituted by S.I. 2014/107; There are other amending instruments but none is relevant.

(34) S.I. 2006/214; the definition of “couple” was substituted by S.I. 2014/107; There are other amending instruments but none is relevant.

(35) S.I. 2006/580; the definition of “relevant partner” was substituted by S.I. 2014/107. There are other amending instruments but none is relevant.

(36) S.I. 2006/606; the definition of “dependant living as a spouse” was amended by S.I. 2006/1455 and substituted by S.I. 2014/107. The definition of “dependant living as a civil partner” was amended by S.I. 2014/107.

## Occupational Pension Schemes (Modification of Schemes) Regulations 2006

**31.**—(1) The Occupational Pension Schemes (Modification of Schemes) Regulations 2006<sup>(37)</sup> are amended as follows.

(2) In regulation 3 (non-application of the subsisting rights provisions)—

- (a) omit “or” after paragraph (h);
- (b) at the end of paragraph (i) insert “or”; and
- (c) after paragraph (i) insert—
  - “(j) which provides in relation to all or part of a member’s subsisting rights that after the member’s death—
    - (i) a surviving same sex spouse is treated in the same way as a woman whose deceased spouse was a man, or a man whose deceased spouse was a woman; and
    - (ii) the rights of any other survivor of the member are determined as if the surviving same sex spouse were a woman whose deceased spouse was a man, or a man whose deceased spouse was a woman.”.

(3) After regulation 7 insert—

### “Modification of schemes: surviving same sex spouses

**7ZA.**—(1) Subject to paragraph (2), the trustees of a trust scheme may by resolution modify the scheme in relation to all or part of a member’s subsisting rights so that after the member’s death—

- (a) a surviving same sex spouse is treated in the same way as a woman whose deceased spouse was a man, or a man whose deceased spouse was a woman; and
- (b) the rights of any other survivor are determined as if the surviving same sex spouse were a woman whose deceased spouse was a man, or a man whose deceased spouse was a woman.

(2) A modification under paragraph (1) which confers rights on surviving same sex spouses which are in excess of what is required to comply with the relevant requirements of the Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership 2004 (Consequential Provisions and Modifications) Order 2014 shall not be made unless—

- (a) the employer in relation to the scheme consents; or
- (b) in the case of a scheme where there is more than one employer—
  - (i) a person nominated by the employers, or otherwise in accordance with the scheme rules, to act as the employers’ representative (the “nominee”) consents; or
  - (ii) where there is no such nominee, all of the employers in relation to the scheme consent other than any employer who has waived his right to give such consent.”.

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<sup>(37)</sup> [S.I. 2006/759](#); Regulation 3 was amended by [S.I. 2014/107](#). There are other amending instruments but none is relevant.

### **Employment and Support Allowance Regulations 2008**

**32.** In regulation 2(1) of the Employment and Support Allowance Regulations 2008(38) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Reserve Forces Non Regular Permanent Staff (Pension and Attributable Benefits Schemes) Regulations 2011**

**33.** In Schedule 1 to the Reserve Forces Non Regular Permanent Staff (Pension and Attributable Benefits Schemes) Regulations 2011(39) (non regular permanent staff pension scheme), in paragraph D.8 (suspension and restoration of pensions), for paragraph (4) substitute—

“(4) This paragraph applies while the surviving spouse or civil partner and another person are living together as if they were married.”.

### **Employment and Support Allowance Regulations 2013**

**34.** In regulation 2 of the Employment and Support Allowance Regulations 2013(40) (interpretation), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;”.

### **Pensions Increase (Review) Orders 1991 to 2009 and 2011 to 2013**

**35.** In each of—

- (a) the Pensions Increase (Review) Order 1991(41);
- (b) the Pensions Increase (Review) Order 1992(42);
- (c) the Pensions Increase (Review) Order 1993(43);
- (d) the Pensions Increase (Review) Order 1994(44);
- (e) the Pensions Increase (Review) Order 1995(45);
- (f) the Pensions Increase (Review) Order 1996(46);

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(38) [S.I. 2008/794](#); the definition of “couple” was substituted by [S.I. 2014/107](#). There are other amending instruments but none is relevant.

(39) These Regulations are not statutory instruments. Copies can be found at <http://www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations>. Hard copies can be obtained from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB. Paragraph (4) was amended by [S.I. 2014/107](#).

(40) [S.I. 2013/379](#); the definition of “couple” was substituted by [S.I. 2014/107](#). There are other amending instruments but none is relevant.

(41) [S.I. 1991/684](#); article 6 was substituted by [S.I. 2014/107](#).

(42) [S.I. 1992/198](#); article 6 was substituted by [S.I. 2014/107](#).

(43) [S.I. 1993/779](#); article 6 was substituted by [S.I. 2014/107](#).

(44) [S.I. 1994/776](#); article 6 was substituted by [S.I. 2014/107](#).

(45) [S.I. 1995/708](#); article 6 was substituted by [S.I. 2014/107](#).

(46) [S.I. 1996/800](#); article 6 was substituted by [S.I. 2014/107](#).

- (g) the Pensions Increase (Review) Order 1997(**47**);
- (h) the Pensions Increase (Review) Order 1998(**48**);
- (i) the Pensions Increase (Review) Order 1999(**49**);
- (j) the Pensions Increase (Review) Order 2000(**50**);
- (k) the Pensions Increase (Review) Order 2001(**51**);
- (l) the Pensions Increase (Review) Order 2002(**52**);
- (m) the Pensions Increase (Review) Order 2003(**53**);
- (n) the Pensions Increase (Review) Order 2004(**54**);
- (o) the Pensions Increase (Review) Order 2005(**55**);
- (p) the Pensions Increase (Review) Order 2006(**56**);
- (q) the Pensions Increase (Review) Order 2007(**57**);
- (r) the Pensions Increase (Review) Order 2008(**58**);
- (s) the Pensions Increase (Review) Order 2009(**59**);
- (t) the Pensions Increase (Review) Order 2011(**60**);
- (u) the Pensions Increase (Review) Order 2012(**61**); and
- (v) the Pensions Increase (Review) Order 2013(**62**),

for article 6 (reductions in respect of guaranteed minimum pensions) substitute—

“6. The amount by reference to which any increase in the rate of a surviving spouse’s or surviving civil partner’s pension provided for by this Order is to be calculated shall, where the pensioner becomes entitled on the death of the deceased spouse or deceased civil partner to a guaranteed minimum pension, be reduced in accordance with section 59(5ZA) of the 1975 Act.”.

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(47) S.I. 1997/634; article 6 was substituted by S.I. 2014/107.

(48) S.I. 1998/503; article 6 was substituted by S.I. 2014/107.

(49) S.I. 1999/522; article 6 was substituted by S.I. 2014/107.

(50) S.I. 2000/672; article 6 was substituted by S.I. 2014/107.

(51) S.I. 2001/664; article 6 was substituted by S.I. 2014/107.

(52) S.I. 2002/699; article 6 was substituted by S.I. 2014/107.

(53) S.I. 2003/681; article 6 was substituted by S.I. 2014/107.

(54) S.I. 2004/758; article 6 was substituted by S.I. 2014/107.

(55) S.I. 2005/858; article 6 was substituted by S.I. 2014/107.

(56) S.I. 2006/741; article 6 was substituted by S.I. 2014/107.

(57) S.I. 2007/801; article 6 was substituted by S.I. 2014/107.

(58) S.I. 2008/711; article 6 was substituted by S.I. 2014/107.

(59) S.I. 2009/692; article 6 was substituted by S.I. 2014/107.

(60) S.I. 2011/827; article 6 was substituted by S.I. 2014/107.

(61) S.I. 2012/782; article 6 was substituted by S.I. 2014/107.

(62) S.I. 2013/604; article 6 was substituted by S.I. 2014/107.