

SCHEDULES

SCHEDULE 4

EFFECT OF EXTENSION OF MARRIAGE: FURTHER PROVISION

PART 5

STATE PENSIONS

Category B retirement pension for widowers

- 13 (1) Section 51 of the 1992 Act (Category B retirement pension for widowers) is amended in accordance with sub-paragraphs (2) to (4).
- (2) After subsection (1) insert—
- “(1ZA) A party to a marriage of a same sex couple shall be entitled to a Category B retirement pension if—
- (a) the other party has died and they were married to 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 party satisfied the contribution conditions for a Category A retirement pension in Schedule 3, Part 1, paragraph 5.”.
- (3) Subsection (2): after “wife” insert “, husband”.
- (4) Subsection (3): after “2002” insert “, surviving party to a same sex marriage”.
- (5) Section 51(1ZA) of the 1992 Act does not confer a right to a Category B retirement pension on a person if the person attains pensionable age on or after 6th April 2010.
- (6) Section 51(1ZA) of the 1992 Act does not confer a right to a Category B retirement 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 Gender Recognition Act 2004, and
 - (b) the marriage subsisted before the time when that certificate was issued.
- (7) In this paragraph “the 1992 Act” means the Social Security Contributions and Benefits Act 1992.