

SCHEDULES

SCHEDULE 4

EFFECT OF EXTENSION OF MARRIAGE: FURTHER PROVISION

PART 6

OCCUPATIONAL PENSIONS AND SURVIVOR BENEFITS

Pension Schemes Act 1993

- 22 (1) Section 37 (alteration of rules of contracted-out schemes) is amended as follows.
- (2) For subsection (4) substitute—
- “(4) The reference in subsection (3) to a person entitled to receive benefits under a scheme includes a person who is so entitled by virtue of a qualifying relationship only in such cases as may be prescribed.
- (5) For that purpose a person is entitled to receive benefits by virtue of a qualifying relationship if the person is so entitled by virtue of being—
- (a) the widower of a female earner;
 - (b) the widower of a male earner;
 - (c) the widow of a female earner, except where it is a relevant gender change case; or
 - (d) the survivor of a civil partnership with an earner.
- (6) In relation to a widow of a female earner, the reference in subsection (5)(c) to a relevant gender change case is a reference to a case where—
- (a) the earner is a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
 - (b) the marriage of the earner and her widow (that ends with the earner’s death) subsisted before the time when the certificate was issued.
- (7) This section is subject to regulations under section 38A.”.