

*Status: Point in time view as at 13/03/2014.*

**Changes to legislation:** There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, Cross Heading: Category B retirement pension for widows and widowers. (See end of Document for details)

## SCHEDULES

### SCHEDULE 4

#### EFFECT OF EXTENSION OF MARRIAGE: FURTHER PROVISION

#### PART 5

#### STATE PENSIONS

##### *Category B retirement pension for widows and widowers*

- 12 (1) Section 48B of the 1992 Act (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 Gender Recognition Act 2004, and
  - (b) the marriage subsisted before the time when that certificate was issued.
- (3) In section 48B of the 1992 Act—
- (a) in subsection (1ZA), in paragraph (a)(ii) after “date” (in the second place where it appears) insert “ and the case does not fall within paragraph (c) ”;
  - (b) in subsection (1ZA), after paragraph (b) insert—
    - “(c) in a case where—
      - (i) the spouse died on or after 6th April 2010,
      - (ii) the spouse was born on or after 6th April 1945 but before 6th April 1950,
      - (iii) the spouse was, at the time of her death, a woman and the pensioner in question is a woman, and
      - (iv) subsection (1ZB) applies,the condition specified in Schedule 3, Part 1, paragraph 5A.”;
  - (c) after subsection (1ZA) insert—
    - “(1ZB) This subsection applies where—
      - (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.”

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- (4) In paragraph 5A of Schedule 3 to the 1992 Act, at the end of sub-paragraph (1)(c) insert “ or in a case of the kind mentioned in subsection (1ZA)(c) of that section ”.
- (5) In this paragraph “the 1992 Act” means the Social Security Contributions and Benefits Act 1992.

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**Commencement Information**

- II** [Sch. 4 para. 12](#) in force at 13.3.2014 for specified purposes by [S.I. 2014/93](#), [art. 3\(j\)\(ii\)](#)

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