



Marriage (Same Sex Couples) Act 2013

2013 CHAPTER 30

PART 2

OTHER PROVISIONS RELATING TO MARRIAGE AND CIVIL PARTNERSHIP

16 Survivor benefits under occupational pension schemes

- (1) The Secretary of State must arrange for a review of the following matters relating to occupational pension schemes—
 - (a) relevant differences in survivor benefits;
 - (b) the costs, and other effects, of securing that relevant differences in survivor benefits are eliminated by the equalisation of survivor benefits.
- (2) For the purposes of this section, each of the following are relevant differences in survivor benefits—
 - (a) differences between—
 - (i) same sex survivor benefits, and
 - (ii) opposite sex survivor benefits provided to widows;
 - (b) differences between—
 - (i) same sex survivor benefits, and
 - (ii) opposite sex survivor benefits provided to widowers;
 - (c) differences between—
 - (i) opposite sex survivor benefits provided to widows, and
 - (ii) opposite sex survivor benefits provided to widowers.
- (3) The review must, in particular, consider these issues—
 - (a) the extent to which same sex survivor benefits are provided in reliance on paragraph 18 of Schedule 9 to the Equality Act 2010;
 - (b) the extent to which—
 - (i) same sex survivor benefits, and
 - (ii) opposite sex survivor benefits,are calculated by reference to different periods of pensionable service.

*Changes to legislation: There are currently no known outstanding effects for the
Marriage (Same Sex Couples) Act 2013, Section 16. (See end of Document for details)*

- (4) The arrangements made by the Secretary of State must provide for the person or persons conducting the review to consult such other persons as the Secretary of State considers appropriate.
- (5) The Secretary of State must arrange for a report on the outcome of the review to be produced and published before 1 July 2014.
- (6) If the Secretary of State, having considered the outcome of the review, thinks that the law of England and Wales and Scotland should be changed for the purpose of eliminating or reducing relevant differences in survivor benefits, the Secretary of State may, by order, make such provision as the Secretary of State considers appropriate for that purpose.
- (7) An order under subsection (6) may amend—
 - (a) England and Wales legislation;
 - (b) Scottish legislation.
- (8) In this section—
 - “occupational pension scheme” has the same meaning as in the Pension Schemes Act 1993 (see section 1 of that Act);
 - “opposite sex survivor benefits” means survivor benefits provided to surviving spouses of marriages of opposite sex couples;
 - “same sex survivor benefits” means survivor benefits provided to—
 - (a) surviving civil partners, and
 - (b) surviving spouses of marriages of same sex couples;
 - “survivor benefits” means survivor benefits provided under occupational pension schemes.

Changes to legislation:

There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, Section 16.