

SCHEDULE 2

Amendments of provisions of Regulations relating to contracted-out occupational and appropriate personal pension schemes, extending those provisions to surviving civil partners

PART 7

The Personal and Occupational Pension Schemes (Protected Rights) Regulations 1996

(S.I. 1996/1537)

26. In regulation 1 (citation, commencement and interpretation), in paragraph (2), after the definition of “child benefit” insert the following definition—

““marital or civil partnership status”, in relation to a person, means whether that person has previously formed a marriage or a civil partnership and, if so, whether that marriage or civil partnership has ended;”.

27. Amend regulation 4 (conditions applying to pensions and annuities which give effect to protected rights) as follows—

- (a) in paragraph (2)(b)(1), for “an unmarried member” substitute “a member who is neither married nor a civil partner”, and for “widow or widower” substitute “widow, widower or surviving civil partner”;
- (b) in paragraph (9)(a), for “widow or widower” substitute “widow, widower or surviving civil partner”.

28. Amend regulation 5 (circumstances in which and periods for which pension or annuity is to be paid to widow or widower after being paid to member)(2) as follows—

- (a) in the heading preceding it, for “widow or widower” substitute “widow, widower or surviving civil partner”;
- (b) in paragraph (1)—
 - (i) for “widow or widower” substitute “widow, widower or surviving civil partner”; and
 - (ii) in sub-paragraph (b) for “widow’s or widower’s” substitute “widow’s, widower’s or surviving civil partner’s”;
- (c) for paragraph (2), substitute the following paragraphs—
 - “(2) There is excluded from the period prescribed in paragraph (1)(b) any period after—
 - (a) the widow’s or widower’s remarriage or the surviving civil partner’s marriage under pensionable age; or
 - (b) subject to paragraph (3), the widow’s or widower’s formation of a civil partnership, or the surviving civil partner’s formation of a subsequent civil partnership under pensionable age.
 - (3) Paragraph (2)(b) does not apply where the member dies before 5th December 2005.”.

29. In regulation 6 (interim arrangements), in paragraph (c)—

- (a) for “an unmarried member” substitute “a member who is neither married nor a civil partner”;

(1) Sub-paragraph (b) was substituted by S.I. 2002/681.

(2) Regulation 5 was substituted by S.I. 2002/681.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) for “widow or widower” (in each place) substitute “widow, widower or surviving civil partner”.

30. In regulation 11 (insurers that may provide protected rights by way of annuities)(**3**), in paragraph (b), after “marital” insert “or civil partnership”.

31. Amend regulation 12 (death of member before effect given to his protected rights)(**4**) as follows—

(a) in paragraph (2) (in each place) and paragraphs (3), (5), (9), (11)(a), (12), (13) and (14), for “widow or widower” substitute “widow, widower or surviving civil partner”;

(b) for sub-paragraph (b) of paragraph (5) substitute the following sub-paragraphs—

“(b) in the case of a widow or widower, remarries or, in the case of a surviving civil partner, marries while under pensionable age; or

(c) subject to paragraph (15), in the case of a widow or widower, forms a civil partnership or, in the case of a surviving civil partner, forms a subsequent civil partnership while under pensionable age.”;

(c) for sub-paragraph (b) of paragraph (9), substitute the following sub-paragraphs—

“(b) in the case of a widow or widower remarried or, in the case of a surviving civil partner, married while under pensionable age; or

(c) subject to paragraph (15), in the case of a widow or widower, formed a civil partnership or, in the case of a surviving civil partner, formed a subsequent civil partnership while under pensionable age.”;

(d) after paragraph (14) add the following paragraph—

“(15) Paragraphs (5)(c) and (9)(c) do not apply where the member dies before 5th December 2005.”.

32. Amend regulation 13 (death before effect given to protected rights: interim arrangements for widow or widower)(**5**) as follows—

(a) in the heading preceding it, for “widow or widower” substitute “widow, widower or surviving civil partner”;

(b) in paragraph (1), for “widow or widower” (in each place) substitute “widow, widower or surviving civil partner”;

(c) in paragraph (2)(a)(ii), for “widow or widower” substitute “widow, widower or surviving civil partner”.

33. In regulation 14 (enforceable entitlement after death of member), after “widower” insert “, surviving civil partner”.

34. In regulation 15 (further requirements in respect of giving effect to protected rights), after “marital” insert “or civil partnership”.

(3) The heading to regulation 11 was amended and paragraph (1) numbered as such by [S.I. 2001/3649](#).

(4) Regulation 12 was amended by [S.I. 2002/681](#).

(5) Regulation 13 was amended by [S.I. 2002/681](#).