

SCHEDULE 1

Consequential Amendments to Subordinate Legislation

Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010

52.—(1) Part C of Schedule 2 to the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010 (benefits payable to surviving adult dependants) is amended as follows.

(2) In rule C.3 (meaning of “surviving eligible partner”), for paragraphs (b) and (c) substitute—

“(b) the person and the deceased were living together as a married couple and were not prevented from marrying or, prior to the date on which section 1 of the Marriage (Same Sex Couples) Act 2013 came fully into force would not have been so prevented, apart from both being of the same sex, or

(c) the person and the deceased were living together as civil partners and were not prevented from forming a civil partnership, or would not have been so prevented, apart from being of the opposite sex to each other, and”.

(3) In the heading to rule C.4 (persons regarded as living together), and in paragraph (1) of that rule, for “husband and wife” substitute “a married couple”.

(4) In rule C.12 (level of compensation for post service marriages and civil partnerships), for “husband and wife” substitute “a married couple”.

(5) In rule C.19 (restoration of long term compensation to surviving adult dependant)—

(a) in paragraph (2), for “widow or widower” in both places it occurs, substitute “spouse”, and

(b) for paragraph (7), substitute—

“(7) Where no long term compensation has been payable to a surviving spouse by virtue of the operation of paragraph (1)(b) to (e) because of that surviving spouse having lived with another person as if they were a married couple, the long term compensation will be restored where the Defence Council is satisfied that the surviving spouse has ceased to live with that other person as if they were a married couple.”.