

SCHEDULE 1

Consequential amendments to subordinate legislation

PART 2

Enactments etc.: public service pension schemes

Armed Forces Pension Scheme Order 2005

15. In rule E.1 of Part E of Schedule 1 to the Armed Forces Pension Scheme Order 2005⁽¹⁾ (surviving spouses' and civil partners' pensions), after paragraph (4) insert—

“(5) Where a deceased active, deferred or pensioner member was—

- (a) a man or a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of the deceased member's death, the deceased member was married, and that marriage subsisted before the time when the certificate was issued,

the surviving spouse of the deceased member is to be treated for the purpose of these Rules as if the certificate had not been issued.”.

(1) [S.I. 2005/438](#). Part E of Schedule 1 was amended by [S.I. 2014/107](#) and [S.I. 2014/560](#). There are other amendments to [S.I. 2005/438](#) which are not relevant to this Order.