

SCHEDULE 1

Consequential amendments to subordinate legislation

PART 2

Enactments etc.: public service pension schemes

Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010

18.—(1) Part E of Schedule 1 to the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010(1) (death benefits) is amended as follows.

(2) For rule E.1(3)(c) (surviving spouse or civil partner’s pensions) substitute—

“(c) the member was—

(i) a man and was married to a woman whom he leaves a widow; or

(ii) a woman who falls within rule E.1(15) and was married to a woman whom she leaves a widow.”.

(3) In rule E.1(5)(c)(ii) (surviving spouse or civil partner’s pensions), at the beginning insert “(except for a member who falls within rule E.1(15))”.

(4) After rule E.1(14) (surviving spouse or civil partner’s pensions) insert—

“(15) A deceased woman falls within this rule if—

(a) she was 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 her death she was married to a woman and that marriage subsisted before the time when the certificate was issued.”.

(5) For rule E.6(1)(d) (widows’ pensions: service ended before 31st March 1973) substitute—

“(d) the member was—

(i) a man and was married to a woman whom he leaves a widow; or

(ii) a woman who falls within rule E.6(8) and was married to a woman whom she leaves a widow.”.

(6) After rule E.6(7) (widows’ pensions: service ended before 31st March 1973) insert—

“(8) A deceased woman falls within this rule if—

(a) she was 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 her death she was married to a woman and that marriage subsisted before the time when that certificate was issued.”.

(1) Royal Warrant made under section 2 of the [Pensions and Yeomanry Pay Act 1884 \(47 and 48 Vict c. 55\)](#) and prerogative powers. This Warrant and the warrants which amend it are not statutory instruments. Schedule 1 was substituted in its entirety by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2010 and was subsequently amended by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2012 and by [S.I. 2014/107](#) and [S.I. 2014/560](#). Copies can be obtained from www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations. Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB.