

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

19.—(1) Schedule 2(1) to the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010 (Army Attributable Benefits Scheme) is amended as follows.

(2) In Part A, in rule A.1 (interpretation), after the definition of “relevant disabling condition”, insert—

““relevant gender change case” means a case where—

- (a) a deceased woman 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 the deceased woman was married to a woman and that marriage subsisted before the time when the certificate was issued;”.

(3) In Part C, in rule C.2 (conditions relating to the deceased) for paragraphs (a) and (b) substitute—

“(a) the deceased person was in service on or after 31st March 1973 and at the time of the deceased person’s death—

- (i) was a man married to a woman whom he leaves a widow; or
- (ii) was a woman married to a woman in a relevant gender change case whom she leaves a widow;

(b) the deceased person was in service on or after 6th April 1978 and at the time of the deceased person’s death—

- (i) was a man married to a woman whom he married after discharge and whom he leaves a widow; or
- (ii) was a woman married to a woman in a relevant gender change case whom she married after discharge and whom she leaves a widow;”.

(4) In Part D, in rule D.1(3) (entitlement to a child’s compensation)—

(a) for sub-paragraph (a) substitute—

“(a) the deceased person was in service on or after 31st March 1973 and at the time of the deceased person’s death—

- (i) was a man married to a woman whom he leaves a widow; or
- (ii) was a woman married to a woman in a relevant gender change case whom she leaves a widow;”, and

(b) for sub-paragraph (c) substitute—

(1) Schedule 2 was amended by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2010 and 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](#).

Status: This is the original version (as it was originally made).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

- “(c) the deceased person was in service on or after 1st October 1987 and at the time of the deceased person’s death was either—
- (i) married to a person of the same sex (except in a case where subparagraph (a)(ii) applies to the deceased person); or
 - (ii) was in a civil partnership with a person,
- whom the deceased person leaves as a surviving spouse or surviving civil partner;”.