

## SCHEDULE 1

### Consequential amendments to subordinate legislation

## PART 2

### Enactments etc.: public service pension schemes

#### **Reserve Forces Non Regular Permanent Staff (Pension and Attributable Benefits Schemes) Regulations 2011**

**22.**—(1) The Reserve Forces Non Regular Permanent Staff (Pension and Attributable Benefits Schemes) Regulations 2011<sup>(1)</sup> are amended as follows.

(2) In Schedule 1, in Part D (death benefits)—

(a) for rule D.3(4)(b) substitute—

“(b) the member was—

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

(ii) a woman married to a woman in a relevant gender change case whom she leaves a widow.”, and

(b) after rule D.3(7) insert—

“(8) In this rule, “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 Schedule 2, in Part C (death benefits), for rules C.2(4) and (5) substitute—

“(4) Condition B is that the deceased person—

(a) was—

(i) a man; or

(ii) a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004;

(b) was in service on or after 31st March 1973;

(c) was married to a woman and that marriage—

(i) took place before the deceased person ceased service; and

(ii) in the case of a deceased person falling within sub-paragraph (a)(ii), subsisted before the time when the certificate was issued; and

(d) died leaving her a widow.

(5) Condition C is that the deceased person—

(a) was—

(i) a man; or

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<sup>(1)</sup> These regulations are not statutory instruments. Copies can be found at [www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations](http://www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations). Hard copies can be obtained from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB. These regulations were amended by [S.I. 2014/107](#).

**Status:** This is the original version (as it was originally made).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

- (ii) a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004;
- (b) was in service on or after 6th April 1978;
- (c) married a woman—
  - (i) after leaving service; and
  - (ii) in the case of a deceased person falling within sub-paragraph (a)(ii), the marriage subsisted before the time when the certificate was issued; and
- (d) died leaving her a widow.”.