

## SCHEDULE 1

## Consequential amendments to subordinate legislation

## PART 2

## Enactments etc.: public service pension schemes

**Public service pension schemes: general**

11.—(1) The public service pension schemes referred to in the second column of the table at sub-paragraph (2) are amended in accordance with columns 3 and 4 of that table.

(2) The table referred to in sub-paragraph (1) is as set out below.

<i>Entry</i>	<i>Pension Scheme</i>	<i>First set of amendments</i>	<i>Second set of amendments</i>
1	The Firefighters' Pension Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992 as it has effect in England(1).	In paragraph 1 of Part 3 of Schedule 1 (marriage of a same sex couple), for "In" at the beginning of sub-paragraph (1) substitute "Subject to paragraph 3, in".	After paragraph 2 (living together as a same sex couple) insert the provision made by sub-paragraph (3) with the number "1" substituted by the number "3" and with the words "these Regulations" substituted by "this Scheme".
2	The Firefighters' Pension (Wales) Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992 as it has effect in Wales(2).	In paragraph 1 of Part 3 of Schedule 1 (marriage of a same sex couple), for "In" at the beginning of sub-paragraph (1) substitute "Subject to paragraph 3, in".	After paragraph 2 (living together as a same sex couple) insert the provision made by sub-paragraph (3) with the number "1" substituted by the number "3" and with the words "these Regulations" substituted by "this Scheme".
3	The Local Government Pension Scheme Regulations 1997(3).	In regulation 42B (marriage of a same sex couple), for "In" at the beginning of paragraph (1) substitute "Subject to regulation 42D, in".	After regulation 42C (living together as a same sex couple) insert the provision made by sub-paragraph (3) with the number "1" substituted by the number "42D".
4	The Teachers' Pension Regulations 2010(4).	In regulation 2A (marriage of a same sex couple), for "In" at the beginning of	After regulation 2B (living together as a same sex couple) insert the provision made by sub-

(1) The Scheme is in Schedule 2 to [S.I. 1992/129](#). Paragraphs 1 and 2 were inserted into Part 3 of Schedule 1 to the Scheme by [S.I. 2014/560](#). There are other amendments to Schedule 1 to the Scheme not relevant to this Order. The name of the Scheme was changed to the Firefighters' Pension Scheme by [S.I. 2004/2306](#). By virtue of [S.I. 2006/3432](#), subject to certain savings, the Scheme has no effect in relation to any person who takes up employment with an English fire and rescue authority on or after 6th April 2006.

(2) The Scheme is in Schedule 2 to [S.I. 1992/129](#). Paragraphs 1 and 2 were inserted into Part 3 of Schedule 1 to the Scheme by [S.I. 2014/560](#). There are other amendments to Schedule 1 to the Scheme not relevant to this Order. The name of the Scheme was changed to the Firefighters' Pension (Wales) Scheme by [S.I. 2004/2918 \(W. 257\)](#). By virtue of [S.I. 2007/1072 \(W. 110\)](#), subject to certain savings, the Scheme has no effect in relation to any person who takes up employment with a Welsh fire and rescue authority on or after 6th April 2006.

(3) [S.I. 1997/1612](#); these Regulations were revoked with savings by [S.I. 2008/238](#) and continue to have effect in respect of deferred and pensioner members of the scheme constituted by them. Regulations 42B and 42C were inserted by [S.I. 2014/560](#).

(4) [S.I. 2010/990](#). Regulations 2A and 2B were inserted by [S.I. 2014/560](#).

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<i>Entry</i>	<i>Pension Scheme</i>	<i>First set of amendments</i>	<i>Second set of amendments</i>
5	The Royal Mail Statutory Pension Scheme <sup>(5)</sup> .	paragraph (1) substitute “Subject to regulation 2C, in”.  In rule 2A (marriage of a same sex couple), for “In” at the beginning of paragraph (1) substitute “Subject to Rule 2C, in”.	paragraph (4) with the number “1” substituted by the number “2C”.  After Rule 2B (living together as a same sex couple) insert the provision made by sub-paragraph (4) with the number “1” substituted by the number “2C” and with the words “these Regulations” in both places they occur substituted by “this Scheme”.

(3) The provision referred to in the fourth column of the table at sub-paragraph (2) in relation to entries 1 to 3 of the table is—

**“Continuation of marriage where Scheme member acquires new legal gender**

1. Where—

- (a) a deceased Scheme member was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004<sup>(6)</sup>, and
- (b) at the time of the member’s death, she was married to a woman and that marriage subsisted before the time when the certificate was issued,

the Scheme member’s widow is to be treated for the purposes of these Regulations as if the certificate had not been issued.”.

(4) The provision referred to in the fourth column of the table at sub-paragraph (2) in relation to entries 4 and 5 of the table is—

**“Continuation of marriage where Scheme member acquires new legal gender**

1.—(1) Where—

- (a) a deceased Scheme member 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 the member’s death, she was married to a woman and that marriage subsisted before the time when the certificate was issued,

the Scheme member’s widow is to be treated for the purpose of these Regulations as if the certificate had not been issued.

(2) Where—

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

the Scheme member’s widower is to be treated for the purpose of these Regulations as if the certificate had not been issued.”.

<sup>(5)</sup> The scheme rules are in Schedule 1 to [S.I. 2012/687](#). Rules 2A and 2B were inserted by [S.I. 2014/560](#).

<sup>(6)</sup> [2004 c. 7](#).

**12.**—(1) In each of the enactments set out at sub-paragraph (4), any reference to a “widow” includes a woman who is the surviving spouse of a woman to whom sub-paragraph (3) applies.

(2) In each of the enactments set out at sub-paragraph (4)(c) to (g), any reference to a “husband” includes a woman to whom sub-paragraph (3) applies.

(3) This sub-paragraph applies to a deceased woman who—

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

(4) The enactments referred to in sub-paragraphs (1) and (2) are—

- (a) the War Pensions (Coastguards) Scheme 1944(7),
- (b) the British Transport Reorganisation (Pensions of Employees) (No. 2) Order 1962(8),
- (c) the Harbour Reorganisation (Compensation to Employees) Regulations 1967(9),
- (d) the British Transport (Compensation to Employees) Regulations 1970(10),
- (e) the London Transport (Compensation to Employees) Regulations 1970(11),
- (f) the Transport Holding Company (Compensation to Employees) Regulations 1972(12), and
- (g) the Vehicle and Driving Licences (Compensation to Officers) Regulations 1977(13).

### **Police Pensions Regulations 1987**

**13.**—(1) The Police Pensions Regulations 1987(14) are amended as follows.

(2) In regulation J1 (policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975) after paragraph (4B)(15) insert—

“(4C) Where—

- (a) the regular policeman who has died 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 regular policeman was married to a woman and that marriage subsisted before the time when the certificate was issued,

the widow of the regular policeman is to be treated for the purposes of this Regulation as if the certificate had not been issued.”

(3) In Schedule C (widows’ awards)—

(a) in paragraph 1 of Part 1 (widow’s ordinary pension), after sub-paragraph (2B)(16) insert—

“(2BA) Where—

- (a) a female police officer who has died was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and

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(7) S.I. 1944/500; to which there are amendments not relevant to this Order.

(8) S.I. 1962/2715.

(9) S.I. 1967/1889.

(10) S.I. 1970/187.

(11) S.I. 1970/2019.

(12) S.I. 1972/632.

(13) S.I. 1977/1316; to which there are amendments not relevant to this Order.

(14) S.I. 1987/257.

(15) Paragraph (4B) was inserted in relation to England and Wales by S.I. 2006/740 and amended by S.I. 2014/79.

(16) Paragraph 1(2B) was inserted in relation to England and Wales by S.I. 2006/740 and amended by S.I. 2014/79.

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- (b) at the time of her death the female police officer was married to a woman and that marriage subsisted before the time when the certificate was issued,  
the widow of the female police officer is to be treated for the purposes of this Part as if the certificate had not been issued.”
- (b) in paragraph 1 of Part III (widow’s accrued pension), after sub-paragraph (1B)(17) insert—  
“(1BA) Where—  
(a) a female police officer who has died 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 female police officer was married to a woman and the marriage subsisted before the time when the certificate was issued,  
the widow of the female police officer is to be treated for the purposes of this Part as if the certificate had not been issued.”
- (c) In Part IV (widow’s pension in case of post-retirement marriage) after paragraph 5(18) insert—  
“5A. Where—  
(a) a female police officer who has died 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 female police officer was married to a woman and that marriage subsisted before the time when the certificate was issued,  
the widow of the female police officer is to be treated for the purposes of this Part as if the certificate had not been issued.”
- (d) In Part V (widow’s requisite benefit pension), after paragraph 1A(19) insert—  
“1B. Where—  
(a) a female police officer who has died 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 female police officer was married to a woman and that marriage subsisted before the time when the certificate was issued,  
the widow of the female police officer is to be treated for the purpose of this Part as if the certificate had not been issued.”

## **National Health Service Pension Scheme Regulations 1995**

**14.** In regulation A4 of the National Health Service Pension Scheme Regulations 1995(20) (civil partnerships and marriage of same sex couples), after paragraph (5) insert—

- “(6) Where—  
(a) a deceased member of this Section of the scheme was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and

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(17) Paragraph 1(1B) was inserted in relation to England and Wales by [S.I. 2006/740](#) and amended by [S.I. 2014/79](#).

(18) Paragraph 5 was inserted in relation to England and Wales by [S.I. 2006/740](#) and amended by [S.I. 2014/79](#).

(19) Paragraph 1A was inserted in relation to England and Wales by [S.I. 2006/740](#) and amended by [S.I. 2014/79](#).

(20) [S.I. 1995/300](#). Regulation A4 was inserted by [S.I. 2014/78](#).

- (b) at the time of the member's death, she was married to a woman and that marriage subsisted before the time when the certificate was issued,
- the member's widow is to be treated for the purposes of Parts G and K of these Regulations as if the certificate had not been issued.”.

#### **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(21) (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.”.

#### **Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010**

**16.—**(1) Part E of Schedule 1 to the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(22) (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

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(21) [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.

(22) Order in Council made pursuant to section 3 of the [Naval and Marine Pay and Pensions Act 1865 \(28 and 29 Vict c. 73\)](#). This Order in Council and its amending orders are not statutory instruments. Schedule 1 was substituted in its entirety by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 and subsequently amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 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](http://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.

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(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.”.

**17.**—(1) Schedule 2(**23**) to the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010 (Naval and Marines 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—

“(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—

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(23) Schedule 2 to the Order was amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 and the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2012 and by [S.I. 2014/107](#) and [S.I. 2014/560](#).

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- (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;”.

### **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(24) (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.”.

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(24) 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](http://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.

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**19.—(1)** Schedule 2(25) 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—

“(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 sub-paragraph (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;”.

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(25) 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](#).



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

**20.**—(1) Part E of Schedule 1 to the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(26) (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.”.

**21.**—(1) Schedule 2(27) to the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010 (Royal Air Force 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

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(26) Queen’s Order made under section 2(1) of the [Air Force \(Constitution\) Act 1917 \(7 and 8 Geo 5 c. 51\)](#). This Order and its amending orders are not statutory instruments. Schedule 1 was substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 and subsequently amended by the Air Force Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 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](http://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.

(27) Schedule 2 was amended by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 and the Air Force Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2012 and by [S.I. 2014/107](#) and [S.I. 2014/560](#).

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- (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 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—
      - “(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 sub-paragraph (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;”.

## **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(**28**) 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—

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(28) 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](#).

- “(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
    - (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.”.