

## SCHEDULE 2

### Amendments to enactments etc.: Scotland

#### **Armed Forces Pension Scheme Order 2005**

**1.**—(1) Part E of Schedule 1 to the Armed Forces Pension Scheme Order 2005<sup>(1)</sup> (death benefits) is amended as follows.

(2) In rule E.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.”

(3) In each of rules E.3(6)(a), E.4(3)(a) and E.5(3)(a), before “civil partner” insert “person who was married to someone of the same sex or a”.

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(1) [S.I. 2005/438](#). There are amendments to [S.I. 2005/438](#) which are not relevant to this Order.