

SCHEDULE 1

Regulation 5(6)

Specified overseas relationships: opposite-sex relationships

The provision to be inserted as Part 2 of Schedule 20 to the Civil Partnership Act 2004 is as follows—

“PART 2

Opposite-sex relationships

A relationship is specified for the purposes of section 213(1)(b) (specified relationships between two people who are not of the same sex) if it is registered in a country or territory given in the first column of the table and fits the description given in relation to that country or territory in the second column—

<i>Country or territory</i>	<i>Description</i>
Andorra	unió estable de parella
Argentina	unión convivencial
Aruba	geregistreerd partnerschap
Australia: Australian Capital Territory	civil partnership
Australia: New South Wales	a relationship registered under the Relationships Register Act 2010
Australia: Queensland	civil partnership
Australia: South Australia	registered relationship
Australia: Tasmania	significant relationship
Australia: Victoria	registered domestic relationship
Austria	eingetragene Partnerschaft
Belgium	the relationship referred to as cohabitation légale, wettelijke samenwoning or gesetzliches Zusammenwohnen
Bermuda	domestic partnership
Brazil	união estável
Canada: Alberta	adult interdependent partner
Canada: Manitoba	the relationship referred to as common-law relationship or as union de fait
Canada: Nova Scotia	domestic partnership
Canada: Quebec	union civile
Chile	unión civil
Colombia	unión marital de hecho
Cyprus	politiki symviosi
Ecuador	unión de hecho
Estonia	Kooselulepingu

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<i>Country or territory</i>	<i>Description</i>
Falkland Islands	civil partnership
France	pacte civil de solidarité
Gibraltar	civil partnership
Greece	simfono simviosis
Isle of Man	civil partnership
Israel	civil union
Luxembourg	the relationship referred to as partenariat enregistré or eingetragene Partnerschaft
Malta	civil union
Mexico: Campeche	sociedad civil de Convivencia
Mexico: Coahuila	pacto civil de solidaridad
Mexico: Mexico City Federal District	sociedad de convivencia
Mexico: Michoacán	sociedad de Convivencia
Mexico: Tlaxcala	sociedad de convivencia solidaria
Netherlands	geregistreerd partnerschap
New Zealand	civil union
San Marino	unione civile
South Africa	civil partnership
Spain: Balearic Islands	pareja estable
Spain: Basque Country	pareja de hecho
Spain: Galicia	pareja de hecho
United States of America: California	domestic partnership
United States of America: Colorado	civil union
United States of America: District of Columbia	domestic partnership
United States of America: Hawaii	civil union
United States of America: Illinois	civil union
United States of America: Maine	domestic partnership
United States of America: Nevada	domestic partnership
United States of America: New Jersey	domestic partnership
United States of America: Washington	state registered domestic partnership”

SCHEDULE 2

Regulation 6

Transitional provision in relation to opposite-sex overseas relationships

Interpretation

1. In this Schedule—

“the 2004 Act” means the Civil Partnership Act 2004;

“the commencement date” means the date on which these Regulations come into force;

“a relevant pre-commencement relationship” means a relationship that is—

- (a) an overseas relationship treated as a civil partnership for the purposes of the 2004 Act as a result of the amendments made by these Regulations, and
- (b) registered (under the relevant law within the meaning of Chapter 2 of Part 5 of the 2004 Act) as having been entered into before the commencement date.

Requirements as to other relationships in order for pre-commencement relationships to be recognised as civil partnerships

2.—(1) Sub-paragraph (2) applies in relation to a relationship that would, disregarding this paragraph and section 212(1)(b)(ii) of the 2004 Act as it applies without this paragraph, be a relevant pre-commencement relationship.

(2) Section 212(1)(b) of the 2004 Act has effect as if, for sub-paragraph (ii), there were substituted—

“(ii) neither of whom was, when the relationship was registered—

(aa) lawfully married,

(bb) a civil partner, or

(cc) in another relationship registered as mentioned above, which continues to subsist at the time when the Civil Partnership (Opposite-sex Couples) Regulations 2019 come into force and is at that time an overseas relationship treated as a civil partnership for the purposes of this Act, and

(iii) neither of whom is, immediately before the Civil Partnership (Opposite-sex Couples) Regulations 2019 come into force, lawfully married or a civil partner.”

Treatment as civil partnership for certain purposes of relationships terminated before commencement

3. The following provisions are specified for the purposes of section 215(5D)(b) of the 2004 Act (as amended by these Regulations)—

- (a) in the case of a marriage celebrated on or after the commencement date, section 28B(1) of, and Schedule 1(2) to, the Marriage Act 1949;
- (b) in the case of a notice of marriage given on or after the commencement date, section 27 of that Act(3);
- (c) the Inheritance (Provision for Family and Dependants) Act 1975(4);

(1) 1949 c. 76. Section 28B was added by the Immigration Act 2014 (c. 22), paragraph 7 of Schedule 4.

(2) Schedule 1 was amended by the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16), sections 1(4) and (6) and Schedule 1, paragraph 8; by the Civil Partnership Act 2004, Schedule 27, paragraph 17; and by S.I. 2007/438.

(3) Section 27(3) was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 14. There are other amendments to the section, not relevant here.

(4) 1975 c. 63.

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- (d) the Fatal Accidents Act 1976⁽⁵⁾;
- (e) in the case of a bankruptcy where the bankruptcy order was made on or after the commencement date—
 - (i) sections 283A⁽⁶⁾, 313⁽⁷⁾, 313A⁽⁸⁾, 332⁽⁹⁾, 335A⁽¹⁰⁾ and 366⁽¹¹⁾ of the Insolvency Act 1986, and
 - (ii) rules 10.167, 10.168, 10.169 and 10.171 of the Insolvency (England and Wales) Rules 2016⁽¹²⁾;
- (f) Schedule 1 to the Children Act 1989⁽¹³⁾;
- (g) sections 33⁽¹⁴⁾, 35⁽¹⁵⁾ and 37⁽¹⁶⁾ of, and Schedule 7⁽¹⁷⁾ to, the Family Law Act 1996;
- (h) sections 9⁽¹⁸⁾, 65 and 68 of, and Schedule 1⁽¹⁹⁾ to, the 2004 Act.

Transitional modifications of the Civil Partnership Act 2004 to do with dissolution, financial matters etc.

4.—(1) Section 41 of the 2004 Act applies in relation to a relevant pre-commencement relationship as if, for “formation of the civil partnership”, there were substituted “registration of the relationship”.

(2) Section 65 of the 2004 Act applies to a contribution made by a party to a relevant pre-commencement relationship as if—

- (a) for “a civil partner” there were substituted “a party to the relationship”;
- (b) for “the civil partners”, in each place it occurs, there were substituted “the parties to the relationship”; and
- (c) for “the contributing partner” there were substituted “the contributing party”.

(3) Paragraph 21(2)(d) of Schedule 5 to the 2004 Act (including as it applies by virtue of paragraph 10(3)(a) of Schedule 7 to that Act) applies to an application made in relation to a relevant pre-commencement relationship under Part 1 of Schedule 5 or Part 1 of Schedule 7 to that Act as if, for “the duration of the civil partnership”, there were substituted “the duration of the relationship by virtue of which they are treated as having formed a civil partnership”.

(4) Paragraph 5(2)(d) of Schedule 6 to the 2004 Act applies to an application made in relation to a relevant pre-commencement relationship under Part 1 of that Schedule as if, for “the duration

(5) 1976 c. 30.

(6) Section 283A was added by the Enterprise Act 2002 (c. 40), section 261(1); and amended by the Civil Partnership Act 2004, Schedule 27, paragraph 113.

(7) Section 313(1) was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 114. There are other amendments to the section, not relevant here.

(8) Section 313A was added by the Enterprise Act 2002, section 261(3); and amended by the Civil Partnership Act 2004, Schedule 27, paragraph 115.

(9) Section 332(1)(a) was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 117. There are other amendments to the section, not relevant here.

(10) Section 335A was added by the Trusts of Land and Appointment of Trustees Act 1996 (c. 47), Schedule 3, paragraph 23; and amended by the Civil Partnership Act 2004, Schedule 27, paragraph 118.

(11) Section 366 was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 120. There are other amendments to the section, not relevant here.

(12) S.I. 2016/1024.

(13) 1989 c. 41. Schedule 1, paragraph 16 was amended by the Civil Partnership Act, section 78(4). There are other amendments to the Schedule, not relevant here.

(14) 1996 c. 27. Section 33 was amended by the Civil Partnership Act 2004, Schedule 9, paragraph 4.

(15) Section 35 was amended by the Civil Partnership Act 2004, Schedule 9, paragraph 6.

(16) Section 37 was amended by the Civil Partnership Act 2004, Schedule 9, paragraph 8.

(17) Schedule 7 was amended by the Civil Partnership Act 2004, Schedule 9, paragraph 16. There are other amendments to the Schedule, not relevant here.

(18) Section 9 was substituted by the Immigration Act 2014, Schedule 4, paragraph 21.

(19) There are amendments to Schedule 1, not relevant here.

of the civil partnership”, there were substituted “the duration of the relationship by virtue of which they are treated as having formed a civil partnership”.

Pre-commencement wills not to be revoked by virtue of recognition of pre-commencement relationships as civil partnerships

5. The formation of a civil partnership treated as having occurred, in relation to a pre-commencement relationship, by section 215(5B) of the 2004 Act (as amended by these Regulations) does not have effect under section 18B of the Wills Act 1837⁽²⁰⁾ to revoke a will made before the commencement date.

Disapplication of earlier transitional provision

6.—(1) Article 3 of the Civil Partnership (Treatment of Overseas Relationships) Order 2005⁽²¹⁾ and article 2(1) of the Civil Partnership (Treatment of Overseas Relationships No. 2) Order 2005⁽²²⁾ do not apply in relation to a relevant pre-commencement relationship.

(2) Article 5 of the Civil Partnership (Treatment of Overseas Relationships) Order 2005 does not apply in relation to a relationship within paragraph 2(1).

SCHEDULE 3

Regulation 41

Consequential and related amendments

PART 1

Primary legislation

Population (Statistics) Act 1938

1. In paragraph 1 of the Schedule to the Population (Statistics) Act 1938⁽²³⁾—

(a) for sub-paragraphs (c) and (d) substitute—

“(c) where the birth is of a child whose father and mother were married to, or civil partners of, each other at the time of the child’s birth (or a child to whom section 1(3) of the Family Law Reform Act 1987 applies by reason of a marriage or civil partnership between the child’s parents)—

(i) the date of the marriage or formation of the civil partnership, and

(ii) whether before she married, or formed the civil partnership with, the child’s other parent, the mother had been married to, or had formed a civil partnership with, any other person;”;

(b) in sub-paragraph (e), omit “or (d)”.

⁽²⁰⁾ 1837 c. 26. Section 18B was added by the Civil Partnership Act 2004, Schedule 4, paragraph 2.

⁽²¹⁾ S.I. 2005/3042.

⁽²²⁾ S.I. 2005/3284.

⁽²³⁾ 1938 c. 12. The Schedule was substituted by the Population (Statistics) Act 1960, section 1(2); paragraph 1(c)-(e) was substituted by the Welfare Reform Act 2009, section 56 and Schedule 6, paragraph 20(1)(b), (2); and paragraph 1(d) was substituted by SI 2014/560.

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Children and Young Persons Act 1969

2. In section 70 of the Children and Young Persons Act 1969(24)—
- (a) in subsection (1A)(a), after “married to” insert “, or civil partners of,”;
 - (b) in subsection (1B), after “married to” insert “, or civil partners of,”.

Inheritance (Provision for Family and Dependants) Act 1975

3.—(1) The Inheritance (Provision for Family and Dependants) Act 1975(25) is amended as follows.

- (2) In section 1—
- (a) in subsection (1)(ba), omit “or (1B)”;
 - (b) in subsection (1A)(b), for “as the husband or wife of the deceased” substitute “as if that person and the deceased were a married couple or civil partners”;
 - (c) omit subsection (1B).

(3) In section 3(2A)(a), for the words from “as the husband” to the end substitute “in the same household as the deceased as if the applicant and the deceased were a married couple or civil partners”.

Rent (Agriculture) Act 1976

4. In section 4(5A) of the Rent (Agriculture) Act 1976(26), for paragraphs (a) and (b) substitute “a person who was living with the original occupier as if they were a married couple or civil partners shall be treated as the spouse or civil partner of the original occupier;”.

Rent Act 1977

5. In paragraph 2 of Schedule 1 to the Rent Act 1977(27)—
- (a) for sub-paragraph (2) substitute—

“(2) For the purposes of this paragraph, a person who was living with the original tenant as if they were a married couple or civil partners is to be treated as the spouse or civil partner of the original tenant.”;
 - (b) in sub-paragraph (3), for the words from “, or if that person” to the end substitute “or civil partner”.

Interpretation Act 1978

6. In Schedule 1 to the Interpretation Act 1978(28), in the entry headed “Construction of certain references to relationships”, in paragraph (b), after “married to” insert “, or civil partners of,”.

(24) 1969 c. 54. Section 70(1A) and (1B) was inserted by the Family Law Reform Act 1987, sections 8(1) and 33(1), Schedule 2, paragraph 26; and was substituted by the Crime and Disorder Act 1998 (c. 37), section 106, Schedule 7, paragraph 10.

(25) 1975 c. 63. Relevant amendments were made to sections 1 and 3 by the Law Reform Succession Act 1995 (c. 41), section 2; and the Civil Partnership Act 2004, Schedule 4, paragraphs 15 and 18.

(26) 1976 c. 80. Section 4(5A) was inserted by the Housing Act 1988 (c. 50) section 39(4); and substituted by the Civil Partnership Act 2004, Schedule 8, paragraph 10.

(27) 1977 c. 42. Schedule 1, paragraph 2 was substituted by the Housing Act 1980 (c. 51), section 76; paragraph 2(2) was inserted by the Housing Act 1988, section 39, Schedule 4, paragraph 2, and substituted by the Civil Partnership Act 2004, section 81, Schedule 8, paragraph 13.

(28) 1978 c.30. The entry referred to was inserted by the Family Law Reform Act 1987, section 33(1), Schedule 2, paragraph 73.

Pneumoconiosis etc (Workers' Compensation) Act 1979

7. In section 3(2A) of the Pneumoconiosis etc (Workers' Compensation) Act 1979(29), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Mobile Homes Act 1983

8. In section 5(3) of the Mobile Homes Act 1983(30), in the words after paragraph (b), for “as husband and wife or as if they were civil partners” substitute “as if they were a married couple or civil partners”.

Child Abduction Act 1984

9. In each of the following provisions of the Child Abduction Act 1984(31), after “married to” insert “, or civil partners of,”—

- (a) section 1(2)(b);
- (b) section 2(2)(a) and (b) and (3)(a);
- (c) section 3(d).

Housing Act 1985

10.—(1) The Housing Act 1985(32) is amended as follows.

(2) In section 86A(33) (prospectively re-numbered as section 86G)—

(a) for subsection (5) substitute—

“(5) For the purposes of this section, a person who was living with the tenant as if they were a married couple or civil partners is to be treated as the tenant’s spouse or civil partner.”;

(b) in subsection (7), omit the words from “(according to” to “the tenant”.

(3) In section 113(1)(a)(34), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(4) In section 186(1)(a), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(5) In section 325(1), for “husband and wife” substitute “a married couple or civil partners”.

(6) In Part 1 of Schedule 2, in Ground 2A(35)—

- (a) omit “, a couple living together as husband and wife”;
- (b) after “as if they were” insert “a married couple or”.

Landlord and Tenant Act 1987

11. In section 4(5)(a) of the Landlord and Tenant Act 1987(36), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(29) 1979 c. 41. Section 3(2A) was substituted by S.I. 2014/560 and 3229.

(30) 1983 c. 34. Section 5(3) was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 88.

(31) 1984 c. 37. Relevant amendments were made by the Children Act 1989, Schedule 12, paragraphs 37(2), 38(2) and 39.

(32) 1985 c. 68.

(33) Section 86A was inserted by the Localism Act 2011 (c. 20), section 160(1). Amendments (which are not yet in force) were made by the Housing and Planning Act 2016 (c. 22), Schedule 8, paragraph 3.

(34) Sections 113(1)(a) and 186(1)(a) were amended by the Civil Partnership Act 2004, Schedule 8, paragraph 27.

(35) Ground 2A was added by the Housing Act 1996 (c. 52), section 145, and amended by the Civil Partnership Act 2004, Schedule 8, paragraph 33.

(36) 1987 c. 31. Section 4(5)(a) was amended by the Civil Partnership Act 2004, Schedule 8, paragraph 40.

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Housing Act 1988

- 12.**—(1) The Housing Act 1988(**37**) is amended as follows.
- (2) In section 17(**38**)—
- (a) for subsection (4) substitute—
- “**(4)** For the purposes of this section, a person who was living with the tenant as if they were a married couple or civil partners is to be treated as the tenant’s spouse or civil partner.”;
- (b) in subsection (5), for the words from “, or if that person” to the end substitute “or civil partner”.
- (3) In Part 2 of Schedule 2, in Ground 14A(**39**)—
- (a) omit “, a couple living together as husband and wife”;
- (b) after “as if they were” insert “a married couple or”.
- (4) In paragraph 3 of Schedule 3, for sub-paragraph (5) substitute—
- “**(5)** For the purposes of sub-paragraph (2)(a) above, a person who, immediately before the previous qualifying occupier’s death, was living together with the previous occupier as if they were a married couple or civil partners shall be treated as the widow, widower or surviving civil partner of the previous occupier.”.

Child Support Act 1991

- 13.**—(1) The Child Support Act 1991(**40**) is amended as follows.
- (2) In section 26(2), in Case A1, for paragraph (b) (not including the final “and”) substitute—
- “(b) the Secretary of State is satisfied that the alleged parent is a man who was married to, or the civil partner of, the child’s mother at some time in the period beginning with the conception and ending with the birth of the child;”.
- (3) In section 32L(5)(**41**), after “marriage” insert “or formation of civil partnership”.
- (4) In Schedule 1, in paragraph 10C(5)(b), at the end insert “or civil partners”.

Social Security Contributions and Benefits Act 1992

- 14.**—(1) The Social Security Contributions and Benefits Act 1992(**42**) is amended as follows.
- (2) In each of the following provisions, for “as a married couple” substitute “as if they were a married couple or civil partners”—
- (a) section 37(4)(b)(**43**);
- (b) section 38(3)(c);
- (c) section 39A(5)(b);
- (d) in section 137(1), in the definition of “couple”, paragraph (b);

(37) 1988 c. 50.

(38) Relevant amendments were made to section 17(4) and (5) by the Civil Partnership Act 2004, Schedule 8, paragraph 41 and by [S.I. 2014/560](#).

(39) Ground 14A was added by the Housing Act 1996, section 149. Relevant amendments were made by the Civil Partnership Act 2004, Schedule 8, paragraph 43.

(40) 1991 c. 48. In section 26(2), Case A1 was inserted by the Child Support, Pensions and Social Security Act 2000 (c. 19), section 15(1); and amended by [S.I. 2012/2007](#).

(41) Section 32L was added by the Child Maintenance and Other Payments Act 2008 (c. 6), section 24.

(42) 1992 c. 4.

(43) Sections 37(4)(b), 38(3)(c), 39A(5)(b), the definition of “couple” in section 137(1), and Schedule 7, paragraph 4(3)(a)(ii) were amended by [S.I. 2014/560](#) and [3229](#).

- (e) in Schedule 7, paragraph 4(3)(a)(ii).
- (3) In section 77(9)(44)—
 - (a) for “a husband and wife are residing together” substitute “a man and woman are married to, or civil partners of, each other and are residing together,”;
 - (b) for “the wife” substitute “the woman”.
- (4) In section 145A(45)—
 - (a) in subsection (2)(b), for “an unmarried couple or a cohabiting same-sex couple” substitute “a cohabiting couple”;
 - (b) in subsection (5)—
 - (i) in the definition of “civil partnership”, omit “of the same sex”;
 - (ii) for the definition of “cohabiting same-sex couple” substitute—

““cohabiting couple” means two people who are not married to, or civil partners, of each other but are living together as if they were a married couple or civil partners;”;
 - (iii) omit the definition of “unmarried couple”;
 - (c) omit subsection (6).
- (5) In Schedule 10—
 - (a) for paragraph 3 substitute—

“Opposite-sex spouses or civil partners

- 3. Subject to paragraphs 1 and 2 above, as between a man and woman who are married to, or civil partners of, each other and are residing together, the woman shall be entitled.”;
- (b) in paragraph 4(2)(46), for “not husband and wife” substitute “do not fall within paragraph 3”.

Taxation of Chargeable Gains Act 1992

15. In section 87H of the Taxation of Chargeable Gains Act 1992(47), for subsection (2) substitute—

“(2) For the purposes of subsection (1), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

Local Government Finance Act 1992

16. In section 9 of the Local Government Finance Act 1992(48), for subsections (3) and (4) substitute—

“(3) For the purposes of this section, two persons are to be treated as married to, or civil partners of, each other if they are living together as if they were a married couple or civil partners.”.

(44) Section 77(9) was amended by the Child Benefit Act 2005 (c. 6), Schedule 1, paragraph 4.

(45) Section 145A was added by the Tax Credits Act 2002 (c. 21), section 55(1)(a). Relevant amendments were made by the Civil Partnership Act 2004, Schedule 24, paragraph 48.

(46) Paragraph 4(2) was amended by the Child Benefit Act 2005, Schedule 1, paragraph 18.

(47) 1992 c. 12. Section 87H was added by the Finance Act 2018 (c. 3), Schedule 10, paragraph 1.

(48) 1992 c. 14. Section 9(4) was inserted by the Civil Partnership Act 2004, Schedule 27, paragraph 140.

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Pension Schemes Act 1993

17. In section 17(4A)(c)(i) of the Pension Schemes Act 1993(49), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Jobseekers Act 1995

18. In section 35(1) of the Jobseekers Act 1995(50), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Family Law Act 1996

19. In section 62(1)(a) of the Family Law Act 1996(51), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

Housing Act 1996

20.—(1) The Housing Act 1996(52) is amended as follows.

(2) In section 62(1)(a)(53), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(3) In section 140(1)(a), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(4) In section 178(3)(54)—

- (a) in the definition of “co-habitants”, for paragraphs (a) and (b) substitute “two people who, although not married to, or civil partners of, each other, are living together as if they were a married couple or civil partners”;
- (b) in the definition of “relative”, in the words after paragraph (b)—
 - (i) for “husband and wife” substitute “if they were a married couple or civil partners”;
 - (ii) after “married to” insert “, or civil partners of,”.

Social Security Act 1998

21. In section 72 of the Social Security Act 1998(55), omit subsection (3).

State Pension Credit Act 2002

22. In section 17(1) of the State Pension Credit Act 2002(56), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

(49) 1993 c. 48. Subsection (4A) was inserted by the Child Support, Pensions and Social Security Act 2000, paragraph 1. Relevant amendments were made by S.I. 2005/2050.

(50) 1995 c. 18. The definition of “couple” was substituted by S.I. 2014/560 and 3229.

(51) 1996 c. 27. Section 62(1)(a) was amended by the Civil Partnership Act 2004, Schedule 9, paragraph 13.

(52) 1996 c. 52.

(53) Sections 62(1)(a) and 140(1)(a) were amended by the Civil Partnership Act 2004, Schedule 8, paragraph 51.

(54) The definitions of “cohabitants” and “relative” were amended by the Civil Partnership Act 2004, Schedule 8, paragraph 61.

(55) 1998 c. 14. Subsection (3) was added by the Civil Partnership Act 2004, Schedule 24, paragraph 138.

(56) 2002 c. 16. The definition of “couple” was substituted by S.I. 2014/560 and 3229.

Tax Credits Act 2002

23.—(1) Part 1 of the Tax Credits Act 2002(**57**) (as it continues to have effect by virtue of article 3 of the Welfare Reform Act 2012 (Commencement No 32 and Savings and Transitional Provisions) Order 2019(**58**)) is amended as follows.

(2) In section 3(5A), for paragraphs (a) to (d) substitute—

“(a) two people who are married to, or civil partners of, each other and are neither—

(i) separated under a court order, nor

(ii) separated in circumstances in which the separation is likely to be permanent, or

(b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

(3) In section 48, omit subsection (2).

Adoption and Children Act 2002

24. In section 55(1) of the Adoption and Children Act 2002(**59**), after “marriage of” insert “, or formation of a civil partnership by,”.

Income Tax (Earnings and Pensions) Act 2003

25.—(1) The Income Tax (Earnings and Pensions) Act 2003(**60**) is amended as follows.

(2) In section 61, for subsections (4) and (5)(**61**) substitute—

“(4) For the purposes of this Chapter, two people living together as if they were a married couple or civil partners are treated as if they were married to, or civil partners of, each other.”.

(3) In section 61I(**62**), for subsection (7) substitute—

“(7) For the purposes of subsection (2), two people living together as if they were a married couple or civil partners are treated as if they were married to, or civil partners of, each other.”.

(4) In section 554Z1(**63**), for subsection (2) substitute—

“(2) In applying section 993 of ITA 2007 for the purposes of subsection (1), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

(5) In section 681G(**64**)—

(a) in subsection (1), for “any of conditions A to D” substitute “either condition A or condition B”;

(b) in subsection (2), for “a man and a woman who are married to” substitute “married to, or civil partners of,”;

(57) Section 3(5A) was substituted by the Civil Partnership Act 2004, Schedule 24, paragraph 144. Part 1 of the Tax Credits Act 2002 was repealed (subject to savings in [S.I. 2019/167](#)) by the Welfare Reform Act 2012, Schedule 14, paragraph 1.

(58) [S.I. 2019/167](#).

(59) 2002 c. 38.

(60) 2003 c. 1.

(61) Section 61(5) was added by [S.I. 2005/3229](#).

(62) Section 61I was added by the Finance Act 2017 ([c. 10](#)), Schedule 3, paragraph 4.

(63) Section 554Z1 was added by the Finance Act 2011 ([c. 11](#)), Schedule 2, paragraph 1.

(64) Section 681G was added by the Finance Act 2012 ([c. 14](#)), Schedule 1, paragraph 1.

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- (c) in subsection (3), for the words from “a man and a woman” to the end substitute “not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners”;
- (d) omit subsections (4) and (5).

Housing Act 2004

26.—(1) The Housing Act 2004(**65**) is amended as follows.

(2) In section 141(1)(b), for “husband or wife” substitute “a married couple or civil partners”.

(3) In section 142(1)(b), for “husband or wife” substitute “a married couple or civil partners”.

(4) In section 258—

- (a) in subsection (3)(a), for the words from “each other” to the end substitute “, or civil partners of, each other or live together as if they were a married couple or civil partners”;
- (b) in subsection (4)(a), omit “are married to each other or otherwise”.

(5) In section 259(3), in the words after paragraph (b), for “to whom they are or were married” substitute “who are or were their spouses or civil partners”.

Income Tax (Trading and Other Income) Act 2005

27. In section 643H of the Income Tax (Trading and Other Income) Act 2005(**66**), for subsection (2) substitute—

“(2) For the purposes of subsection (1), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

Mental Capacity Act 2005

28. In paragraph 185(b) of Schedule A1 to the Mental Capacity Act 2005(**67**), after “married couple” insert “or civil partners”.

Income Tax Act 2007

29.—(1) The Income Tax Act 2007(**68**) is amended as follows.

(2) In section 733A(**69**), for subsection (8) substitute—

“(8) For the purposes of subsection (7), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

(3) In section 809ZQ(2)(**70**), in the inserted subsection (9), for paragraphs (a) and (b) substitute—

“(a) two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other, and”.

(4) In section 809M(3)(**71**), for paragraphs (a) and (b) substitute—

(65) 2004 c. 34.

(66) 2005 c. 5. Section 643H was added by the Finance Act 2018, Schedule 10, paragraph 11.

(67) 2005 c. 9. Schedule A1 was inserted by the Mental Health Act 2007 (c. 12), Schedule 7, paragraph 1. Paragraph 185(b) was substituted by S.I. 2014/560.

(68) 2007 c. 3.

(69) Section 733A was added by the Finance (No. 2) Act 2017 (c. 32), Schedule 8, paragraph 36.

(70) Section 809ZQ was added by the Finance Act 2011, Schedule 3, paragraph 1.

(71) Section 809M was added by the Finance Act 2008 (c. 9), Schedule 7, paragraph 1.

- “(a) two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

Welfare Reform Act 2007

30. In paragraph 6(5) of Schedule 1 to the Welfare Reform Act 2007(**72**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Corporation Tax Act 2010

31.—(1) The Corporation Tax Act 2010(**73**) is amended as follows.

(2) In section 939H(2), in the inserted subsection (10), for paragraphs (a) and (b) substitute—

- “(a) two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other, and”.

Equality Act 2010

32.—(1) The Equality Act 2010(**74**) is amended as follows.

(2) In section 23(**75**)—

- (a) in subsection (3), omit “to a person of the opposite sex”;
- (b) in subsection (4), after “married to”, in both places it occurs, insert “, or the civil partner of”.

(3) In section 67(7)(**76**)—

- (a) in paragraph (a)—
- (i) after “married to”, in the first place it occurs, insert “, or the civil partner of”;
- (ii) after “married to”, in the second place it occurs, insert “ or (as the case may be) the civil partner of”;
- (b) for paragraph (b) substitute—
- “(b) where A is married to, or the civil partner of, someone of the same sex, A is to be compared to B where B is married to or (as the case may be) the civil partner of someone of the same sex as B.”.

(4) In Schedule 5, in paragraph 3(6), for the words from “of—” to the end substitute “of two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

Localism Act 2011

33. In section 30(3)(b) of the Localism Act 2011(**77**)—

- (a) in sub-paragraph (i), at the end insert “or”;
- (b) omit sub-paragraph (ii) (including the “or”);
- (c) in sub-paragraph (iii), after “as if they were” insert “a married couple or”.

(72) 2007 c. 5. The definition of “couple” was substituted by S.I. 2014/560 and 3229.

(73) 2010 c. 4. Section 939H was added by the Finance Act 2011, Schedule 3, paragraph 2.

(74) 2010 c. 15.

(75) Section 23(3) and (4) was amended by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraphs 42 and 43.

(76) Section 67(7) was substituted by S.I. 2014/560 and 3229.

(77) 2011 c. 20.

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Charities Act 2011

34. In section 350 of the Charities Act 2011(**78**), for subsection (2) substitute—

“(2) For the purposes of sections 118(2)(e), 188(1)(b), 200(1)(b) and 249(2)(b), where two people are not married to, or civil partners of, each other but live together as if they were a married couple or civil partners, each of them is to be treated as the spouse or civil partner of the other.”.

Welfare Reform Act 2012

35. In section 39 of the Welfare Reform Act 2012(**79**)—

- (a) in subsection (1)(b), for “as a married couple” substitute “as if they were a married couple or civil partners”;
- (b) in subsection (3)(b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Finance Act 2013

36.—(1) Schedule 45 to the Finance Act 2013(**80**) is amended as follows.

(2) In paragraph 32(2)(b), for the words from “as husband and wife” to “as if they were” substitute “as if they were a married couple or”.

(3) In paragraph 52(4)—

- (a) in paragraph (a), at the end insert “or”;
- (b) in paragraph (b), for “as husband and wife” substitute “as if they were a married couple or civil partners”;
- (c) omit paragraph (c) (and the preceding “or”).

PART 2

Secondary legislation

Social Security (Credits) Regulations 1975

37.—(1) The Social Security (Credits) Regulations 1975(**81**) are amended as follows.

(2) In regulation 8C(2), for “as a married couple” substitute “as if they were a married couple or civil partners”.

(3) In paragraph 3 of the Schedule, for “as a married couple” substitute “as if they were a married couple or civil partners”.

Social Security Benefit (Dependency) Regulations 1977

38. In paragraph 2C of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977(**82**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

(78) 2011 c. 25.

(79) 2012 c. 5. Section 39(1) and (3) was amended by S.I. 2014/560 and 3229.

(80) 2013 c. 29.

(81) S.I. 1975/556. Relevant amendments were made by S.I. 2000/1483, 2005/2877, 2011/709 and 2014/3061.

(82) S.I. 1977/343. Relevant amendments were made by S.I. 1984/1699, 2005/2877, 2014/107 and 3229.

Vaccine Damage Payments Regulations 1979

39. In regulation 5(2)(b)(ii) of the Vaccine Damage Payments Regulations 1979(83), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

Income Support (General) Regulations 1987

40. In regulation 2(1) of the Income Support (General) Regulations 1987(84), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Social Security (Claims and Payments) Regulations 1987

41. In regulation 2(1) of the Social Security (Claims and Payments) Regulations 1987(85), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Council Tax (Additional Provisions for Discount Disregards) Regulations 1992

42. In the Schedule to the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992(86), in paragraph 4(1), for paragraphs (a) and (aa) substitute—

“(a) he is the spouse or civil partner of the other or they live together as if they were a married couple or civil partners; or”.

Council Tax (Exempt Dwellings) Order 1992

43. In article 2(5) of the Council Tax (Exempt Dwellings) Order 1992(87), for paragraph (ii) substitute—

“(ii) a relationship between two persons living together as if they were a married couple or civil partners shall be treated as a relationship by marriage or civil partnership;”.

Child Support (Collection and Enforcement) Regulations 1992

44. In regulation 3(9) of the Child Support (Collection and Enforcement) Regulations 1992(88), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Social Security (Incapacity for Work) (General) Regulations 1995

45. In regulation 2(1) of the Social Security (Incapacity for Work) (General) Regulations 1995(89), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners;”.

(83) S.I. 1979/432. Relevant amendments were made by S.I. 2005/3070.

(84) S.I. 1987/1967. Relevant amendments were made by S.I. 2014/107 and 3229.

(85) S.I. 1987/1968. Relevant amendments were made by S.I. 2014/107 and 3229.

(86) S.I. 1979/432. Relevant amendments were made by S.I. 2005/3070.

(87) S.I. 1992/558, amended by S.I. 1997/656, 1998/291 and 2005/2865.

(88) S.I. 1992/1989. Relevant amendments were made by S.I. 2014/107 and 3229.

(89) S.I. 1995/311. Relevant amendments were made by S.I. 2005/2877.

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Education (Grants) (Music, Ballet and Choir Schools) Regulations 1995

46.—(1) Regulation 4(1) of the Education (Grants) (Music, Ballet and Choir Schools) Regulations 1995(**90**) is amended as follows.

(2) In sub-paragraph (a), for paragraph (i) substitute—

“(i) they live together as spouses or civil partners (whether or not they are married to, or civil partners of, each other), and”.

(3) In sub-paragraphs (b) to (e), after “spouse”, in each place it occurs, insert “or civil partner”.

Jobseeker’s Allowance Regulations 1996

47. In regulation 1(3) of the Jobseeker’s Allowance Regulations 1996(**91**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Occupational Pension Schemes (Contracting-out) Regulations 1996

48. In regulation 26(1) of the Occupational Pension Schemes (Contracting-out) Regulations 1996(**92**)—

(a) in sub-paragraph (b)(iii), for the words from “as a married couple” to the end substitute “with another person as if they were a married couple or civil partners”;

(b) in sub-paragraph (c), for the words from “as a married couple” to the end substitute “with another person, whom he or she is not married to or in a civil partnership with, as if they were a married couple or civil partners”.

Social Security Benefit (Computation of Earnings) Regulations 1996

49. In regulation 2(1) of the Social Security Benefit (Computation of Earnings) Regulations 1996(**93**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Housing Renewal Grants Regulations 1996

50. In regulation 2(1) of the Housing Renewal Grants Regulations 1996(**94**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Social Security (Child Maintenance Bonus) Regulations 1996

51. In regulation 1(2) of the Social Security (Child Maintenance Bonus) Regulations 1996(**95**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

(90) *S.I. 1995/2018*. Regulation 4(1) was revoked in relation to England by *S.I. 2001/2743*. There are other amending instruments, not relevant here.

(91) *S.I. 1996/207*. Relevant amendments were made by *S.I. 2014/107* and *3229*.

(92) *S.I. 1996/1172*, amended by *S.I. 2005/2050, 2014/107* and *3229*.

(93) *S.I. 1996/2745*. Relevant amendments were made by *S.I. 2014/107* and *3229*.

(94) *S.I. 1996/2890*. Relevant amendments were made by *S.I. 2005/3323, 2006/2801* and *2104/107*.

(95) *S.I. 1996/3195*. Relevant amendments were made by *S.I. 2005/2877, 2014/107* and *3229*.

Occupational Pension Schemes (Discharge of Liability) Regulations 1997

52. In regulation 11(4)(b)(iii) of the Occupational Pension Schemes (Discharge of Liability) Regulations 1997(96), for the words from “as a married couple” to the end substitute “with another person, whom he or she is not married to or in a civil partnership with, as if they were a married couple or civil partners; or”.

Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998

53. In paragraph 3 of the Schedule to the Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998(97), for the words from “references to the spouse” to the end substitute “references to the spouse or civil partner of a person are to be taken to include references to a person who is living with the other as if they were a married couple or civil partners”.

Social Security and Child Support (Decisions and Appeals) Regulations 1999

54. In regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(98), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

General Chiropractic Council (Registration) Rules 1999

55. In rule 2(3) of the General Chiropractic Council (Registration) Rules 1999(99), for the words after paragraph (b) substitute ““spouse or civil partner” for this purpose includes a former spouse or civil partner and a partner other than a spouse or civil partner”.

Asylum Support Regulations 2000

56.—(1) The Asylum Support Regulations 2000(100) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) omit the definitions of “civil partnership couple”, “married couple”, “same-sex couple” and “unmarried couple”;

(ii) after the definition of “asylum support” insert—

““cohabiting couple” means two people who, though not married to, or civil partners of, each other, are living together as if they were a married couple or civil partners;”;

(b) in paragraph (4)—

(i) in sub-paragraph (f), for “unmarried couple” substitute “cohabiting couple”;

(ii) omit sub-paragraph (fa).

(3) In regulation 15(2)—

(a) in sub-paragraph (g), after “married to” insert “, or the civil partner of,”;

(b) omit sub-paragraph (ga);

(c) in sub-paragraph (i)—

(i) after “spouse” insert “or civil partner”;

(96) S.I. 1997/784, amended by S.I. 2005/2050, 2014/107 and 3229.

(97) S.I. 1998/105, amended by S.I. 2005/3302 and 2014/107.

(98) S.I. 1999/991. Relevant amendments were made by S.I. 2014/107 and 3229.

(99) As set out in the Schedule to the General Chiropractic Council (Registration) Rules Order of Council 1999, S.I. 1999/1856.

(100) S.I. 2000/704. Relevant amendments were made by S.I. 2005/2114.

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- (ii) after “married to” insert “, or the civil partner of”;
- (d) omit sub-paragraph (ia).

Social Security Contributions (Intermediaries) Regulations 2000

57. In regulation 2 of the Social Security Contributions (Intermediaries) Regulations 2000(**101**), for paragraphs (5) and (6) substitute—

“(5) For the purposes of these Regulations, two people living together as if they were a married couple or civil partners are treated as if they were married to, or civil partners of, each other.”.

Social Fund Winter Fuel Payment Regulations 2000

58. In regulation 1(2) of the Social Fund Winter Fuel Payment Regulations 2000(**102**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001

59. In regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(**103**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Registration of Social Care and Independent Health Care (Wales) Regulations 2002

60. In regulation 2(1) of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002(**104**), in the definition of “relative”, in the words after paragraph (c), for the words from “references to “spouse”” to the end substitute “and references to “spouse or civil partner” in relation to any person include a former spouse or civil partner and a person who is living with the person as if they were a married couple or civil partners”.

State Pension Credit Regulations 2002

61. In regulation 1(2) of the State Pension Credit Regulations 2002(**105**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Withholding and Withdrawal of Support (Travel Assistance and Temporary Accommodation) Regulations 2002

62. In regulation 2(3) of the Withholding and Withdrawal of Support (Travel Assistance and Temporary Accommodation) Regulations 2002(**106**), for the definition of “couple” substitute—

““couple” means two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

(101) S.I. 2000/727, amended by S.I. 2017/373.

(102) S.I. 2000/729. Relevant amendments were made by S.I. 2014/107 and 3229.

(103) S.I. 2001/1002. Relevant amendments were made by S.I. 2014/107 and 3229.

(104) S.I. 2002/919 (W. 107). Relevant amendments were made by S.I. 2005/3302 and 2014/107.

(105) S.I. 2002/1792, amended by S.I. 2014/107 and 3229.

(106) S.I. 2002/3078, amended by S.I. 2005/2114.

Tax Credits (Appeals) (No 2) Regulations 2002

63. In regulation 1(3) of the Tax Credits (Appeals) (No 2) Regulations 2002(**107**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners;”.

Child Benefit and Guardian’s Allowance (Administration) Regulations 2003

64.—(1) The Child Benefit and Guardian’s Allowance (Administration) Regulations 2003(**108**) are amended as follows.

(2) In regulation 2—

- (a) in the definition of “civil partnership”, omit “of the same sex”;
- (b) for the definition of “cohabiting same-sex couple” substitute—

““cohabiting couple” means two people who are not a married couple or in a civil partnership but are living together as if they were married or civil partners;”;
- (c) in the definition of “partner”, for “an unmarried couple” to the end substitute “a civil partnership or a cohabiting couple”;
- (d) omit the definition of “unmarried couple”.

(3) In regulation 34—

- (a) in paragraph (1), for “member of a married couple or an unmarried couple” substitute “person with a partner”;
- (b) in paragraph (2)—
 - (i) for “wife” substitute “woman”;
 - (ii) after “husband” insert “or male civil partner”.

Guardian’s Allowance (General) Regulations 2003

65. In regulation 5(a) of the Guardian’s Allowance (General) Regulations 2003(**109**), for “unmarried at the date of the birth” substitute “not married to, or civil partners of, each other at the date of the birth”.

Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003

66. In regulation 2(1) of the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003(**110**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners;”.

(107) S.I. 2002/3196, amended by S.I. 2005/2877.

(108) S.I. 2003/492, amended by S.I. 2003/495 and 2005/2919.

(109) S.I. 2003/495, amended by S.I. 2006/204.

(110) S.I. 2003/1886, amended by S.I. 2005/2877 and 2008/759.

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Service Charges (Consultation Requirements) (England) Regulations 2003

67. In regulation 2(1) of the Service Charges (Consultation Requirements) (England) Regulations 2003(**111**), for the definition of “cohabitee” substitute—

““cohabitee”, in relation to a person, means a person who is living with that person as if they were a married couple or civil partners;”.

Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003

68. In paragraph 3 of the Schedule to the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003(**112**), for the words from “references to the spouse” to the end substitute “references to the spouse or civil partner of a person are to be taken to include references to a person who is living with the other as if they were a married couple or civil partners”.

Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004

69.—(1) In regulation 8(4)(b)(ii) of the Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004(**113**), after “married couple” insert “or civil partners”.

(2) In the Welsh language text of those Regulations, in regulation 8(4)(b)(ii), after “gwpl priod” insert “neu bartneriaid sifil”.

Service Charges (Consultation Requirements) (Wales) Regulations 2004

70.—(1) In regulation 2(1) of the Service Charges (Consultation Requirements) (Wales) Regulations 2004(**114**), in the definition of “cohabitee”, at the end insert “or civil partners”.

(2) In the Welsh language text of those Regulations, in regulation 2(1), in the definition of “un sy’n cyd-fyw”, at the end insert “neu bartneriaid sifil”.

Adoption Agencies Regulations 2005

71. In Schedule 1 to the Adoption Agencies Regulations 2005(**115**), in Part 3—

(a) for paragraph 15 substitute—

“**15.** Whether the child’s parents were married to, or civil partners of, each other at the time of the child’s birth (or have subsequently married or formed a civil partnership) and if so, the date and place of marriage or civil partnership.

15A. Whether—

(a) if the child’s parents have been married as mentioned in paragraph 15, they are divorced or separated; or

(b) if the child’s parents have been civil partners as so mentioned, the partnership has been dissolved or they are separated.”;

(b) in paragraph 16, after “married” insert “or civil partners”.

(111) S.I. 2003/1987. Relevant amendments were made by S.I. 2006/5.

(112) S.I. 2003/3011, amended by S.I. 2005/2866.

(113) S.I. 2004/683 (W. 71), amended by S.I. 2005/3302 and 2014/107.

(114) S.I. 2004/684 (W. 72). Relevant amendments were made by S.I. 2005/3302 and 2014/107.

(115) S.I. 2005/389.

Pension Protection Fund (Compensation) Regulations 2005

72. In regulation 1(2) of the Pension Protection Fund (Compensation) Regulations 2005(116), in the definition of “relevant partner”, at the end insert “or civil partners”.

Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005

73. In regulation 2 of the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005(117), in the definition of “relative”, for “or marriage” substitute “, marriage, civil partnership,”.

Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005

74. In regulation 5A(4)(b)(i) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005(118), after “spouse,” insert “civil partner,”.

Special Guardianship Regulations 2005

75. In the Schedule to the Special Guardianship Regulations 2005(119), in paragraph 2—

- (a) in sub-paragraph (e)—
 - (i) after “married to” insert “, or civil partners of,”;
 - (ii) after “subsequently married” insert “or formed a civil partnership”;
 - (iii) omit “and whether they are divorced or separated”;
- (b) after sub-paragraph (e) insert—
 - “(ea) whether—
 - (i) if the child’s parents have been married as mentioned in sub-paragraph (e), they are divorced or separated; or
 - (ii) if the child’s parents have been civil partners as so mentioned, the partnership has been dissolved or they are separated;”;
- (c) in sub-paragraph (g), after “married” insert “or civil partners”.

Adoption Agencies (Wales) Regulations 2005

76.—(1) In Schedule 1 to the Adoption Agencies (Wales) Regulations 2005(120), in Part 3, for paragraph 15 substitute—

“15. Whether the child’s parents were married to, or civil partners of, each other at the time of the child’s birth (or have subsequently married or formed a civil partnership) and if so, the date and place of marriage or civil partnership.

15A. Whether—

- (a) if the child’s parents have been married as mentioned in paragraph 15, they are divorced or separated; or
- (b) if the child’s parents have been civil partners as so mentioned, the partnership has been dissolved or they are separated.”.

(116) S.I. 2005/670. Relevant amendments were made by S.I. 2005/2113, 2014/107 and 3229.

(117) S.I. 2005/888. Relevant amendments were made by S.I. 2009/1892.

(118) S.I. 2005/890, amended by S.I. 2014/2696.

(119) S.I. 2005/1109.

(120) S.I. 2005/1313 (W. 95).

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(2) In the Welsh language text of those Regulations, in Schedule 1, in Part 3, for paragraph 15 substitute—

“15. A oedd rhieni’r plentyn yn briod â’i gilydd, neu’n bartneriaid sifil i’w gilydd, adeg geni’r plentyn (neu a ydynt wedi priodi neu wedi ffurfio partneriaeth sifil ar ôl hynny) ac os felly, dyddiad a man y briodas neu’r bartneriaeth sifil.

15A. A yw —

- (a) rhieni’r plentyn wedi ysgaru neu wedi gwahanu, os ydynt wedi bod yn briod fel y crybwyllwyd ym mharagraff 15; neu
- (b) os yw rhieni’r plentyn wedi bod yn bartneriaid sifil fel y crybwyllwyd, a yw’r bartneriaeth wedi ei diddymu neu a ydynt wedi gwahanu.”

Special Guardianship (Wales) Regulations 2005

77.—(1) In the Schedule to the Special Guardianship (Wales) Regulations 2005(121), in paragraph 3—

(a) in sub-paragraph (ba)—

- (i) after “married to” insert “, or civil partners of,”;
- (ii) after “subsequently married” insert “or formed a civil partnership”;
- (iii) omit “and whether they have divorced or separated”;

(b) after sub-paragraph (ba) insert—

“(bb) whether—

- (i) if the child’s parents have been married as mentioned in sub-paragraph (ba), they are divorced or separated; or
- (ii) if the child’s parents have been civil partners as so mentioned, the partnership has been dissolved or they are separated;”;

(c) in sub-paragraph (d), after “married” insert “or civil partners”.

(2) In the Welsh language text of those Regulations, in the Schedule, in paragraph 3—

(a) in sub-paragraph (ba)—

- (i) after “â’i gilydd” insert “, neu’n bartneriaid sifil i’w gilydd,”;
- (ii) after “briodasant” insert “neu a ffurfiasant bartneriaeth sifil”;
- (iii) omit “ac a ydynt wedi ysgaru neu wedi gwahanu”;

(b) after sub-paragraph (ba) insert—

“(bb) a yw—

- (i) rhieni’r plentyn wedi ysgaru neu wedi gwahanu, os ydynt wedi bod yn briod fel y crybwyllwyd yn is-baragraff (ba); neu
- (ii) os yw rhieni’r plentyn wedi bod yn bartneriaid sifil fel y crybwyllwyd, a yw’r bartneriaeth wedi ei diddymu neu a ydynt wedi gwahanu;”;

(c) in sub-paragraph (ch), after “briod” insert “nac yn bartneriaid sifil”.

Financial Assistance Scheme Regulations 2005

78. In regulation 2(1) of the Financial Assistance Scheme Regulations 2005(122), in the definition of “partner”, at the end insert “or civil partners”.

Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005

79.—(1) In regulation 2 of the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005(123), in the definition of “birth relative”, for “or marriage” substitute “, marriage, civil partnership,”.

(2) In the Welsh language text of those Regulations, in regulation 2, in the definition of “perthynas geni”, for “neu drwy briodas” substitute “, priodas, partneriaeth sifil, neu yn rhinwedd adrannau 27 i 29 o Ddeddf Ffrwythloni ac Embryoleg Ddynol 1990 neu adrannau 33 i 47 o Ddeddf Ffrwythloni ac Embryoleg Ddynol 2008”.

Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005

80.—(1) In regulation 5A(4)(b)(i) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005(124), after “spouse,” insert “civil partner,”.

(2) In the Welsh language text of those Regulations, in regulation 5A(4)(b)(i), after “briod,” insert “partner sifil,”.

Social Fund Maternity and Funeral Expenses (General) Regulations 2005

81. In regulation 3(1) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005(125), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Housing Benefit Regulations 2006

82. In regulation 2(1) of the Housing Benefit Regulations 2006(126), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

83. In regulation 2(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(127), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Child Benefit (General) Regulations 2006

84.—(1) The Child Benefit (General) Regulations 2006(128) are amended as follows.

(2) In regulation 1—

(122) S.I. 2005/1986. Relevant amendments were made by S.I. 2014/107 and 3229.

(123) S.I. 2005/2689 (W. 189), amended by S.I. 2009/1982.

(124) S.I. 2005/2701 (W.190), amended by S.I. 2015/1802.

(125) S.I. 2005/3061. Relevant amendments were made by S.I. 2013/247, 2014/107, 3229, 2017/271 and 2018/61.

(126) S.I. 2006/213. Relevant amendments were made by S.I. 2014/107, 3229 and 2017/213.

(127) S.I. 2006/214. Relevant amendments were made by S.I. 2014/107, 3229 and 2017/213.

(128) S.I. 2006/223. Relevant amendments were made by S.I. 2014/1231 and 2018/788.

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(a) in paragraph (3)—

(i) in the definition of “civil partnership”, omit “of the same sex”;

(ii) omit the definition of “cohabiting same-sex couple”;

(iii) in the definition of “couple”, for paragraphs (a) and (b) substitute—

“(a) who are spouses residing together, or civil partners in a civil partnership; or

(b) who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

(b) omit paragraph (4).

(3) In regulation 12(1), for paragraphs (a) and (b) substitute “as if they were a married couple or civil partners.”.

Selective Licensing of Houses (Specified Exemptions) (England) Order 2006

85. In article 2(2)(b) of the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006(**129**), for the words from “each other” to the end substitute “, or civil partners of, each other or live together as if they were a married couple or civil partners”.

Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006

86. In regulation 1(2) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006(**130**), in the definition of “relevant partner”, at the end insert “or civil partners”.

Selective Licensing of Houses (Specified Exemptions) (Wales) Order 2006

87.—(1) In article 2(2)(b) of the Selective Licensing of Houses (Specified Exemptions) (Wales) Order 2006(**131**), at the end insert “or civil partners”.

(2) In the Welsh language text of those Regulations, in article 2(2)(b), at the end insert “neu bartneriaid sifil”.

Integration Loans for Refugees and Others Regulations 2007

88. In regulation 11(1) of the Integration Loans for Refugees and Others Regulations 2007(**132**), for sub-paragraphs (a) to (d) substitute—

“(a) they are married to, or civil partners of, each other and are members of the same household;

(b) they are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

Digital Switchover (Disclosure of Information) Act 2007 (Prescription of Information) Order 2007

89. In article 3(4) of the Digital Switchover (Disclosure of Information) Act 2007 (Prescription of Information) Order 2007(**133**), for the definition of “couple” substitute—

““couple” means two people who—

(129) S.I. 2006/370.

(130) S.I. 2006/580. Relevant amendments were made by S.I. 2014/107 and 3229.

(131) S.I. 2006/2824 (W. 247), amended by S.I. 2014/107.

(132) S.I. 2007/1598.

(133) S.I. 2007/1768, amended by S.I. 2008/2557, 2010/1881 and 2011/677.

- (a) are married to, or civil partners of, each other and normally live at the same address; or
- (b) are not married to, or civil partners of, each other but normally live together at the same address as if they were a married couple or civil partners;”.

Employment and Support Allowance Regulations 2008

90. In regulation 2(1) of the Employment and Support Allowance Regulations 2008(**134**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Care Standards Act 2000 (Registration) (England) Regulations 2010

91. In regulation 2(1) of the Care Standards Act 2000 (Registration) (England) Regulations 2010(**135**), in the definition of “relative”, in the words after paragraph (c), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

Child Minding and Day Care (Wales) Regulations 2010

92.—(1) In paragraph 21 of Schedule 2 to the Child Minding and Day Care (Wales) Regulations 2010(**136**), in paragraph (d) of the definition of “relative”, for the words from “references to “spouse”” to the end substitute “references to a “spouse or civil partner” in relation to any person include a former spouse or civil partner and a person who is living with the person as if they were a married couple or civil partners”.

(2) In the Welsh language text of those Regulations, in Schedule 2, in paragraph 21, in paragraph (d) of the definition of “perthynas”, for the words from “cyfeiriadau at “priod”” to the end substitute “cyfeiriadau at “priod neu bartner sifil” mewn perthynas ag unrhyw berson yn cynnwys cyn briod neu bartner sifil a pherson sy’n byw gyda’r person fel pe baent yn bâr priod neu’n bartneriaid sifil”.

Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc) Regulations 2011

93. In regulation 1(2) of the Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc) Regulations 2011(**137**), in the definition of “relevant partner”, for the words from “of either sex” to the end substitute “who was not married to, or in a civil partnership with, the transferee but who was living with the transferee as if they were a married couple or civil partners”.

Warm Home Discount Regulations 2011

94. In regulation 2(1) of the Warm Home Discount Regulations 2011(**138**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

(134) S.I. 2008/794, amended by S.I. 2008/3157, 2011/674, 2012/757, 2014/107 and 3229.

(135) S.I. 2010/2130. Relevant amendments were made by S.I. 2007/603 and 2013/1394.

(136) S.I. 2010/2574 (W. 233), amended by S.I. 2014/107.

(137) S.I. 2011/731.

(138) S.I. 2011/1033, amended by S.I. 2016/806.

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Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011

95. In regulation 2(1) of the Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011(**139**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012

96. In the Schedule to the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012(**140**), in paragraph 4–

(a) in paragraph (1), for sub-paragraphs (a) to (d) substitute–

“(a) two people who are married to, or civil partners of, each other and who are members of the same household; or

(b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”;

(b) omit paragraph (2).

Jobseeker’s Allowance Regulations 2013

97. In regulation 3 of the Jobseeker’s Allowance Regulations 2013(**141**), omit paragraph (4).

Employment and Support Allowance Regulations 2013

98. In regulation 2 of the Employment and Support Allowance Regulations 2013(**142**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Council Tax (Reductions for Annexes) (England) Regulations 2013

99. In regulation 3(3)(b)(iii) of the Council Tax (Reductions for Annexes) (England) Regulations 2013(**143**), for sub-paragraph (bb) substitute—

“(bb) a relationship between two persons living together as if they were a married couple or civil partners shall be treated as a relationship by marriage or civil partnership;”.

State Pension Regulations 2015

100. In regulation 35(8) of the State Pension Regulations 2015(**144**), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Occupational Pension Schemes (Schemes that were Contracted-out) (No. 2) Regulations 2015

101. In each of the following provisions of the Occupational Pension Schemes (Schemes that were Contracted-out) (No. 2) Regulations 2015(**145**), for “as a married couple” substitute “as if they were a married couple or civil partners”—

(a) regulation 22(4)(b) and (c) and (4A)(b);

(139) S.I. 2011/1830. Relevant amendments were made by S.I. 2016/806.

(140) S.I. 2012/2886.

(141) S.I. 2013/378.

(142) S.I. 2013/379. Relevant amendments were made by S.I. 2014/107 and 3229.

(143) S.I. 2013/2977.

(144) S.I. 2015/173. Relevant amendments were made by S.I. 2015/173, 2016/199 and 40.

(145) S.I. 2015/1677. Relevant amendments were made by S.I. 2016/199 and 2017/354.

(b) regulation 27A(3)(b)(i).

Council Tax (Exceptions to Higher Amounts) (Wales) Regulations 2015

102.—(1) In regulation 2 of the Council Tax (Exceptions to Higher Amounts) (Wales) Regulations 2015(**146**), for the words from “references to the spouse” to the end substitute “references to the spouse or civil partner of a person include references to a person who is living with the other as if they were a married couple or civil partners”.

(2) In the Welsh language text of those Regulations, in regulation 2, for the words from “mae cyfeiriadau at briod” to the end substitute “mae cyfeiriadau at briod neu bartner sifil person yn cynnwys cyfeiriadau at berson sy’n byw gyda’r llall fel pe baent yn briod neu’n bartneriaid sifil”.

Residential Property Tribunal Procedures and Fees (Wales) Regulations 2016

103.—(1) In regulation 50(5)(b) of the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2016(**147**), at the end insert “or civil partners”.

(2) In the Welsh language text of those Regulations, in regulations 50(5)(b), at the end insert “neu bartneriaid sifil”.

Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

104. In article 2(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017(**148**)—

- (a) in sub-paragraph (b), for “as husband and wife or as if they were” substitute “as if they were a married couple or”;
- (b) in sub-paragraph (g), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

Electricity and Gas (Energy Company Obligation) Order 2018

105. In paragraph 5 of Schedule 2 to the Electricity and Gas (Energy Company Obligation) Order 2018(**149**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

PART 3

Pension schemes

Personal Injuries (Civilians) Scheme 1983

106.—(1) The Personal Injuries (Civilians) Scheme 1983(**150**) is amended as follows.

(2) In article 2(**151**)—

- (a) in paragraph (8)—

(146) S.I. 2015/2068 (W. 311).

(147) S.I. 2016/1110 (W. 267).

(148) S.I. 2017/68.

(149) S.I. 2018/1183.

(150) S.I. 1983/686; amended by S.I. 2005/3031 and 2019/420. There are other amending instruments not relevant to this instrument.

(151) Article 2(8) and (9) was substituted by S.I. 2005/3031. There are other amendments to article 2 not relevant to this instrument.

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- (i) in the words before paragraph (a), after “living as a” insert “spouse or”;
 - (ii) in paragraph (a), omit “of the same sex”;
 - (iii) in paragraph (b), omit “of the same sex”;
 - (iv) in the words after paragraph (b), after “lived as a” insert “spouse or”;
- (b) omit paragraph (9).
- (3) In article 30(**152**)—
- (a) in the heading, for “and dependants who lived as” substitute “or”;
 - (b) in paragraph (1), omit “a dependant who lived as a”, in the second place it occurs;
 - (c) in paragraph (2)—
 - (i) omit “a dependant who lived as a”, in the second place it occurs;
 - (ii) omit “the dependant who lived as a”, in the second place it occurs;
 - (d) in paragraph (3), omit “the dependant who lived as a”, in the second place it occurs.
- (4) In article 31(**153**)—
- (a) in the heading, for “, dependants who lived as spouses and dependants who lived as” substitute “and dependants who lived as spouses or”;
 - (b) in paragraph (1), for “, dependant who lived as his spouse or dependant who lived as his” substitute “or dependant who lived as his spouse or”;
 - (c) in paragraph (4), for “, dependant who lived as the spouse or dependant who lived as the” substitute “or dependant who lived as the spouse or”.
- (5) In article 54(1B)(g)(**154**), for “, dependants who lived as spouses and dependants who lived as” substitute “and dependants who lived as spouses or”.
- (6) In article 71(**155**)—
- (a) in paragraph (1), for “, lives with another person as the spouse of that person or lives with another person as a” substitute “or lives with another person as the spouse or”;
 - (b) in paragraph (1A)(a), for “, lived with another person as the spouse of that person or lived with another person as the” substitute “or lived with another person as the spouse or”;
 - (c) in paragraph (1B), for “, begins to live with another person as the spouse of that person or begins to live with another person as the” substitute “or begins to live with another person as the spouse or”.
- (7) In article 77(1)(b)(ii)(**156**), omit “dependant who lived as a”, in the second place it occurs.
- (8) In Schedule 4(**157**), in the fourth entry in the table, in the first column, for “and dependants who lived as” substitute “or”.

National Health Service Pension Scheme Regulations 1995

107.—(1) The National Health Service Pension Scheme Regulations 1995(**158**) are amended as follows.

(152) Article 30 was amended by [S.I. 2005/3031](#).

(153) Article 31 was amended by [S.I. 2005/3031](#). There are other amendments to article 31 not relevant to this instrument.

(154) Article 54(1B) was inserted by [S.I. 1986/628](#), and sub-paragraph (g) was amended by [S.I. 2005/3031](#). There are other amendments to article 54 not relevant to this instrument.

(155) In article 71, paragraph (1) was substituted by [S.I. 1984/1289](#), and amended by [S.I. 2005/655](#) and [2005/3031](#); paragraph (1A) was inserted by [S.I. 1997/812](#) and amended by [S.I. 2005/3031](#); and paragraph (1B) was inserted by [S.I. 2005/655](#), and amended by [S.I. 2005/3031](#). There are other amendments to article 71 not relevant to this instrument.

(156) Article 77(1)(b) was amended by [S.I. 2005/3031](#).

(157) The table in Schedule 4 was substituted by [S.I. 2019/420](#).

(158) [S.I. 1995/300](#).

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(2) In regulation A2(**159**), in the definition of “marriage”, at the end insert “, and are to be construed in accordance with regulation A4”.

(3) In regulation A4(**160**)—

(a) for the heading substitute “Treatment of same sex marriages and opposite sex civil partnerships”;

(b) after paragraph (5) insert—

“(5A) Where a female member is in a civil partnership with a man, for the purposes of these Regulations—

(a) the civil partnership is to be treated as a marriage;

(b) the man is accordingly to be treated as the husband (or, if the member is deceased, widower) of the member; and

(c) any related reference, however expressed, to marriage or civil partnership, or the parties to either, is to be read accordingly.”.

Armed Forces Pension Scheme Order 2005

108. In rule E.2(3)(b)(ii) of Schedule 1 to the Armed Forces Pension Scheme Order 2005(**161**), after “civil partnership, or” insert “prior to the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force”.

Reserve Forces Pension Scheme Regulations 2005

109. In rule E.2(3)(b)(ii) of Schedule 1 to the Reserve Forces Pension Scheme Regulations 2005(**162**), after “civil partnership, or” insert “prior to the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force”.

Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006

110.—(1) The Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006(**163**) is amended as follows.

(2) In article 2(2), for “, dependant who lived as a spouse or dependant who lived as a” substitute “or dependant who lived as a spouse or”.

(3) In article 12(6)(a)(**164**), in the words before paragraph (i), for “, dependant living as a spouse or dependant living as a” substitute “or dependant living as a spouse or”.

(4) In article 24—

(a) in the heading, for “and dependants who lived as” substitute “or”;

(b) in paragraph (1), omit “a dependant who lived as a”, in the second place it occurs.

(5) In article 25—

(**159**) Regulation A2 was amended by [S.I. 2014/78](#). There are other amendments not relevant to this instrument.

(**160**) Regulation A4 was inserted by [S.I. 2014/78](#), and amended by [S.I. 2014/3061](#). There are other amendments not relevant to this instrument.

(**161**) [S.I. 2005/438](#). Rule E.2(3)(b), in relation to England and Wales, was substituted by [S.I. 2014/107](#). There are other amendments to this Order not relevant to this instrument.

(**162**) Regulations of the Defence Council, 4th April 2005. These Regulations, and certain further regulations amending them, are not statutory instruments. They are available at <https://www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations>. Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB. Rule E.2(3)(b), in relation to England and Wales, was substituted by [S.I. 2014/107](#). There are other amendments not relevant to this instrument.

(**163**) [S.I. 2006/606](#), amended by [S.I. 2012/359](#), [2014/107](#), [2014/3229](#) and [2019/186](#). There are other amending instruments not relevant to this instrument.

(**164**) Article 12(6)(a) was amended by [S.I. 2012/359](#). There are other amendments to article 12 not relevant to this instrument.

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- (a) in the heading, for “, dependants who lived as spouses and dependants who lived as”; substitute “and dependants who lived as spouses or”;
 - (b) in paragraph (1), in the words before paragraph (a), omit “a dependant who lived as a”, in the second place it occurs.
- (6) In article 27(1)(**165**), in the words after paragraph (c), omit “dependant who lived as a”.
- (7) In article 33(**166**)—
- (a) in paragraph (1), for the words from “marries” to the end substitute “marries or forms a civil partnership with another person, or lives with another person as the spouse or civil partner of that person, before the 1st April 2015.”;
 - (b) in paragraph (3), for the words from “marries” to the end substitute “marries or forms a civil partnership with another person, or begins to live with another person as the spouse or civil partner of that person, on or after the 6th April 2005.”.
- (8) In article 34(2)(**167**)—
- (a) in sub-paragraph (l), omit “a dependant who lived as a”, in the second place it occurs;
 - (b) in sub-paragraph (m), for “, dependant who lived as a spouse or dependant who lived as a” substitute “or dependant who lived as a spouse or”.
- (9) In article 35(9)(b)(**168**), omit “a dependant living as a”, in the second place it occurs.
- (10) In article 68(5)(b)(ii)(**169**), omit “dependant who lived as a”, in the second place it occurs.
- (11) In Part 4 of Schedule 1(**170**), in the fifth item in the table, in the first column, in paragraph (b) (i), for “, dependant living as a spouse or dependant living as a” substitute “or dependant living as a”.
- (12) In Part 3 of Schedule 2(**171**), in the first entry in the table, in the first column, omit “dependant who lived as a”, in the second place it occurs.
- (13) In Schedule 6(**172**)—
- (a) omit item 25;
 - (b) in item 26, in the second column, after “living as a” insert “spouse or ”;
 - (c) also in item 26, in the third column—
 - (i) omit “of the same sex”;
 - (ii) after “lived as a” insert “spouse or”;
 - (d) in item 30, in the third column, for “, dependant living as a”, in the second place it occurs, substitute “or”.

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

111.—(1) The Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(**173**) is amended as follows.

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- (**165**) There are amendments to article 27, but none relevant to this instrument.
- (**166**) Article 33(1) was amended by [S.I. 2015/208](#). There are other amendments to article 33 not relevant to this instrument.
- (**167**) There are amendments to article 34, but none relevant to this instrument.
- (**168**) There are amendments to article 35, but none relevant to this instrument.
- (**169**) There are amendments to article 68, but none relevant to this instrument.
- (**170**) The table in Part 4 was substituted by [S.I. 2019/186](#).
- (**171**) The table in Part 3 was substituted by [S.I. 2019/186](#).
- (**172**) Items 25 and 26 were amended, in relation to England and Wales, by [S.I. 2014/107](#), and in relation to Scotland, by [SI 2014/3229](#). There are other amendments to Schedule 6 not relevant to this instrument.
- (**173**) Order in Council of 10th February 2010; amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010, [S.I. 2014/107](#), the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015, and the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018. There are other amending

(2) In Schedule 1(**174**) (which sets out the Armed Forces Pension Scheme 1975 as it applies to the Navy and the Marines)—

(a) in rule E.1(**175**)—

(i) in paragraph (3)(c), for paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex);

(iia) was a woman and leaves a surviving civil partner who is a woman; or”;

(ii) in paragraph (5), for sub-paragraph (c) substitute—

“(c) the member was a woman and—

(i) was married to a man whom she leaves a widower; or

(ii) leaves a surviving civil partner who is a man.”;

(b) in rule E.9(3)(**176**), after “married couple” insert “or civil partners”.

(3) In Schedule 2 (which sets out the Naval and Marines Attributable Benefits Scheme)—

(a) in rule C.2(**177**)—

(i) in paragraph (a), for sub-paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex);

(iia) was a woman and leaves a surviving civil partner who is a woman; or”;

(ii) in paragraph (b), for paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex), where the civil partnership was formed after discharge;

(iia) was a woman and leaves a surviving civil partner who is a woman, where the civil partnership was formed after discharge; or”;

(iii) in paragraph (c), for the words from “married to” to the end (but not the final “or”) substitute—

“—

(i) married to a man whom she leaves a widower; or

(ii) who leaves a surviving civil partner who is a man;”;

(b) in rule C.3(**178**)—

(i) in paragraph (a), at the end insert “or”;

(ii) for paragraphs (b) and (c) (including the final “and”) substitute—

“(b) the person and the deceased were living together as if they were a married couple or civil partners and were not—

(i) prevented from marrying (or, prior to 13th March 2014 (which is the date on which section 1 of the Marriage (Same Sex Couples)

instruments not relevant to this instrument. This Order, and certain further orders amending it, are not statutory instruments. They are available at <https://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.

(**174**) Schedule 1 was substituted by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010.

(**175**) Paragraphs (3)(c) and (5)(c) of rule E.1 were substituted by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018.

(**176**) Rule E.9 was substituted by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015.

(**177**) Rule C.2 was substituted by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018.

(**178**) Rule C.3 was amended, in relation to England and Wales, by [S.I. 2014/107](#).

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- Act 2013 came fully into force), would not have been prevented from doing so apart from both being of the same sex), or
- (ii) prevented from forming a civil partnership (or, prior to the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force, would not have been prevented from doing so apart from both being of the opposite sex), and”.

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

112.—(1) The Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010(**179**) is amended as follows.

(2) In Schedule 1(**180**) (which sets out the Armed Forces Pension Scheme 1975 as it applies to the Army)—

(a) in rule E.1(**181**)—

(i) in paragraph (3)(c), for paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex);

(iia) was a woman and leaves a surviving civil partner who is a woman; or”;

(ii) in paragraph (5), for sub-paragraph (c) substitute—

“(c) the member was a woman and—

(i) was married to a man whom she leaves a widower; or

(ii) leaves a surviving civil partner who is a man.”;

(b) in rule E.9(3)(**182**), after “married couple” insert “or civil partners”.

(3) In Schedule 2 (which sets out the Army Attributable Benefits Scheme)—

(a) in rule C.2(**183**)—

(i) in paragraph (a), for sub-paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex);

(iia) was a woman and leaves a surviving civil partner who is a woman; or”;

(ii) in paragraph (b), for paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex), where the civil partnership was formed after discharge;

(iia) was a woman and leaves a surviving civil partner who is a woman, where the civil partnership was formed after discharge; or”;

(179) Royal Warrant of 10th February 2010; amended by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2010, *S.I. 2014/107*, the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2015, and the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2018. There are other amending instruments not relevant to this instrument. This Warrant, and certain further warrants amending it, are not statutory instruments. They are available at <https://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.

(180) Schedule 1 was substituted by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2010.

(181) Paragraphs (3)(c) and (5)(c) of rule E.1 were substituted by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2018. There are other amendments to rule E.1 not relevant to this instrument.

(182) Rule E.9 was substituted by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2015.

(183) Rule C.2 was substituted by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2018.

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- (iii) in paragraph (c), for the words from “married to” to the end (but not the final “or”) substitute—
 - “—
 - (i) married to a man whom she leaves a widower; or
 - (ii) who leaves a surviving civil partner who is a man;”;
- (b) in rule C.3(**184**)—
 - (i) in paragraph (a), at the end insert “or”;
 - (ii) for paragraphs (b) and (c) (including the final “and”) substitute—
 - “(b) the person and the deceased were living together as if they were a married couple or civil partners and were not—
 - (i) prevented from marrying (or, prior to 13th March 2014 (which is the date on which section 1 of the Marriage (Same Sex Couples) Act 2013 came fully into force), would not have been prevented from doing so apart from both being of the same sex), or
 - (ii) prevented from forming a civil partnership (or, prior to the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force, would not have been prevented from doing so apart from both being of the opposite sex), and”.

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

113.—(1) The Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(**185**) is amended as follows.

(2) In Schedule 1(**186**) (which sets out the Armed Forces Pension Scheme 1975 as it applies to the Air Force)—

- (a) in rule E.1(**187**)—
 - (i) in paragraph (3)(c), for paragraph (ii) (including the “or”) substitute—
 - “(ii) was a man and leaves a surviving civil partner (of either sex);
 - (iia) was a woman and leaves a surviving civil partner who is a woman; or”;
 - (ii) in paragraph (5), for sub-paragraph (c) substitute—
 - “(c) the member was a woman and—
 - (i) was married to a man whom she leaves a widower; or
 - (ii) leaves a surviving civil partner who is a man.”;

(**184**) Rule C.3, in relation to England and Wales, was amended by [S.I. 2014/107](#).

(**185**) Order by Her Majesty of 10th February 2010; amended by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010, [S.I. 2014/107](#), the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015, and the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018. There are other amending instruments not relevant to this instrument. This Order, and certain further orders amending it, are not statutory instruments. They are available at <https://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.

(**186**) Schedule 1 was substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010.

(**187**) Paragraphs (3)(c) and (5)(c) of rule E.1 were substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018. There are other amendments to rule E.1 that are not relevant to this instrument.

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- (b) in rule E.9(3)(**188**), after “married couple” insert “or civil partners”.
- (3) In Schedule 2 (which sets out the Air Force Attributable Benefits Scheme)—
- (a) in rule C.2(**189**)—
- (i) in paragraph (a), for sub-paragraph (ii) (including the “or”) substitute—
- “(ii) was a man and leaves a surviving civil partner (of either sex);
- (iia) was a woman and leaves a surviving civil partner who is a woman; or”;
- (ii) in paragraph (b), for paragraph (ii) (including the “or”) substitute—
- “(ii) was a man and leaves a surviving civil partner (of either sex), where the civil partnership was formed after discharge;
- (iia) was a woman and leaves a surviving civil partner who is a woman, where the civil partnership was formed after discharge; or”;
- (iii) in paragraph (c), for the words from “married to” to the end (but not the final “or”) substitute—
- “—
- (i) married to a man whom she leaves a widower; or
- (ii) who leaves a surviving civil partner who is a man;”;
- (b) in rule C.3(**190**)—
- (i) in paragraph (a), at the end insert “or”;
- (ii) for paragraphs (b) and (c) (including the final “and”) substitute—
- “(b) the person and the deceased were living together as if they were a married couple or civil partners and were not—
- (i) prevented from marrying (or, prior to 13th March 2014 (which is the date on which section 1 of the Marriage (Same Sex Couples) Act 2013 came fully into force), would not have been prevented from doing so apart from both being of the same sex), or
- (ii) prevented from forming a civil partnership (or, prior the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force, would not have been prevented from doing so apart from both being of the opposite sex), and”.

Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No 2) Order 2010

114. In article 23(c)(ii) of the Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No 2) Order 2010(**191**), after “civil partnership, or” insert “prior the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force”.

Teachers’ Pensions Regulations 2010

115.—(1) The Teachers’ Pensions Regulations 2010(**192**) are amended as follows.

(**188**) Rule E.9 was substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015.

(**189**) Rule C.2 was substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018.

(**190**) Rule C.3 was amended, in relation to England and Wales, by [S.I. 2014/107](#).

(**191**) [S.I. 2010/832](#). Article 23(c) was substituted, in relation to England and Wales, by [S.I. 2014/107](#). There are other amendments to this Order not relevant to this instrument.

(**192**) [S.I. 2010/990](#); amended by [S.I. 2019/1134](#). There are other amending instruments but none is relevant to this instrument.

- (2) In Schedule 5, in paragraph 3(**193**)—
- (a) in sub-paragraph (a)(ii), after “a woman with a” insert “female”;
 - (b) in sub-paragraph (b), after “male spouse” insert “or a male civil partner”.
- (3) In Schedule 8(**194**)—
- (a) in paragraph 1—
 - (i) for the heading substitute “Pensions for surviving adults: general”;
 - (ii) in sub-paragraph (1), for paragraph (b) substitute—
 - “(b) where D is a man, D’s surviving civil partner (of either sex);
 - (ba) where D and her surviving civil partner are both women, that partner;”;
 - (iii) in sub-paragraph (2)(h), after sub-paragraph (i) insert—
 - “(ia) D was a man in a civil partnership, in a case where D’s surviving adult is a surviving civil partner who is a man;
 - (ib) D was a man or woman in a civil partnership, in a case where D’s surviving adult is a surviving civil partner who is a woman;”;
 - (b) in paragraph 2—
 - (i) for the heading substitute “Pensions for widowers other than widowers with pre-1988 rights, and surviving male civil partners, of female members”;
 - (ii) in sub-paragraph (1), for “a widower other than a widower with pre-1988 rights.” substitute—
 - “__
 - (a) a widower other than a widower with pre-1988 rights, or
 - (b) a surviving civil partner who is a man.”;
 - (iii) in sub-paragraph (2)(f), for “D was a married woman.” substitute—
 - “__
 - (i) D was a married woman, in a case where D’s surviving adult is a widower other than a widower with pre-1988 rights, or
 - (ii) D was a woman in a civil partnership, in a case where D’s surviving adult is a surviving civil partner who is a man.”.
- (4) In Schedule 9(**195**)—
- (a) in paragraph 1—
 - (i) in the heading, after “Pensions for” insert “certain”;
 - (ii) in sub-paragraph (1)(a), after “(b),” insert “(ba),”;
 - (iii) in sub-paragraph (4)(a), for the words from “pensions” to “pre-1988 rights” substitute “pensions for surviving adults: general”;
 - (b) in paragraph 2—
 - (i) in the heading, after “Pensions for” insert “certain”;
 - (ii) in sub-paragraph (1)(a), after “(b),” insert “(ba),”;
 - (c) in paragraph 3—

(193) Paragraph 3 of Schedule 5 was substituted by [S.I. 2019/1194](#). There are other amendments to the Schedule not relevant to this instrument.

(194) Schedule 8 was amended by [S.I. 2019/1194](#).

(195) Paragraphs (1) to (3) of Schedule 9 were amended by [S.I. 2019/1194](#). There are other amendments to the Schedule not relevant to this instrument.

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- (i) in the heading, after “widowers”, in the first place it occurs, insert “or surviving male civil partners”;
- (ii) in sub-paragraph (1), for “a widower other than a widower with pre-1988 rights.” substitute—
 - “—
 - (a) a widower other than a widower with pre-1988 rights, or
 - (b) a surviving civil partner who is a man.”;
- (iii) in sub-paragraph (2)(a), for “of female members other than widowers with pre-1988 rights” substitute “other than widowers with pre-1988 rights, and surviving male civil partners, of female members”.

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

116.—(1) The Reserve Forces Non Regular Permanent Staff (Pension and Attributable Benefits Schemes) Regulations 2011(**196**) are amended as follows.

- (2) In Schedule 1, in rule D.3—
 - (a) in paragraph (4)(b)(**197**)—
 - (i) in paragraph (i), omit “or”;
 - (ii) after paragraph (i) insert—
 - “(ia) a man and leaves a surviving civil partner who is a woman”;
 - (iii) in paragraph (ii), at the end insert “; or”;
 - (iv) after paragraph (ii) insert—
 - “(iii) a woman in a relevant gender change case who leaves a surviving civil partner who is a woman.”.
 - (b) in paragraph (8)(b)(**198**), for “married to a woman and that marriage” substitute “married to, or in a civil partnership with, a woman and that marriage or civil partnership”.
- (3) Also in Schedule 1, in rule D.8(4)(**199**), for “married” substitute “a married couple or civil partners”.
- (4) In Schedule 2, in rule C.2(**200**)—
 - (a) in paragraph (4)(c)—
 - (i) for the words before paragraph (i) substitute “was married to, or the civil partner of, a woman and that civil partnership— ”;
 - (ii) in paragraph (i), after “took place” insert “, or was formed,”;
 - (b) in paragraph (4)(d), after “widow” insert “or surviving civil partner”;
 - (c) in paragraph (5)(c)—

(196) Regulations of the Defence Council, 15 July 2011. The Regulations are not a statutory instrument. They are available at <https://www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations>. Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB.

(197) Rule D.3(4)(b) was substituted, in relation to England and Wales, by [S.I. 2014/3061](#), and in relation to Scotland, by [S.I. 2014/3061](#).

(198) Rule D.3(8) was inserted, in relation to England and Wales, by [S.I. 2014/3061](#), and in relation to Scotland, by [S.I. 2014/3061](#).

(199) Rule D.8(4) was substituted, in relation to England and Wales, by [S.I. 2014/107](#), and in relation to Scotland, by [S.I. 2014/3229](#).

(200) Rule C.2(4) and (5) was substituted, in relation to England and Wales, by [S.I. 2014/3061](#), and in relation to Scotland, by [S.I. 2014/3061](#).

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- (i) in the words before paragraph (i), after “married” insert “, or formed a civil partnership with,”;
- (ii) in paragraph (ii), after “marriage” insert “or civil partnership”;
- (d) in paragraph (5)(d), after “widow” insert “or surviving civil partner”.