

## SCHEDULE 1

Article 2(1)

### Amendments of the Pension Schemes Act relating to contracted-out occupational and appropriate personal pension schemes, extending those provisions to surviving civil partners

1. The Pension Schemes Act is amended in accordance with paragraphs 2 to 24.

#### Commencement Information

**I1** Sch. 1 para. 1 in operation at 5.12.2005, see [art. 1\(3\)](#)

2. In section 4(2) (meaning of “contracted-out employment”, “guaranteed minimum pension” and “minimum payment”), in the definition of “guaranteed minimum pension”, for “widow’s or widower’s” there shall be substituted “widow’s, widower’s or surviving civil partner’s”.

#### Commencement Information

**I2** Sch. 1 para. 2 in operation at 5.12.2005, see [art. 1\(3\)](#)

3. In section 8A(1) and (2)(b)(1) (the statutory standard) for “widows or widowers” there shall be substituted “widows, widowers or surviving civil partners”.

#### Commencement Information

**I3** Sch. 1 para. 3 in operation at 5.12.2005, see [art. 1\(3\)](#)

4. In section 8B(4)(2) (reference scheme) for “widows or widowers”, in each place where it occurs, there shall be substituted “widows, widowers or surviving civil partners”.

#### Commencement Information

**I4** Sch. 1 para. 4 in operation at 5.12.2005, see [art. 1\(3\)](#)

5. In section 13 (minimum pensions for widows and widowers)—
- (a) in subsection (1) for “widow or widower”, in each place where it occurs, there shall be substituted “widow, widower or surviving civil partner”;
  - (b) in subsection (2), after paragraph (b) there shall be added the following paragraph—
    - “(c) if the earner is a person who has a guaranteed minimum under that section, the weekly rate of the surviving civil partner’s pension will not be less than the surviving civil partner’s guaranteed minimum.”;
  - (c) in subsection (4) after “widower’s” there shall be inserted “or surviving civil partner’s”;
  - (d) in subsection (4A)(3)—
    - (i) at the beginning there shall be inserted “Subject to subsection (4B)”;
    - (ii) for “widow or widower’s” there shall be substituted “widow’s, widower’s or surviving civil partner’s”;

(1) Section 8A was inserted by Article 133(5) of the Pensions (Northern Ireland) Order 1995

(2) Section 8B was inserted by Article 133(5) of the Pensions (Northern Ireland) Order 1995 and amended by regulation 2 of [S.R. 1997 No. 162](#)

(3) Subsection (4A) was inserted by paragraph 1 of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

**Changes to legislation:** There are currently no known outstanding effects for the The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order (Northern Ireland) 2005, SCHEDULE 1. (See end of Document for details)

- (iii) for “widow or widower”, in each place where it occurs (other than paragraph (c)(i) and (ii)), there shall be substituted “widow, widower or surviving civil partner”;
- (iv) for paragraph (c)(i) and (ii) there shall be substituted the following sub-paragraphs—
  - “(i) comprises a period during which the widow, widower or surviving civil partner and—
    - (a) a person of the opposite sex are living together as husband and wife, or
    - (b) a person of the same sex are living together as if they were civil partners, nor
  - (ii) falls after the time of any—
    - (a) marriage, or
    - (b) formation of a civil partnership,by the widow or widower or surviving civil partner which takes place after the earner’s death.”;
- (e) after subsection (4A), there shall be inserted the following subsection—
  - “(4B) Sub-paragraphs (i)(b) and (ii)(b) of subsection (4A)(c) do not apply where the earner dies before 5th December 2005.”;
- (f) in subsection (6)(4) for “widower’s pension to be payable to him” there shall be substituted “widower’s or surviving civil partner’s pension to be payable”;
- (g) in subsection (7)(5) for “widowers or widows” there shall be substituted “widows, widowers or surviving civil partners”, and
- (h) after subsection (8)(6) there shall be added the following subsection—
  - “(9) For the purposes of subsection (4A), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”.

**Commencement Information**

- I5** Sch. 1 para. 5 in operation at 10.11.2005 for specified purposes, see [art. 1\(2\)\(a\)](#)
- I6** Sch. 1 para. 5 in operation in so far as not already in operation at 5.12.2005, see [art. 1\(3\)](#)

6. In section 15(5)(a)(i) and (ii) (discharge of liability where guaranteed minimum pensions secured by insurance policies or annuity contracts) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

**Commencement Information**

- I7** Sch. 1 para. 6 in operation at 5.12.2005, see [art. 1\(3\)](#)

7. In section 16(6) (transfer of accrued rights) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

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(4) Subsection (6) was amended by paragraph 1(3) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(5) Subsection (7) was amended by paragraph 22 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 and by paragraph 42 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(6) Subsection (8) is added by Article 261(2) of the Pensions (Northern Ireland) Order 2005

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**Commencement Information**

**I8** Sch. 1 para. 7 in operation at 5.12.2005, see [art. 1\(3\)](#)

8. In section 17(2) (commutation, surrender and forfeiture) for “widow’s or widower’s” there shall be substituted “widow’s, widower’s or surviving civil partner’s”.

**Commencement Information**

**I9** Sch. 1 para. 8 in operation at 10.11.2005 for specified purposes, see [art. 1\(2\)\(a\)](#)

**I10** Sch. 1 para. 8 in operation in so far as not already in operation at 5.12.2005, see [art. 1\(3\)](#)

9. In section 19(3)(b) (securing of benefits)(7) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

**Commencement Information**

**I11** Sch. 1 para. 9 in operation at 5.12.2005, see [art. 1\(3\)](#)

<sup>F1</sup>10. ....

**F1** Sch. 1 paras. 10-12 revoked (with effect in accordance with s. 19(5) of the amending Act) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\)](#), [Sch. 6 Pt. 6](#) (as amended by [2015 c. 5 \(N.I.\)](#), [Sch. 13 para. 77](#))

<sup>F1</sup>11. ....

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<sup>F1</sup>12. ....

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13. In section 33(4)(8) (alteration of rules of contracted-out schemes) after “widower” there shall be inserted “or surviving civil partner”.

**Commencement Information**

**I12** Sch. 1 para. 13 in operation at 5.12.2005, see [art. 1\(3\)](#)

14. In section 34(2) (alteration of rules of appropriate schemes)—

(a) after “apply” there shall be inserted “(a)”, and

(b) after “prescribed description” there shall be inserted—

“; or

(7) See paragraph 24 of Schedule 3 to the Pensions (Northern Ireland) Order 1995

(8) Section 33 was substituted by paragraph 32 of Schedule 3 to the Pensions (Northern Ireland) Order 1995

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- (b) where the rules of the relevant scheme are altered to make provision for pensions for surviving civil partners”.

**Commencement Information**

**I13** Sch. 1 para. 14 in operation at 5.12.2005, see art. 1(3)

15. In section 43(9) (further provisions concerning entitlement to guaranteed minimum pensions for the purposes of section 42)—

- (a) in subsection (1) after “widower” there shall be inserted “or surviving civil partner”;
- (b) in subsection (3)—
- (i) for “widow or widower”, in each place where it occurs, there shall be substituted “widow, widower or surviving civil partner”, and
- (ii) for “widow’s or widower’s” there shall be substituted “widow’s, widower’s or surviving civil partner’s”.

**Commencement Information**

**I14** Sch. 1 para. 15 in operation at 5.12.2005, see art. 1(3)

16. In section 44(2)(c)(10) (reduced benefits where minimum payments or minimum contributions paid) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

**Commencement Information**

**I15** Sch. 1 para. 16 in operation at 5.12.2005, see art. 1(3)

17. In section 56(5)(11) (effect of payment of premium on rights) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

**Commencement Information**

**I16** Sch. 1 para. 17 in operation at 5.12.2005, see art. 1(3)

18. In section 83 (general protection principle)—
- (a) in subsection (2)(c) for “widow or widower, the widow’s or, as the case may be, the widower’s” there shall be substituted “widow, widower or surviving civil partner, the widow’s, widower’s or surviving civil partner’s (as the case may be)”;
- (b) in subsection (3) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”;

(9) Subsection (1) was amended by section 18 of the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) and by paragraph 55 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)); subsection (3) was amended by article 20 of the Financial Services and Markets Act 2000 (Consequential Amendments) Order 2002 (S.I. 2002/1555)

(10) Section 44 ceased to have effect for minimum payments or minimum contributions paid from 6th April 1997 in consequence of Article 137(3) of the Pensions (Northern Ireland) Order 1995; subsection (2)(c) was amended by Article 137(2) of the Pensions (Northern Ireland) Order 1995

(11) Subsection (5) was amended by paragraph 46(c) of Schedule 3 to the Pensions (Northern Ireland) Order 1995

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(c) in subsections (3)(a) and (4)(d) for “widow’s or widower's” there shall be substituted “widow's, widower’s or surviving civil partner's”.

**Commencement Information**

**I17** Sch. 1 para. 18 in operation at 5.12.2005, see **art. 1(3)**

19. In section 84(1)(b) (the relevant sum) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

**Commencement Information**

**I18** Sch. 1 para. 19 in operation at 5.12.2005, see **art. 1(3)**

20. In section 85(1)(a) and (b) and (2)(b) (the appropriate addition) for “widow’s or widower's” there shall be substituted “widow's, widower’s or surviving civil partner's”.

**Commencement Information**

**I19** Sch. 1 para. 20 in operation at 5.12.2005, see **art. 1(3)**

21. In section 86(2)(a) and (b) (the later earnings addition) for “widow’s or widower's” there shall be substituted “widow's, widower’s or surviving civil partner's”.

**Commencement Information**

**I20** Sch. 1 para. 21 in operation at 5.12.2005, see **art. 1(3)**

22. In section 105(1)(b) (annual increase of guaranteed minimum pensions) for “widows and widowers” there shall be substituted “widows, widowers and surviving civil partners”.

**Commencement Information**

**I21** Sch. 1 para. 22 in operation at 5.12.2005, see **art. 1(3)**

23. In section 106(1)(b)(12) (requirement as to resources for annual increase of guaranteed minimum pensions) for “widow or widower”, in each place where it occurs, there shall be substituted “widow, widower or surviving civil partner”.

**Commencement Information**

**I22** Sch. 1 para. 23 in operation at 5.12.2005, see **art. 1(3)**

24.—(1) In section 165(1)(c)(13) (determination of questions by Department) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

(12) Subsection (1) was amended by Article 53(4) of the Pensions (Northern Ireland) Order 1995

(13) Subsection (1)(c) was amended by article 21 of the Financial Services and Markets Act 2000 (Consequential Amendments) Order 2002. See Article 15(1) of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

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(2) The reference in sub-paragraph (1) to section 165 is a reference to that section as it has effect without the substitution made by paragraph 99 of Schedule 6 to the Social Security (Northern Ireland) Order 1998<sup>(14)</sup>.

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**Commencement Information**

**I23** Sch. 1 para. 24 in operation at 5.12.2005, see **art. 1(3)**

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<sup>(14)</sup> S.I. 1998/1506 (N.I. 10)

**Changes to legislation:**

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