

SCHEDULES

SCHEDULE 24

SOCIAL SECURITY, CHILD SUPPORT AND TAX CREDITS

PART 3

AMENDMENTS OF THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 (C. 4)

- 13 In section 20 (descriptions of contributory benefits), in subsection (1)(f)(ii), after “spouse” insert “or civil partner”.
- 14 In section 30A (incapacity benefit: entitlement), in subsection (2)(b)(ii), after “spouse” insert “or deceased civil partner”.
- 15 In section 30B (incapacity benefit: rate), in subsection (3)(a), after “people” insert “or civil partners”.
- 16 (1) Amend section 36 (bereavement payment) as follows.
- (2) In subsection (1), after “spouse” (in each place) insert “or civil partner”.
- (3) For subsection (2) substitute—
- “(2) A bereavement payment shall not be payable to a person if—
- (a) that person and a person of the opposite sex to whom that person was not married were living together as husband and wife at the time of the spouse’s or civil partner’s death, or
- (b) that person and a person of the same sex who was not his or her civil partner were living together as if they were civil partners at the time of the spouse’s or civil partner’s death.”
- 17 In section 36A (cases in which sections 37 to 41 apply), in subsection (2), after “spouse” insert “or civil partner”.
- 18 (1) Amend section 37 (widowed mother’s allowance) as follows.
- (2) In subsection (3), after “remarries” insert “or forms a civil partnership”.
- (3) After subsection (4)(b) insert “or
- (c) for any period during which she and a woman who is not her civil partner are living together as if they were civil partners.”
- 19 (1) Amend section 38 (widow’s pension) as follows.
- (2) In subsection (2), after “remarries” insert “or forms a civil partnership”.
- (3) After subsection (3)(c) insert “or
- (d) for any period during which she and a woman who is not her civil partner are living together as if they were civil partners.”

Status: This is the original version (as it was originally enacted).

- 20 (1) Amend section 39A (widowed parent's allowance) as follows.
- (2) After "spouse" (in each place other than subsections (2)(b) and (4)), insert "or civil partner".
- (3) After "spouse's" (in each place) insert "or civil partner's".
- (4) In subsection (2), after paragraph (b) insert "or
- (c) the surviving civil partner is a woman who—
- (i) was residing together with the deceased civil partner immediately before the time of the death, and
- (ii) is pregnant as the result of being artificially inseminated before that time with the semen of some person, or as a result of the placing in her before that time of an embryo, of an egg in the process of fertilisation, or of sperm and eggs."
- (5) In subsection (4), after "remarries" insert "or forms a civil partnership".
- (6) After subsection (4) insert—
- “(4A) The surviving civil partner shall not be entitled to the allowance for any period after she or he forms a subsequent civil partnership or marries, but, subject to that, the surviving civil partner shall continue to be entitled to it for any period throughout which she or he—
- (a) satisfies the requirements of subsection (2)(a) or (b) above; and
- (b) is under pensionable age.”
- (7) After subsection (5)(b) insert “or
- (c) for any period during which the surviving spouse or civil partner and a person of the same sex who is not his or her civil partner are living together as if they were civil partners.”
- 21 (1) Amend section 39B (bereavement allowance where no dependent children) as follows.
- (2) After "spouse" (in each place) other than subsection (4), insert "or civil partner".
- (3) After "spouse's" (in each place) insert "or civil partner's".
- (4) In subsection (4), after "remarries" insert "or forms a civil partnership".
- (5) After subsection (4) insert—
- “(4A) The surviving civil partner shall not be entitled to the allowance for any period after she or he forms a subsequent civil partnership or marries, but, subject to that, the surviving civil partner shall continue to be entitled to it until—
- (a) she or he attains pensionable age, or
- (b) the period of 52 weeks mentioned in subsection (3) above expires, whichever happens first.”
- (6) After subsection (5)(b) insert “or
- (c) for any period during which the surviving spouse or civil partner and a person of the same sex who is not his or her civil partner are living together as if they were civil partners.”

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- 22 In section 39C (rate of widowed parent's allowance and bereavement allowance)—
- (a) after “spouse” (in each place) insert “or civil partner”, and
 - (b) in subsection (5), after “spouse's” insert “or civil partner's”.
- 23 In section 46 (modifications of section 45 for calculating the additional pension in certain benefits)—
- (a) after “under pensionable age”, in subsection (2), insert “or by virtue of section 39C(1) above or section 48A(4), 48B(2) or 48BB(5) below in a case where the deceased civil partner died under pensionable age”,
 - (b) after “spouse”, in paragraph (b)(i) of the definition of “N” in subsection (2), insert “or civil partner”, and
 - (c) after “spouse” (in each place) in subsection (3), insert “or civil partner”.
- 24 (1) Amend section 48 (use of former spouse's contributions) as follows.
- (2) In subsection (1)—
- (a) for “married” substitute “in a relevant relationship”,
 - (b) for “marriage” substitute “relationship”, and
 - (c) after “spouse” insert “or civil partner”.
- (3) In subsection (2), for “marriage” substitute “relevant relationship”.
- (4) For subsection (3) substitute—
- “(3) Where a person has been in a relevant relationship more than once, this section applies only to the last relevant relationship and the references to his relevant relationship and his former spouse or civil partner shall be construed accordingly.
- (4) In this section, “relevant relationship” means a marriage or civil partnership.”
- 25 (1) Amend section 48A (category B retirement pension for married person) as follows.
- (2) After subsection (2) insert—
- “(2A) A person who—
- (a) has attained pensionable age, and
 - (b) on attaining that age was a civil partner or forms a civil partnership after attaining that age,
- shall be entitled to a Category B retirement pension by virtue of the contributions of the other party to the civil partnership (“the contributing civil partner”) if the following requirement is met.
- (2B) The requirement is that the contributing civil partner—
- (a) has attained pensionable age and become entitled to a Category A retirement pension, and
 - (b) satisfies the conditions specified in Schedule 3, Part 1, paragraph 5.”
- (3) In subsections (3) and (4), after “spouse” insert “or contributing civil partner”.
- (4) In subsection (4A), for “widow or widower” substitute “widow, widower or surviving civil partner”.
- (5) In subsection (5), after “spouse's” insert “or contributing civil partner's”.

Status: This is the original version (as it was originally enacted).

- (6) Section 48A (as amended by this paragraph) does not confer a right to a Category B retirement pension on a person by reason of his or her forming a civil partnership with a person who was born before 6th April 1950.
- 26 (1) Amend section 48B (category B retirement pension for widows and widowers) as follows.
- (2) After subsection (1) insert—
- “(1A) A person (“the pensioner”) who attains pensionable age on or after 6th April 2010 and whose civil partner died—
- (a) while they were civil partners of each other, and
- (b) after the pensioner attained pensionable age,
- shall be entitled to a Category B retirement pension by virtue of the contributions of the civil partner if the civil partner satisfied the conditions specified in Schedule 3, Part 1, paragraph 5.”
- (3) In subsection (2), after “subsection (1)” insert “or (1A)”.
- (4) In subsection (3), after “spouse” (in each place) insert “or civil partner”.
- 27 (1) Amend section 48BB (category B retirement pension: entitlement by reference to benefits under section 39A or 39B) as follows.
- (2) After “spouse” (in each place) insert “or civil partner”.
- (3) After “spouse's” (in each place) insert “or civil partner's”.
- (4) In subsections (1)(b) and (3)(b), for “remarried” substitute “following that death married or formed a civil partnership”.
- 28 (1) Amend section 51 (category B retirement pension for widowers) as follows.
- (2) After subsection (1) insert—
- “(1A) A civil partner shall be entitled to a Category B retirement pension if—
- (a) his or her civil partner has died and they were civil partners of each other at the time of that death,
- (b) they were both over pensionable age at the time of that death, and
- (c) before that death the deceased civil partner satisfied the contribution conditions for a Category A retirement pension in Schedule 3, Part 1, paragraph 5.”
- (3) In subsection (2)—
- (a) for “man's” substitute “person's”, and
- (b) after “wife” insert “or deceased civil partner”.
- (4) In subsection (3), after “2002” insert “or a surviving civil partner”.
- (5) In subsection (4)—
- (a) for “man” substitute “person”, and
- (b) after “pension” insert “under this section”.
- (6) Section 51 (as amended by this paragraph) does not confer a right to a Category B retirement pension on a person who attains pensionable age on or after 6th April 2010.

Status: This is the original version (as it was originally enacted).

- 29 In section 51A (special provision for married people), in subsection (1)—
 (a) after “person” insert “or civil partner”, and
 (b) after “marriage” insert “or civil partnership”.
- 30 In section 52 (special provision for surviving spouses), in subsection (1), after “spouse” insert “or civil partner”.
- 31 In section 60 (complete or partial failure to satisfy contributions conditions), in subsection (2)—
 (a) after “married” insert “or a civil partner”, and
 (b) for “widow or widower” substitute “widow, widower or surviving civil partner”.
- 32 In section 61A (contributions paid in error), in subsection (3)—
 (a) after “spouse” insert “or civil partner”, and
 (b) in paragraph (b), for “widows or widowers” substitute “widows, widowers or surviving civil partners”.
- 33 In section 62 (graduated retirement benefit), after subsection (1)(aa) insert—
 “(ab) for extending section 37 of that Act (increase of woman’s retirement pension by reference to her late husband’s graduated retirement benefit) to civil partners and their late civil partners and for that section (except subsection (5)) so to apply as it applies to women and their late husbands;”.
- 34 In section 77 (guardian’s allowance)—
 (a) in subsection (6)(a)(ii), after “spouses” insert “or civil partners”, and
 (b) in subsection (8)(a), after “divorce” insert “or the civil partnership of the child’s parents has been dissolved”.
- 35 In section 82 (short-term benefit: increase for adult dependants)—
 (a) in subsection (3)(a) and (b), after “husband” insert “or civil partner”,
 (b) in subsection (3)(b), for “his” substitute “her husband’s or civil partner’s”, and
 (c) in subsection (4)(a), after “spouse” insert “or civil partner”.
- 36 In section 83A (pension increase for spouse)—
 (a) in subsection (1), for “married pensioner” substitute “pensioner who is married or a civil partner”, and
 (b) in subsections (2) and (3), after “spouse” (in each place) insert “or civil partner”.
- 37 (1) Amend section 85 (pension increase: person with care of children) as follows.
 (2) Omit subsection (1).
 (3) After subsection (1) insert—
 “(1A) Subject to subsections (2A) and (4) below, the weekly rate of a Category A retirement pension shall be increased by the amount specified in relation to that pension in Schedule 4, Part 4, column (3) for any period during which a person who is neither the spouse or civil partner of the pensioner nor a child has the care of a child or children in respect of whom the pensioner is entitled to child benefit.”
 (4) In subsection (2)—

Status: This is the original version (as it was originally enacted).

- (a) for “the following provisions” substitute “subsections (3) and (4) below”, and
 - (b) for “pension to which this section applies” substitute “Category C retirement pension payable by virtue of section 78(1) above”.
- (5) After subsection (2) insert—
- “(2A) Subsection (1A) above does not apply if the pensioner is a person whose spouse or civil partner is entitled to a Category B retirement pension, or to a Category C retirement pension by virtue of section 78(2) above or in such other cases as may be prescribed.”
- (6) In subsection (4), after “subsection” insert “(1A) or”.
- 38 In section 113 (general provisions as to disqualification and suspension), in subsection (1), for “wife or husband,” substitute “wife, husband or civil partner.”
- 39 In section 114 (persons maintaining dependants etc.)—
- (a) in subsection (2), for “wife” substitute “wife, civil partner”, and
 - (b) in subsection (3)(a), after “spouse” insert “or civil partner”.
- 40 After subsection (1)(a) of section 121 (treatment of certain marriages) insert—
- “(aa) for a voidable civil partnership which has been annulled, whether before or after the date when the regulations come into force, to be treated for the purposes of the provisions to which this subsection applies as if it had been a valid civil partnership which was dissolved at the date of annulment.”
- 41 (1) Amend section 122 (interpretation of Parts 1 to 6 and supplementary provisions) as follows.
- (2) In subsection (1), in the definition of “relative” after “by marriage” insert “or civil partnership”.
- (3) After subsection (1) insert—
- “(1A) For the purposes of Parts 1 to 5 and this Part of this Act, 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.”
- 42 In section 124 (income support), in subsection (1)(c), (f) and (g), for “married or unmarried couple” substitute “couple”.
- 43 In section 126 (trade disputes), in subsection (3)(b), (c) and (d), for “married or unmarried couple” substitute “couple”.
- 44 In section 127 (effect of return to work), for “married or unmarried couple” (in each place) substitute “couple”.
- 45 In section 132 (couples), in subsection (1), for “married or unmarried couple” substitute “couple”.
- 46 (1) Amend section 137 (interpretation of Part 7 and supplementary provisions) as follows.
- (2) In paragraphs (a), (b) and (c) of the definition of “family” in subsection (1), for “married or unmarried couple” substitute “couple”.

Status: This is the original version (as it was originally enacted).

- (3) After the definition of “child” in subsection (1) insert—
- ““couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
 - (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;”.
- (4) Omit the definitions of “married couple” and “unmarried couple” in subsection (1).
- (5) After subsection (1) insert—
- “(1A) For the purposes of this Part, 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.”
- 47 In section 143 (meaning of “person responsible for child”), in subsection (5), after “spouses” insert “or civil partners”.
- 48 (1) Amend section 145A (entitlement after death of child) as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), after “couple” insert “or civil partnership” and after “to whom he was married” insert “or who was his civil partner”,
 - (b) in paragraph (b), after “couple” insert “or a cohabiting same-sex couple”, and
 - (c) for “married couple or unmarried couple” substitute “couple or partnership”.
- (3) Before the definition of “married couple” in subsection (5) insert—
- ““civil partnership” means two people of the same sex who are civil partners of each other and are neither—
- (a) separated under a court order, nor
 - (b) separated in circumstances in which the separation is likely to be permanent,
- “cohabiting same-sex couple” means two people of the same sex who are not civil partners of each other but are living together as if they were civil partners;”.
- (4) After subsection (5) insert—
- “(6) For the purposes of this section, 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.”
- 49 (1) Amend section 150 (interpretation of Part 10) as follows.
- (2) In the definition of “war widow’s pension” in subsection (2)—

Status: This is the original version (as it was originally enacted).

- (a) after “any widow's” insert “or surviving civil partner's”, and
 - (b) after “widow” insert “or surviving civil partner”.
- (3) For subsection (3) substitute—
- “(3) In this Part of this Act, “couple” has the meaning given by section 137(1) above.”
- 50 In section 171ZL (entitlement to statutory adoption pay), in subsection (4)(b)—
- (a) after “married couple” insert “or civil partnership”, and
 - (b) after “spouse” (in each place) insert “or civil partner”.
- 51 (1) Amend Schedule 4A (additional pension) as follows.
- (2) In paragraph 1(2), after “under pensionable age,” insert “or by virtue of section 39C(1), 48A(4) or 48B(2) above, in a case where the deceased civil partner died under pensionable age,”.
 - (3) In paragraph 1(4)(a) and (b), (5), (6) and (7)(a) and (b), after “spouse” insert “or civil partner”.
- 52 (1) Amend Schedule 7 (industrial injuries benefits) as follows.
- (2) For paragraph 4(3)(a) of Part 1 substitute—
 - “(a) a beneficiary is one of two persons who are—
 - (i) spouses or civil partners residing together,
 - (ii) a man and woman who are not married to each other but are living together as if they were husband and wife, or
 - (iii) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners, and”.
 - (3) In paragraph 5(2)(a)(ii) of Part 1, after “spouses” insert “or civil partners”.
 - (4) In Part 1—
 - (a) in paragraph 6(1), (3) and (4), after “spouse” (in each place) insert “or civil partner”, and
 - (b) in paragraph 6(4)(a), after “spouse's” insert “or civil partner's”.
 - (5) In paragraph 15 of Part 6—
 - (a) in sub-paragraph (2), after “remarries” insert “or forms a civil partnership”, and
 - (b) at the end of sub-paragraph (3), insert “or is living together with a person of the same sex as if they were civil partners”.
- 53 (1) Amend Schedule 8 (industrial injuries and diseases: old cases) as follows.
- (2) In paragraph 6(4)(d), and the substituted paragraph (d) in paragraph 6(5), after “spouse” (in each place) insert “or civil partner”.
 - (3) After paragraph 8(1) insert—
 - “(1A) Any reference in this Schedule to a member of a person’s family within the meaning of the Workmen’s Compensation Act 1925 is to be read as including a civil partner of his.”

- 54 In Schedule 9 (exclusions from entitlement to child benefit), in paragraph 3, after “married” insert “or is a civil partner”.