SCHEDULE 1

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

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)(**1**)—

(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";

(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)(**2**) 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)(**3**) for "widowers or widows" there shall be substituted "widows, widowers or surviving civil partners", and

(h) after subsection (8)(**4**) there shall be added the following subsection—

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

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

(**3**) 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)

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

"(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

I1 Sch. 1 para. 5 in operation at 10.11.2005 for specified purposes, see **art. 1(2)(a)**

I2 Sch. 1 para. 5 in operation in so far as not already in operation at 5.12.2005, see art. 1(3)

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, Paragraph 5.