SCHEDULE 2

Article 2(2)

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

PART 1

Amendment of the Personal and Occupational Pension Schemes (Abatement of Benefit) Regulations

1. The Personal and Occupational Pension Schemes (Abatement of Benefit) Regulations (Northern Ireland) 1987(1) are amended in accordance with paragraphs 2 and 3.

Commencement Information

I1 Sch. 2 para. 1 in operation at 5.12.2005, see art. 1(3)

- 2. In regulation 3(2) (guaranteed minimum pension to which earner's widow or widower is treated as entitled after minimum contributions have been paid)—
 - (a) in the heading for "widow or widower" there shall be substituted "widow, widower or surviving civil partner";
 - (b) for "widow or widower", in each place where it occurs, there shall be substituted "widow, widower or surviving civil partner", and
 - (c) in paragraph (2) after "widower" there shall be inserted "or surviving civil partner".

Commencement Information

I2 Sch. 2 para. 2 in operation at 5.12.2005, see art. 1(3)

- 3. In regulation 5(3) (guaranteed minimum pension to which earner's widow or widower is treated as entitled after minimum payments have been made)—
 - (a) in the heading for "widow or widower" there shall be substituted "widow, widower or surviving civil partner";
 - (b) for "widow or widower", in each place where it occurs, there shall be substituted "widow, widower or surviving civil partner", and
 - (c) in paragraph (2) after "widower" there shall be inserted "or surviving civil partner".

Commencement Information

I3 Sch. 2 para. 3 in operation at 5.12.2005, see art. 1(3)

⁽¹⁾ S.R. 1987 No. 291, amended by S.R. 1994 No. 300 and S.R. 1996 No. 95

⁽²⁾ Regulation 3 was amended by paragraph 16 of Schedule 2 to S.R. 1994 No. 300 and regulation 4(2) of S.R. 1996 No. 95

⁽³⁾ Regulation 5 was amended by paragraph 16 of Schedule 2 to S.R. 1994 No. 300 and regulation 4(3) of S.R. 1996 No. 95

PART 2

Amendment of the Contracting-out (Protection of Pensions) Regulations

4. The Contracting-out (Protection of Pensions) Regulations (Northern Ireland) 1991(4) are amended in accordance with paragraphs 5 to 8.

Commencement Information 14 Sch. 2 para. 4 in operation at 5.12.2005, see art. 1(3)

5. In regulation 2(1) (hybrid benefits) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

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Commencement Information

15 Sch. 2 para. 5 in operation at 5.12.2005, see art. 1(3)
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- 6. In regulation 4(5) (pensions for widows and widowers varied after commencement)—
 - (a) in the heading for "widows and widowers" there shall be substituted "widows, widowers and surviving civil partners", and
 - (b) for "widow or widower", in each place where it occurs, there shall be substituted "widow, widower or surviving civil partner".

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Commencement Information
16 Sch. 2 para. 6 in operation at 5.12.2005, see art. 1(3)
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- 7. In regulation 5(6) (the relevant sum for widows and widowers)—
 - (a) in the heading for "widows and widowers" there shall be substituted "widows, widowers and surviving civil partners", and
 - (b) in paragraph (2)—
 - (i) for "widow or widower" (in the first place where it occurs) there shall be substituted "widow, widower or surviving civil partner", and
 - (ii) in sub-paragraph (a) after "widow or widower" there shall be inserted "or being then a civil partner of the surviving civil partner".

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Commencement Information

17 Sch. 2 para. 7 in operation at 5.12.2005, see art. 1(3)
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⁽⁴⁾ S.R. 1991 No. 39, amended by S.R. 1994 No. 300

⁽⁵⁾ Regulation 4(2) was amended by paragraph 28(5) of Schedule 2 to S.R. 1994 No. 300

⁽⁶⁾ Regulation 5(2) was amended by paragraph 28(6) of Schedule 2 to S.R. 1994 No. 300

8. In regulation 8(1) (the later earnings addition) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

Commencement Information 18 Sch. 2 para. 8 in operation at 5.12.2005, see art. 1(3)

PART 3

Amendment of the Occupational Pension Schemes (Discharge of Protected Rights on Winding Up) Regulations

9. In regulation 5(a) of the Occupational Pension Schemes (Discharge of Protected Rights on Winding Up) Regulations (Northern Ireland) 1996(7) (conditions on which appropriate policies of insurance may be commuted) for "his widow or her widower" there shall be substituted "the beneficiary's widow, widower or surviving civil partner".

Commencement Information 19 Sch. 2 para. 9 in operation at 5.12.2005, see art. 1(3)

PART 4

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations

10. The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996 (8) are amended in accordance with paragraphs 11 to 23.

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Commencement Information
110 Sch. 2 para. 10 in operation at 5.12.2005, see art. 1(3)
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- 11. In regulation 1 (citation, commencement and interpretation) after paragraph (1) there shall be inserted the following paragraph—
 - "(1A) For the purposes of these Regulations, 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.".

⁽⁷⁾ S.R. 1996 No. 94, to which there are amendments not relevant to these Regulations

⁽⁸⁾ S.R. 1996 No. 493; relevant amending regulations are S.R. 1997 No. 160, S.R. 1997 No. 162, S.R. 1998 No. 208, S.R. 2000 No. 336, S.R. 2002 No. 109 and S.I. 2002/681. See also Schedule 2 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

Commencement Information II1 Sch. 2 para. 11 in operation at 5.12.2005, see art. 1(3)

- F1 Sch. 2 para. 12 revoked (6.4.2016) by The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (S.R. 2016/107), reg. 1(a), Sch. 2
- 13. In regulation 23(b) (requirements for meeting the statutory standard) for "widows or widowers", in each place where it occurs, there shall be substituted "widows, widowers or surviving civil partners".

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Commencement Information
I12 Sch. 2 para. 13 in operation at 5.12.2005, see art. 1(3)
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14. For regulation 26 (reference scheme: circumstances in which widows' or widowers' pensions need not be payable) there shall be substituted the following regulation—

"Reference scheme: circumstances in which widows', widowers' or surviving civil partners' pensions need not be payable

- 26.—(1) For the purposes of section 8B(4)(a)(9) of the Act (reference scheme to provide widows', widowers' and surviving civil partners' pensions except in prescribed circumstances), and subject to paragraph (2), the prescribed circumstances are where—
 - (a) the scheme member marries or forms a civil partnership after having received benefits under the scheme:
 - (b) the widow, widower or surviving civil partner of the scheme member—
 - (i) remarries or, as the case may be, marries;
 - (ii) forms a civil partnership or, as the case may be, forms a subsequent civil partnership;
 - (iii) lives together as husband and wife with another person to whom he or she is not married, or
 - (iv) lives together with a person of the same sex as if they were civil partners, after having received benefits under the scheme;
 - (c) the widow, widower or surviving civil partner of the scheme member is at the time of the member's death—
 - (i) living together as husband and wife with another person to whom he or she is not married, or

⁽⁹⁾ 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

- (ii) living together with a person of the same sex as if they were civil partners.
- (2) Paragraph (1)(b)(ii) and (iv) and (c)(ii) does not apply where the scheme member dies before 5th December 2005.".

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Commencement Information

I13 Sch. 2 para. 14 in operation at 5.12.2005, see art. 1(3)
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15. In regulation 45(3A)(10) (approval of arrangements for schemes ceasing to be contractedout) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

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Commencement Information
I14 Sch. 2 para. 15 in operation at 5.12.2005, see art. 1(3)
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16. In regulation 50A(11) (persons to be regarded as members) for "widow's or widower's" there shall be substituted "widow's, widower's or surviving civil partner's".

Commencement Information I15 Sch. 2 para. 16 in operation at 5.12.2005, see art. 1(3)

F2 Sch. 2 paras. 17-23 revoked (6.4.2016) by The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (S.R. 2016/107), reg. 1(a), Sch. 2

F2 Sch. 2 paras. 17-23 revoked (6.4.2016) by The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (S.R. 2016/107), reg. 1(a), Sch. 2

F2 Sch. 2 paras. 17-23 revoked (6.4.2016) by The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (S.R. 2016/107), reg. 1(a), Sch. 2

⁽¹⁰⁾ Paragraph (3A) was inserted by regulation 3(3) of S.R. 1997 No. 162

⁽¹¹⁾ Regulation 50A was inserted by regulation 5 of S.R. 1998 No. 208

^{F2} 20	
F2	Sch. 2 paras. 17-23 revoked (6.4.2016) by The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (S.R. 2016/107), reg. 1(a), Sch. 2
^{F2} 21	
F2	Sch. 2 paras. 17-23 revoked (6.4.2016) by The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (S.R. 2016/107), reg. 1(a), Sch. 2
F222	
F2	Sch. 2 paras. 17-23 revoked (6.4.2016) by The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (S.R. 2016/107), reg. 1(a), Sch. 2
F223	
F2	Sch. 2 paras. 17-23 revoked (6.4.2016) by The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (S.R. 2016/107), reg. 1(a), Sch. 2
	PART 5

Amendment of the Protected Rights (Transfer Payment) Regulations

24. In regulation 4(d) of the Protected Rights (Transfer Payment) Regulations (Northern Ireland) 1996(12) (transfer payments to salary related contracted-out schemes) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

Commencement Information

I16 Sch. 2 para. 24 in operation at 5.12.2005, see art. 1(3)

⁽¹²⁾ S.R. 1996 No. 509, to which there are amendments not relevant to these Regulations

PART 6

Amendment of the Contracting-out (Transfer and Transfer Payment) Regulations

25. In paragraph 6(b) of Part III of Schedule 1 to the Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996(13) (further conditions for transfer of liability for the payment of a guaranteed minimum pension to, or in respect of, a person who has become entitled to it) for "his widow or her widower" there shall be substituted "the widow, widower or surviving civil partner of that person".

Commencement Information

I17 Sch. 2 para. 25 in operation at 5.12.2005, see art. 1(3)

PART 7

Amendment of the Personal and Occupational Pension Schemes (Protected Rights) Regulations

26. The Personal and Occupational Pension Schemes (Protected Rights) Regulations (Northern Ireland) 1997(14) are amended in accordance with paragraphs 27 to 35.

Commencement Information

I18 Sch. 2 para. 26 in operation at 5.12.2005, see art. 1(3)

27. In regulation 1(2) (citation, commencement and interpretation) after the definition of "child benefit" there shall be inserted the following definition—

""marital or civil partnership status", in relation to a person, means whether that person has previously formed a marriage or a civil partnership and, if so, whether that marriage or civil partnership has ended;".

Commencement Information

I19 Sch. 2 para. 27 in operation at 5.12.2005, see art. 1(3)

- 28. In regulation 4 (conditions applying to pensions and annuities which give effect to protected rights)—
 - (a) in paragraph (2)(b)(15)—
 - (i) for "an unmarried member" there shall be substituted "a member who is neither married nor a civil partner", and

⁽¹³⁾ S.R. 1996 No. 618, to which there are amendments not relevant to these Regulations

⁽¹⁴⁾ S.R. 1997 No. 56; relevant amending regulations are S.R. 2002 No. 109, S.R. 2003 No. 256 and S.R. 2005 No. 170

⁽¹⁵⁾ Paragraph (2)(b) was substituted by regulation 5(2) of S.R. 2002 No. 109

- (ii) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner", and
- (b) in paragraph (9)(a) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

Commencement Information

I20 Sch. 2 para. 28 in operation at 5.12.2005, see art. 1(3)

- 29. In regulation 5(16) (circumstances in which and periods for which pension or annuity is to be paid to widow or widower after being paid to member)—
 - (a) in the heading for "widow or widower" there shall be substituted "widow, widower or surviving civil partner";
 - (b) in paragraph (1)(b) for "widow's or widower's" there shall be substituted "widow's, widower's or surviving civil partner's", and
 - (c) for paragraph (2) there shall be substituted the following paragraphs—
 - "(2) There is excluded from the period prescribed in paragraph (1)(b) any period after—
 - (a) the widow's or widower's remarriage or the surviving civil partner's marriage under pensionable age, or
 - (b) subject to paragraph (3), the widow's or widower's formation of a civil partnership, or the surviving civil partner's formation of a subsequent civil partnership under pensionable age.
 - (3) Paragraph (2)(b) does not apply where the member dies before 5th December 2005.".

Commencement Information

I21 Sch. 2 para. 29 in operation at 5.12.2005, see art. 1(3)

- 30. In regulation 6(c) (interim arrangements)—
 - (a) for "an unmarried member" there shall be substituted "a member who is neither married nor a civil partner", and
 - (b) for "widow or widower", in each place where it occurs, there shall be substituted "widow, widower or surviving civil partner".

Commencement Information

I22 Sch. 2 para. 30 in operation at 5.12.2005, see art. 1(3)

31. In regulation 11(1)(b)(17) (insurers that may provide protected rights by way of annuities) after "marital" there shall be inserted "or civil partnership".

⁽¹⁶⁾ Regulation 5 was substituted by regulation 5(3) of S.R. 2002 No. 109

⁽¹⁷⁾ The heading to regulation 11 was amended and paragraph (1) numbered as such and amended by regulation 10 of S.R. 2003 No. 256

Commencement Information

I23 Sch. 2 para. 31 in operation at 5.12.2005, see art. 1(3)

- 32. In regulation 12(18) (death of member before effect given to his protected rights)—
 - (a) in paragraph (2), in each place where it occurs, and paragraphs (3), (5), (9), (11)(a), (12), (13) and (14), for "widow or widower" there shall be substituted "widow, widower or surviving civil partner";
 - (b) in paragraph (5) for sub-paragraph (b) there shall be substituted the following sub-paragraphs—
 - "(b) in the case of a widow or widower, remarries or, in the case of a surviving civil partner, marries while under pensionable age, or
 - (c) subject to paragraph (15), in the case of a widow or widower, forms a civil partnership or, in the case of a surviving civil partner, forms a subsequent civil partnership while under pensionable age.";
 - (c) in paragraph (9) for sub-paragraph (b) there shall be substituted the following sub-paragraphs—
 - "(b) in the case of a widow or widower, remarried or, in the case of a surviving civil partner, married while under pensionable age, or
 - (c) subject to paragraph (15), in the case of a widow or widower, formed a civil partnership or, in the case of a surviving civil partner, formed a subsequent civil partnership while under pensionable age.", and
 - (d) after paragraph (14) there shall be added the following paragraph—
 - "(15) Paragraphs (5)(c) and (9)(c) do not apply where the member dies before 5th December 2005.".

Commencement Information

I24 Sch. 2 para. 32 in operation at 5.12.2005, see art. 1(3)

- 33. In regulation 13(19) (death before effect given to protected rights: interim arrangements for widow or widower)—
 - (a) in the heading for "widow or widower" there shall be substituted "widow, widower or surviving civil partner";
 - (b) in paragraph (1) for "widow or widower", in each place where it occurs, there shall be substituted "widow, widower or surviving civil partner", and
 - (c) in paragraph (2)(a)(ii) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

Commencement Information

Sch. 2 para. 33 in operation at 5.12.2005, see **art.** 1(3)

 $[\]textbf{(18)} \ \ Regulation\ 12\ was\ amended\ by\ regulation\ 5(6)\ of\ S.R.\ 2002\ No.\ 109\ and\ regulation\ 11\ of\ S.R.\ 2005\ No.\ 170$

⁽¹⁹⁾ Regulation 13 was amended by regulation 5(7) of S.R. 2002 No. 109

34. In regulation 14 (enforceable entitlement after death of member) after "widower" there shall be inserted ", surviving civil partner".

Commencement Information 126 Sch. 2 para. 34 in operation at 5.12.2005, see art. 1(3)

35. In regulation 15 (further requirements in respect of giving effect to protected rights) after "marital" there shall be inserted "or civil partnership".

Commencement Information 127 Sch. 2 para. 35 in operation at 5.12.2005, see art. 1(3)

PART 8

Amendment of the Occupational Pension Schemes (Modification of Schemes) Regulations

^{F3} 36

F3

Sch. 2 para. 36 revoked (6.4.2006) by The Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 2006 (S.R. 2006/149), reg. 1(1), **Sch.**

PART 9

Amendment of the Personal Pension Schemes (Appropriate Schemes) Regulations

37. In regulation 6A of the Personal Pension Schemes (Appropriate Schemes) Regulations (Northern Ireland) 1997(20) (provision of information for purposes of contracting-out) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

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Commencement Information
128 Sch. 2 para. 37 in operation at 5.12.2005, see art. 1(3)
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PART 10

Amendment of the Occupational Pension Schemes (Discharge of Liability) Regulations

38. The Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1997(21) are amended in accordance with paragraphs 39 to 45.

⁽²⁰⁾ S.R. 1997 No. 139; regulation 6A was inserted by regulation 7 of S.R. 2002 No. 109

 $[\]textbf{(21)} \quad S.R. \ 1997 \ No. \ 159; \ relevant \ amending \ regulations \ are \ S.R. \ 2005 \ No. \ 170$

Commencement Information

I29 Sch. 2 para. 38 in operation at 5.12.2005, see art. 1(3)

- 39. In regulation 1 (citation, commencement and interpretation), after paragraph (1) there shall be inserted the following paragraph—
 - "(1A) For the purposes of these Regulations, 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

I30 Sch. 2 para. 39 in operation at 5.12.2005, see art. 1(3)

40. In regulation 3(a) (conditions on which policies of insurance and annuity contracts may be assigned or surrendered) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

Commencement Information

I31 Sch. 2 para. 40 in operation at 5.12.2005, see art. 1(3)

- 41. In regulation 4 (conditions on which policies of insurance and annuity contracts may be commuted)—
 - (a) in paragraph (1)(a)(i) for "or widower" there shall be substituted ", widower or surviving civil partner", and
 - (b) in paragraph (2) for "widow's or widower's" there shall be substituted "widow's, widower's or surviving civil partner's".

Commencement Information

I32 Sch. 2 para. 41 in operation at 5.12.2005, see art. 1(3)

- 42. In regulation 6 (further conditions on which liability may be discharged)—
 - (a) in paragraph (2)(a) for "or widower" there shall be substituted ", widower or surviving civil partner", and
 - (b) in paragraph (5) for "widow or widower", in each place where it occurs, there shall be substituted "widow, widower or surviving civil partner".

Commencement Information

I33 Sch. 2 para. 42 in operation at 5.12.2005, see art. 1(3)

43. In regulation 9(2) (circumstances in which liability to provide pensions under a relevant scheme may be discharged) for "widow or widower, or if there is no such widow or widower" there shall be substituted "widow, widower or surviving civil partner or, if there is no such person".

Commencement Information 134 Sch. 2 para. 43 in operation at 5.12.2005, see art. 1(3)

- 44. In regulation 11 (conditions on which liability to provide pensions under a relevant scheme may be discharged)—
 - (a) in paragraph (3)(22)—
 - (i) in sub-paragraphs (a) and (b) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner";
 - (ii) in sub-paragraph (b) omit "and (c)";
 - (b) for paragraph (4) there shall be substituted the following paragraph—
 - "(4) Subject to paragraph (7), the circumstances referred to in paragraph (3) are—
 - (a) the beneficiary marries or forms a civil partnership after having received benefits under the policy or contract;
 - (b) the widow, widower or surviving civil partner of the beneficiary—
 - (i) remarries or, as the case may be, marries;
 - (ii) forms a civil partnership or, as the case may be, forms a subsequent civil partnership;
 - (iii) lives together as husband and wife with another person to whom he or she is not married:
 - (iv) lives together with a person of the same sex as if they were civil partners, or
 - (v) at the time of the beneficiary's death—
 - (a) is living together as husband and wife with another person to whom he or she is not married, or
 - (b) is living together with a person of the same sex as if they were civil partners.";
 - (c) after paragraph (6), there shall be added the following paragraph—
 - "(7) Paragraph (4)(b)(ii), (iv) and (v)(b) does not apply where the beneficiary dies before 5th December 2005.".

Commencement Information 135 Sch. 2 para. 44 in operation at 5.12.2005, see art. 1(3)

45. In Schedule 1 (form of consent to arrangement for securing benefit) after "widower", in each place where it occurs, there shall be inserted "/surviving civil partner".

⁽²²⁾ Paragraph (3) was amended by regulation 13(a) of S.R. 2005 No. 170

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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 2. (See end of Document for details)

Commencement Information

I36 Sch. 2 para. 45 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, SCHEDULE 2.