

SCHEDULE

Amendment of provisions of Acts and Orders relating to pensions and benefit payments, extending those provisions to civil partners and surviving civil partners

PART 1

Amendment of the Contributions and Benefits Act

6. In Schedule 5 (pension increase or lump sum where entitlement to retirement pension is deferred)—

- (a) in paragraph A1(4)(1), for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”;
- (b) in paragraph 2(5)(a)(2), for “paragraph 4, 5, 5A or 6” there shall be substituted “paragraph 4, 5, 5A, 6 or 6A”;
- (c) in paragraph 2A(3), for “paragraphs 5 to 6” (in each place where it occurs) there shall be substituted “paragraphs 5 to 6A”;
- (d) in paragraph 3B(5)(b)(i)(4), for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”;
- (e) in paragraph 3C(5)—
 - (i) in the heading, after “deceased spouse” there shall be inserted “or civil partner”,
 - (ii) in sub-paragraph (1)(a), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”,
 - (iii) in sub-paragraph (1)(b)—
 - (aa) after “married to” there shall be inserted “or was the civil partner of”, and
 - (bb) after “marriage” there shall be inserted “or civil partnership”,
 - (iv) in sub-paragraph (5)—
 - (aa) for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”, and
 - (bb) after “deceased spouse” there shall be inserted “or civil partner”;
- (f) in paragraph 4—
 - (i) in the heading, after “deceased spouse” there shall be inserted “or civil partner”,
 - (ii) in sub-paragraph (1)(6)—
 - (aa) for “widow or widower” (in each place where it occurs) there shall be substituted “widow, widower or surviving civil partner”,
 - (bb) after “married to” there shall be inserted “or was the civil partner of”, and
 - (cc) after “other party to the marriage” there shall be inserted “or civil partnership”,
 - (iii) in sub-paragraph (1A)(7), for “paragraphs 5 to 6” (in each place where it occurs) there shall be substituted “paragraphs 5 to 6A”,

(1) Paragraph A1 was inserted by paragraph 3 of Schedule 9 to the Pensions (Northern Ireland) Order 2005
(2) Paragraph 2(5)(a) was amended by paragraph 18(12) of Schedule 2 to the Pensions (Northern Ireland) Order 1995
(3) Paragraph 2A was inserted by paragraph 6 of Schedule 9 to the Pensions (Northern Ireland) Order 2005
(4) Paragraph 3B was inserted by paragraph 7 of Schedule 9 to the Pensions (Northern Ireland) Order 2005
(5) Paragraph 3C was inserted by paragraph 8 of Schedule 9 to the Pensions (Northern Ireland) Order 2005
(6) Sub-paragraph (1) was substituted by paragraph 9 of Schedule 9 to the Pensions (Northern Ireland) Order 2005
(7) Sub-paragraph (1A) was substituted by paragraph 9 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

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- (iv) in sub-paragraph (3)—
 - (aa) before “, the rate” there shall be inserted “or a civil partner dies on or after 5th December 2005”,
 - (bb) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”, and
 - (cc) in paragraph (a), after “deceased spouse” there shall be inserted “or civil partner”,
- (v) in sub-paragraph (4), after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”;
- (g) in paragraph 5(8)—
 - (i) in sub-paragraph (1)(a)—
 - (aa) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”,
 - (bb) after “married to” there shall be inserted “or was the civil partner of”, and
 - (cc) after “marriage” there shall be inserted “or civil partnership”,
 - (ii) in sub-paragraph (2)—
 - (aa) at the end of paragraph (a) “and” shall be omitted, and
 - (bb) at the end of paragraph (b) there shall be inserted—
 - “, and
 - (c) where W is a surviving civil partner, an amount equal to the sum of the amounts set out in paragraph 6A(2) below”;
- (h) after paragraph 6(9) there shall be inserted the following paragraph—

“6A.—(1) This paragraph applies where W (referred to in paragraph 5 above) is a surviving civil partner.

(2) The amounts referred to in paragraph 5(2)(c) above are the following—

 - (a) one-half of the increase mentioned in paragraph 5(1)(b) above, so far as attributable to employment before 6th April 1988,
 - (b) one-half of the appropriate amount after it has been reduced by the amount of any increases under section 105 of the Pensions Act, and
 - (c) one-half of any increase to which the deceased civil partner had been entitled under paragraph 5 above.”;
- (i) in paragraph 7—
 - (i) in sub-paragraph (1)(10)—
 - (aa) for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”, and
 - (bb) in paragraph (b) after “surviving spouse” there shall be inserted “or civil partner”,
 - (ii) in sub-paragraph (2)(11) for “paragraph 5, 5A or 6” there shall be substituted “paragraph 5, 5A, 6 or 6A”;

(8) Paragraph 5 was substituted by paragraph 18(15) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(9) Paragraph 6 was substituted by paragraph 18(15) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(10) Sub-paragraph (1) was amended by paragraph 18(17) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(11) Sub-paragraph (2) was amended by paragraph 18(17) of Schedule 2 to the Pensions (Northern Ireland) Order 1995

- (j) in paragraph 7A(**12**)—
 - (i) in the heading, after “deceased spouse” there shall be inserted “or civil partner”, and
 - (ii) in sub-paragraph (2) after “widowed person's” there shall be inserted “or surviving civil partner's”;
- (k) in paragraph 7B(**13**)—
 - (i) in the heading, and in sub-paragraphs (1) and (5), after “widowed person's” there shall be inserted “or surviving civil partner's”,
 - (ii) in sub-paragraph (2) after “other party to the marriage” there shall be inserted “or civil partnership”, and
 - (iii) in sub-paragraph (5)(b)(i) for “paragraphs 5 to 6” there shall be substituted “paragraphs 5 to 6A”;
- (l) in paragraph 8—
 - (i) in the heading(**14**), at the end there shall be added “and civil partners”, and
 - (ii) in sub-paragraph (3)(**15**)—
 - (aa) after “married person” there shall be inserted “or a civil partner”, and
 - (bb) after “other party to the marriage” there shall be inserted “or civil partnership”.

(12) Paragraph 7A was inserted by paragraph 10 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(13) Paragraph 7B was inserted by paragraph 11 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(14) The heading was substituted by paragraph 12 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(15) Sub-paragraph (3) was substituted by paragraph 18(18) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 and amended by paragraph 13 of Schedule 9 to the Pensions (Northern Ireland) Order 2005