
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 96

**The National Health Service Superannuation Scheme
(Miscellaneous Amendments) (Scotland) Regulations 2015**

PART 2

**Amendment of the National Health Service
Superannuation Scheme (Scotland) Regulations 2011**

Insertion of new regulation A4

4. After regulation A3, insert—

“Civil partnerships and marriage of same sex couples

A4.—(1) In these Regulations, a reference to—

- (a) civil partnership is to be read as including a reference to marriage of a same sex couple and a reference to civil partners and a person who is in a civil partnership is to be construed accordingly;
- (b) a person who is living with another person as if they were in a civil partnership is to be read as including a reference to a person who is living with another person of the same sex as if they were married.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended, a reference to a person whose civil partnership has ended, or a reference to persons formerly living together as civil partners) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) In this regulation, “civil partnership” and “civil partners” have the meanings given by section 1 of the Civil Partnership Act 2004⁽¹⁾.

(5) Where—

- (a) a deceased member of this Scheme was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004⁽²⁾, and
- (b) at the time of the member’s death, the member was married to a woman and that marriage subsisted before the time when the certificate was issued,

the member’s widow is to be treated for the purposes of Part G and Part K of these Regulations as if the certificate had not been issued.”.

(1) 2004 c.33.
(2) 2004 c.7.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
