

SCHEDULE 2

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

PART 4

The Occupational Pension Schemes (Contracting-out) Regulations 1996 (S.I. 1996/1172)

19. Amend regulation 58 (period for which widower's guaranteed minimum pension is to be payable) as follows—

- (a) in the heading preceding it, after “widower’s” insert “or surviving civil partner’s”;
- (b) in paragraph (1), after “widower’s” (in each place) insert “or surviving civil partner’s”;
- (c) for paragraph (2) substitute the following paragraph—
 - “(2) There is excluded from the periods prescribed under paragraph (1)(b) or (c) any period—
 - (a) after the widower’s remarriage or surviving civil partner’s marriage under pensionable age;
 - (b) after the formation of a civil partnership by the widower or the formation of a subsequent civil partnership by the surviving civil partner under pensionable age;
 - (c) during which the widower or surviving civil partner is under pensionable age and
 - (i) he or, as the case may be, she and a person of the opposite sex are living together as husband and wife; or
 - (ii) he or, as the case may be, she and a person of the same sex are living together as if they were civil partners;
 - (d) after the widower has attained pensionable age if immediately before he attained that age—
 - (i) he and a woman to whom he was not married were living together as husband and wife; or
 - (ii) he and a man were living together as if they were civil partners; or
 - (e) after the surviving civil partner has attained pensionable age if immediately before he or she attained that age—
 - (i) he or she and a person of the opposite sex to whom he or she was not married were living together as husband and wife; or
 - (ii) he or she and a person of the same sex were living together as if they were civil partners.”;
- (d) after paragraph (2), as substituted by sub-paragraph (c) above, add the following paragraph—
 - “(3) Sub-paragraphs (b), (c)(ii), and (d)(ii) of paragraph (2) do not apply where a man became a widower before 5th December 2005.”.