

## SCHEDULE

### **Amendments of provisions of Acts relating to pensions and benefit payments, extending those provisions to civil partners and surviving civil partners**

#### PART 1

##### **Amendments of the Social Security Contributions and Benefits Act 1992 (c. 4)**

1. In section 48C (Category B retirement pension: general)(1), in subsection (4), after “spouse” insert “or civil partner”.

2. In section 54 (Category A and Category B retirement pensions: supplemental provisions)(2), in subsection (3), after “marriage” insert “or civil partnership”.

3.—(1) Amend section 55 (pension increase or lump sum where entitlement to retirement pension is deferred)(3) as follows.

(2) In subsection (2), after “deceased spouse” (in each place) insert “or civil partner”.

(3) In subsection (3)(a)(ii)—

(a) after “a spouse's” insert “or civil partner's”; and

(b) after “the spouse” insert “or civil partner”.

4. In section 62 (graduated retirement benefit), in subsection (1)(c)—

(a) after “widowed person” insert “or surviving civil partner”; and

(b) at the end, add “or civil partner”.

5.—(1) Amend Schedule 5 (pension increase or lump sum where entitlement to retirement pension is deferred)(4) as follows.

(2) In paragraph A1(4), for “paragraphs 5 to 6” substitute “paragraphs 5 to 6A”.

(3) In paragraph 2(5)(a), for “paragraph 4, 5, 5A or 6” substitute “paragraph 4, 5, 5A, 6 or 6A”.

(4) In paragraph 2A, for “paragraphs 5 to 6” (in each place) substitute “paragraphs 5 to 6A”.

(5) In paragraph 3B(5)(b)(i), for “paragraphs 5 to 6” substitute “paragraphs 5 to 6A”.

(6) Amend paragraph 3C as follows—

(a) in the heading preceding it, after “deceased spouse” insert “or civil partner”;

(b) in sub-paragraph (1)(a), for “widow or widower” substitute “widow, widower or surviving civil partner”;

(c) in sub-paragraph (1)(b)—

(i) after “married to” insert “or was the civil partner of”; and

(ii) after “marriage” insert “or civil partnership”;

(d) in sub-paragraph (5)—

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(1) Section 48C was inserted by paragraph 3 of Schedule 4 to the Pensions Act 1995 (c. 26). Subsection (4) was amended by paragraph 7 of Schedule 8 to and paragraph 21 of Schedule 12 to the Welfare Reform and Pensions Act 1999 (c. 30) and section 35(12) of the Child Support, Pensions and Social Security Act 2000 (c. 19).

(2) Section 54(3) was substituted by paragraph 21(8) of Schedule 4 to the Pensions Act 1995 (c. 26).

(3) Section 55 was substituted by section 297 of the Pensions Act 2004 (c. 35).

(4) Schedule 5 was amended by paragraph 21 of Schedule 4 to the Pensions Act 1995 (c. 26) and paragraphs 1 to 14 of Schedule 11 to the Pensions Act 2004 (c. 35). Paragraph 7 of Schedule 5 was amended by paragraph 40 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18).

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

- (i) for “paragraphs 5 to 6” substitute “paragraphs 5 to 6A”; and
  - (ii) after “deceased spouse” insert “or civil partner”.
- (7) Amend paragraph 4 as follows—
- (a) in the heading preceding it, after “deceased spouse” insert “or civil partner”;
  - (b) in sub-paragraph (1)—
    - (i) for “widow or widower” (in each place) substitute “widow, widower or surviving civil partner”;
    - (ii) after “married to” insert “or was the civil partner of”; and
    - (iii) after “other party to the marriage” insert “or civil partnership”;
  - (c) in sub-paragraph (1A), for “paragraphs 5 to 6” (in each place) substitute “paragraphs 5 to 6A”;
  - (d) in sub-paragraph (3)—
    - (i) after “5th April 2000”(5) insert “or a civil partner dies on or after 5th December 2005”;
    - (ii) for “widow or widower” substitute “widow, widower or surviving civil partner”; and
    - (iii) in paragraph (a), after “deceased spouse” insert “or civil partner”;
  - (e) in sub-paragraph (4)—
    - (i) after “the former spouse” insert “or civil partner”; and
    - (ii) after “the surviving spouse” (in each place) insert “or civil partner”.
- (8) Amend paragraph 5 as follows—
- (a) in sub-paragraph (1)(a)—
    - (i) for “widow or widower” substitute “widow, widower or surviving civil partner”;
    - (ii) after “married to” insert “or was the civil partner of”; and
    - (iii) after “marriage” insert “or civil partnership”;
  - (b) in sub-paragraph (2)—
    - (i) at the end of paragraph (a), omit “and”; and
    - (ii) at the end of paragraph (b), insert—
      - “, 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”.
- (9) After paragraph 6 insert 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 109 of the Pensions Act, and

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(5) Section 39(1) of the Child Support, Pensions and Social Security Act 2000 (c. 19) provides that the reference to 5th April 2000 in sub-paragraph (3) shall have effect, and be deemed always to have had effect, as a reference to 5th October 2002.

- (c) one-half of any increase to which the deceased civil partner had been entitled under paragraph 5 above.”.
- (10) Amend paragraph 7 as follows—
  - (a) in sub-paragraph (1)—
    - (i) for “paragraphs 5 to 6” substitute “paragraphs 5 to 6A”; and
    - (ii) in paragraph (b), after “surviving spouse” insert “or civil partner”;
  - (b) in sub-paragraph (2), for “paragraph 5, 5A or 6” substitute “paragraph 5, 5A, 6 or 6A”.
- (11) Amend paragraph 7A as follows—
  - (a) in the heading preceding it, after “deceased spouse” insert “or civil partner”; and
  - (b) in sub-paragraph (2), after “widowed person's” insert “or surviving civil partner's”.
- (12) Amend paragraph 7B as follows—
  - (a) in the heading preceding it, and in sub-paragraphs (1) and (5), after “widowed person's” insert “or surviving civil partner's”;
  - (b) in sub-paragraph (2), after “other party to the marriage” insert “or civil partnership”; and
  - (c) in sub-paragraph (5)(b)(i), for “paragraphs 5 to 6” substitute “paragraphs 5 to 6A”.
- (13) Amend paragraph 8 as follows—
  - (a) in the heading preceding it, at the end add “and civil partners”; and
  - (b) in sub-paragraph (3)—
    - (i) after “married person” insert “or a civil partner”; and
    - (ii) after “other party to the marriage” insert “or civil partnership”.