

SCHEDULE 3

Article 2(3)

Amendments of subordinate legislation relating to social security

Social Security (Benefit)(Married Women and Widows Special Provisions) Regulations 1974

1. In regulation 3 of the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974(1) (modifications, in relation to widows, of provisions with respect to unemployment and short-term incapacity benefit, maternity allowance and Category A retirement pension)(2) in paragraph (1)(3) after “by reason of remarriage” insert “, the formation of a civil partnership”.

Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975

2. In Schedule 1 to the Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975(4), in paragraph 1 of Part II (employments not to be treated as employed earners' employments for industrial injuries purposes)—

- (a) after “spouse” insert “or civil partner”;
- (b) after “spouse's” insert “or civil partner's”.

Social Security (Hospital In-Patients) Regulations 1975

3.—(1) Amend the Social Security (Hospital In-Patients) Regulations 1975(5) as follows.

(2) In regulation 2 (interpretation), in paragraph (3)(b), for “husband or wife” substitute “husband, wife or civil partner”.

(3) In regulation 6 (adjustment of personal benefit after 52 weeks in hospital), in paragraph (3)(6)—

- (a) after “who is married” insert “or in a civil partnership”;
- (b) in sub-paragraph (a), for “husband or wife” substitute “husband, wife or civil partner”;
- (c) in sub-paragraph (b)(i), for “his wife or her husband” substitute “the beneficiary's wife, husband or civil partner”.

(4) In regulation 9 (circumstances in which dependency benefit is to be adjusted)(7), in paragraph (d), for “husband or wife” substitute “husband, wife or civil partner”.

(5) In the heading preceding regulation 11 (adjustment of dependency benefit where dependant is husband or wife of beneficiary and is in hospital)(8), for “husband or wife” substitute “husband, wife or civil partner”.

(6) In regulation 16 (adjustment or further adjustment of benefit in certain cases after 52 weeks in hospital), in paragraph (1)(9), for “wife or husband” (in each place) substitute “wife, husband or civil partner”.

(1) [S.I. 1974/2010](#).

(2) The reference to unemployment benefit in the heading to regulation 3 became obsolete as from 7th October 1996 when all references to that benefit were deleted from the regulation, and the heading was amended by [S.I. 1995/829](#).

(3) Paragraph (1) was amended by [S.I. 1978/508](#), [S.I. 1995/829](#) and [S.I. 1996/1345](#).

(4) [S.I. 1975/467](#).

(5) [S.I. 1975/555](#).

(6) Paragraph (3) was substituted by [S.I. 1977/1693](#) and amended by [S.I. 1987/1683](#).

(7) Regulation 9 was substituted by [S.I. 1977/1693](#) and amended by [S.I. 1987/1683](#) and [S.I. 2003/1195](#).

(8) The heading to regulation 11 was substituted by [S.I. 1977/1693](#).

(9) Paragraph (1) was amended by [S.I. 1977/1693](#) and [S.I. 1987/1683](#).

Status: This is the original version (as it was originally made).

(7) In regulation 19 (treatment of age addition)(10), after “nor with a spouse” insert “or civil partner”.

(8) In Schedule 1 (beneficiary to be regarded as having a dependant if any of these benefits is or would be payable), in paragraph (c)(11), after “spouse” insert “or civil partner”.

Social Security (Credits) Regulations 1975

4.—(1) Amend the Social Security (Credits) Regulations 1975(12) as follows.

(2) In regulation 7A (credits for carer’s allowance)(13), in paragraph (1) for “widow or widower” substitute “widow, widower or surviving civil partner”.

(3) In regulation 7C (credits for working tax credit)(14)—

(a) in paragraphs (2)(a) and (3) for “a married or unmarried couple” substitute “a couple”;

(b) in paragraph (6) for ““married couple” and “unmarried couple” have” substitute ““couple” has”(15).

(4) In regulation 8C (credits on termination of bereavement benefits)(16), in paragraph (2) after “remarriage” insert “, forming a civil partnership,”.

Social Security Benefit (Persons Abroad) Regulations 1975

5.—(1) Amend the Social Security Benefit (Persons Abroad) Regulations 1975(17) as follows.

(2) In regulation 2 (modification of the Act in relation to incapacity benefit, severe disablement allowance, unemployability supplement and maternity allowance)(18), in paragraph (5)(b)(19) after “spouse,” insert “civil partner,”.

(3) In regulation 4 (modification of the Act in relation to widow’s benefit, bereavement benefit, child’s special allowance, guardian’s allowance and retirement pension)(20)—

(a) in paragraph (2B)(21)—

(i) in sub-paragraph (a)—

(aa) after “deceased spouse” insert “or deceased civil partner”;

(bb) after “surviving spouse” insert “or surviving civil partner”;

(cc) after “deceased spouse's” insert “or deceased civil partner's”;

(ii) in sub-paragraph (b)—

(aa) after “surviving spouse” insert “or surviving civil partner”;

(bb) after “deceased spouse's” insert “or deceased civil partner's”;

(iii) in sub-paragraph (c), after “surviving spouse” insert “or surviving civil partner”;

(b) in paragraph (4)(22)—

(10) Regulation 19 was amended by [S.I. 1987/31](#).

(11) Paragraph (c) was substituted by [S.I. 1987/31](#).

(12) [S.I. 1975/556](#).

(13) Regulation 7A was inserted by [S.I. 1976/409](#), and paragraph (1) was amended by [S.I. 1987/414](#), [S.I. 1988/1545](#), [S.I. 2000/1483](#), [S.I. 2002/490](#) and [S.I. 2002/2497](#).

(14) Regulation 7C was inserted by [S.I. 1995/2558](#), and amended by [S.I. 1996/2367](#), [S.I. 2000/1483](#) and [S.I. 2003/455](#).

(15) Paragraph 46 of Schedule 24 to the Civil Partnership Act 2004 ([c. 33](#)) inserts a definition of “couple” into Part 7 of the Social Security Contributions and Benefits Act 1992 ([c. 4](#)) and removes the definitions of “married couple” and “unmarried couple”.

(16) Regulation 8C was inserted by [S.I. 2000/1483](#).

(17) [S.I. 1975/563](#).

(18) The heading to regulation 2 was substituted by [S.I. 1994/268](#) and amended by [S.I. 1995/829](#).

(19) Paragraph (5) was inserted by [S.I. 1994/268](#) and amended by [S.I. 1995/829](#).

(20) The heading to regulation 4 was amended by [S.I. 2000/2876](#).

(21) Paragraph (2B) was inserted by [S.I. 2000/2876](#), and sub-paragraph (a) was substituted by [S.I. 2001/2618](#).

(22) Paragraph (4) was inserted by [S.I. 1979/1432](#).

- (i) after “surviving spouse” (in each place) insert “or surviving civil partner”;
 - (ii) after “former spouse” (in each place) insert “or former civil partner”.
- (4) In regulation 5 (application of disqualification in respect of up-rating of benefit)—
- (a) in paragraph (3)—
 - (i) in sub-paragraph (b)(23)—
 - (aa) for “a widow or a widower” substitute “a widow, a widower or a surviving civil partner”;
 - (bb) after “former spouse” insert “or former civil partner”;
 - (ii) in sub-paragraph (d)(24) after “deceased spouse” insert “or deceased civil partner”;
 - (b) in paragraph (6)(25) after “former spouse” (in each place) insert “or former civil partner”;
 - (c) in paragraph (7)(26)—
 - (i) after “spouse” (in each place) insert “or civil partner”;
 - (ii) after “were husband and wife” insert “or were civil partners”;
 - (iii) after “became husband and wife” insert “or formed a civil partnership”.
- (5) In regulation 13 (modification of the Act in relation to a dependant)—
- (a) after “A husband or wife” insert “or civil partner”;
 - (b) after “spouse” (in each place) insert “or civil partner”;
 - (c) after “spouse's” insert “or civil partner's”;
 - (d) for “the husband or wife” substitute “the husband, wife or civil partner”.

Social Security (Invalid Care Allowance) Regulations 1976

6. In regulation 9 of the Social Security (Invalid Care Allowance) Regulations 1976(27) (conditions relating to residence and presence in Great Britain), in paragraph (3)(c)(28), after “spouse,” insert “civil partner,”.

Social Security Benefit (Dependency) Regulations 1977

- 7.—(1) Amend the Social Security Benefit (Dependency) Regulations 1977(29) as follows.
- (2) In regulation 3 (allocation of contributions for spouse)(30)—
- (a) in the heading preceding it, after “spouse” insert “or civil partner”;
 - (b) in paragraph (1)(31) after “spouse” (in each place) insert “or civil partner”;
 - (c) in paragraph (2)(32) after “spouse” (in each place) insert “or civil partner”.
- (3) In regulation 4A (circumstances in which a person who is not entitled to child benefit is to be treated as if he were so entitled)(33)—

(23) Sub-paragraph (b) was substituted by [S.I. 1979/1432](#).

(24) Sub-paragraph (d) was amended by [S.I. 1989/1642](#) and [S.I. 2000/2876](#).

(25) Paragraph (6) was substituted by [S.I. 1979/1432](#) and amended by [S.I. 1989/1642](#) and [S.I. 1994/1832](#).

(26) Paragraph (7) was substituted by [S.I. 1979/1432](#) and amended by [S.I. 1989/1642](#).

(27) [S.I. 1976/409](#).

(28) Paragraph (3) was substituted by [S.I. 1977/342](#).

(29) [S.I. 1977/343](#).

(30) The heading to regulation 3 was amended by [S.I. 1983/1001](#) and [S.I. 2003/937](#).

(31) Paragraph (1) was amended by [S.I. 1983/1001](#), [S.I. 1984/1699](#), [S.I. 1985/1305](#), [S.I. 1994/2945](#), [S.I. 1996/1345](#) and [S.I. 2003/937](#).

(32) Paragraph (2) was amended by [S.I. 1983/1001](#).

(33) Regulation 4A was inserted by [S.I. 1980/585](#).

Status: This is the original version (as it was originally made).

- (a) in paragraph (1)(b)(34) after “spouse” insert “or civil partner”;
- (b) in paragraph (4)(35) after “spouse” insert “or civil partner”.
- (4) In regulation 5 (contribution towards the cost of providing for child), in paragraph (5)(36)—
 - (a) after “neither the beneficiary nor his spouse” insert “or, as the case may be, his civil partner”;
 - (b) after “if he has a spouse” and “and his spouse” insert “or civil partner”.
- (5) In regulation 8 (earnings rules for increases for adult dependants)(37)—
 - (a) in paragraph (1)—
 - (i) at the end of sub-paragraph (a), insert “or”;
 - (ii) omit “or” at the end of sub-paragraph (b);
 - (iii) omit sub-paragraph (c);
 - (b) after paragraph (1) insert—

“(1A) This paragraph applies in cases where an increase of benefit is claimed in respect of a spouse or a civil partner who, in either case, is residing with the beneficiary and the increase is claimed under paragraph 6(1)(a)(i) of Schedule 7 to the Contributions and Benefits Act (increase of disablement pension in respect of a spouse or civil partner where beneficiary entitled to unemployability supplement).”;
 - (c) in paragraph (2)—
 - (i) after “paragraph (1)” insert “or (1A)”;
 - (ii) after “spouse” (in each place) insert “or civil partner”;
 - (d) in paragraph (6) after “spouse” (in each place) insert “or civil partner”.
- (6) In regulation 11 (contribution to maintenance of adult dependant), after paragraph (1)(38) insert—

“(1A) Subject to paragraphs (2) and (3), for the purposes of section 82 of, and paragraph 6(1)(a)(i) of Schedule 7 to, the Contributions and Benefits Act (increase of maternity allowance and increase of disablement pension where beneficiary entitled to unemployability supplement) a beneficiary shall not be deemed to satisfy the requirement contained in those provisions (that he is contributing to the maintenance of his civil partner at a weekly rate of not less than the standard rate of increase) unless when in employment, or not incapable of work, or not entitled to a Category A or a Category B retirement pension, as the case may be (except in a case where the dependency did not arise until later), he contributed to his civil partner’s maintenance at a weekly rate not less than the standard rate of increase.”.
- (7) In Schedule 2 (prescribed circumstances for increase of a carer’s allowance)(39)—
 - (a) in paragraph 2A(40)—
 - (i) for sub-paragraph (a) substitute the following sub-paragraph—

“(a) a beneficiary is a member of a couple; and”;
 - (ii) in sub-paragraph (b) for “person” substitute “member of the couple”;

(34) Paragraph (1) was amended by [S.I. 1989/523](#) and [S.I. 2003/937](#).

(35) Paragraph (4) was amended by [S.I. 1984/1698](#).

(36) Paragraph (5) was inserted by [S.I. 1977/620](#).

(37) Regulation 8 was substituted by [S.I. 1992/3041](#).

(38) Paragraph (1) was amended by [S.I. 1983/1001](#), [S.I. 1984/1698](#), [S.I. 1989/1642](#), [S.I. 1994/2945](#) and [S.I. 1996/1345](#).

(39) The title of Schedule 2 was amended by [S.I. 2002/2497](#).

(40) Paragraph 2A was inserted by [S.I. 1984/1699](#).

(b) in paragraph 2C(41)—

(i) omit the definition of “unmarried couple”;

(ii) before the definition of “week” insert the following definition—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 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;;”;

(c) in paragraph (4)(a)(ii) after “spouses” insert “or civil partners”;

(d) in paragraph (7)(a)(42) after “a spouse” insert “or civil partner”.

Social Security Benefit (Persons Residing Together) Regulations 1977

8. In regulation 2 of the Social Security Benefit (Persons Residing Together) Regulations 1977(43) (circumstances in which a person is to be treated as residing or not residing with another person or in which persons are to be treated as residing or not residing together), in paragraph (2)(44) after “spouses” insert “or civil partners”.

Social Security (Overlapping Benefits) Regulations 1979

9.—(1) Amend the Social Security (Overlapping Benefits) Regulations 1979(45) as follows.

(2) In regulation 6 (adjustments of personal benefit under Chapters I and II of Part II of the Act by reference to industrial injuries benefits and benefits not under the Act, and adjustments of industrial injuries benefits), in paragraph (5)(46), after “spouse” (in each place) insert “or civil partner”.

(3) In regulation 15 (priority between persons entitled to increase of benefit), in paragraph (4) (a) after “spouse” insert “or civil partner”.

(4) In Schedule 1 (personal benefits which are required to be adjusted by reference to benefits not under Chapters I and II of Part II of the Act), in column (2) of paragraph 4(47), after “surviving spouse” insert “or civil partner”.

(41) Paragraph 2C was inserted by [S.I. 1984/1699](#) and amended by [S.I. 1996/2745](#).

(42) Sub-paragraph (a) was substituted retrospectively by section 37(2) of the Social Security Act 1986 (c. 50) from 22nd December 1984 and substituted by [S.I. 1988/554](#). Paragraph 7 was amended by [S.I. 2002/2497](#).

(43) [S.I. 1977/956](#).

(44) Paragraph (2) was amended by [S.I. 1983/186](#), [S.I.1984/1303](#), [S.I. 1995/829](#) and [S.I.1996/1345](#).

(45) [S.I. 1979/597](#).

(46) Paragraph (5) was amended by [S.I. 1995/829](#) and by section 18(1) of the Social Security Act 1986 (c. 50).

(47) Paragraph 4 was amended by [S.I. 1983/186](#), [S.I. 1984/1303](#), [S.I. 1995/829](#) and [S.I. 2002/2497](#).

Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979

10.—(1) Amend the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979⁽⁴⁸⁾ as follows.

(2) In regulation 7A (Category B retirement pension for surviving spouses by virtue of deceased spouse's contributions)⁽⁴⁹⁾—

- (a) in the heading preceding it—
 - (i) after “surviving spouses” insert “and surviving civil partners”;
 - (ii) after “deceased spouse's” insert “or deceased civil partner's”;
- (b) in paragraph (2)(e) after “remarried” insert “or formed a civil partnership”;
- (c) in paragraph (3)(a) after “spouse” insert “or civil partner”.

(3) In regulation 8 (substitution of former spouse's contribution record to give entitlement to a Category A retirement pension)—

- (a) in the heading preceding it, after “former spouse's” insert “or former civil partner's”;
- (b) in paragraph (1)—
 - (i) in sub-paragraph (a) after “did not remarry” insert “or, as the case may be, form a civil partnership”;
 - (ii) after sub-paragraph (a) insert the following sub-paragraph—

“(aa) any person whose last civil partnership terminated before he attained pensionable age and who did not form a subsequent civil partnership or, as the case may be, marry before that date,”
 - (iii) in sub-paragraph (b)⁽⁵⁰⁾—
 - (aa) after “attaining pensionable age” insert “or whose civil partner died on or after the man or woman had attained that age”;
 - (bb) after “former spouse” insert “or former civil partner”;
 - (iv) in sub-paragraph (c)—
 - (aa) after “last marriage” insert “or last civil partnership”;
 - (bb) after “his spouse” insert “or, as the case may be, his civil partner”;
- (c) in paragraph (2)—
 - (i) after “marriage” insert “or civil partnership”;
 - (ii) after “former spouse” insert “or former civil partner”;
- (d) in paragraph (3)—
 - (i) after “former spouse” insert “or former civil partner”;
 - (ii) after “marriage” insert “or civil partnership”;
- (e) in paragraph (6) after “his spouse's” insert “or his civil partner's”.

(4) In regulation 16ZA (provision in relation to entitlement to child benefit for the purposes of a widowed parent's allowance)⁽⁵¹⁾—

- (a) in paragraph (1)—
 - (i) after “(“the surviving spouse”)” insert “or whose civil partner has died (“surviving civil partner”))”;

⁽⁴⁸⁾ S.I. 1979/642.

⁽⁴⁹⁾ Regulation 7A was inserted by S.I. 2000/1483.

⁽⁵⁰⁾ Sub-paragraph (b) was substituted by S.I. 2000/1483.

⁽⁵¹⁾ Regulation 16ZA was inserted by S.I. 2001/1235.

- (ii) in sub-paragraph (b) after “surviving spouse” insert “or surviving civil partner”;
- (b) in paragraph (2)—
 - (i) after “a surviving spouse” insert “or surviving civil partner”;
 - (ii) after “more than once married” insert “, has formed more than one civil partnership, or who has been both married and formed a civil partnership”;
 - (iii) after “with the deceased spouse” insert “or, as the case may be, the deceased civil partner”;
 - (iv) after “the deceased spouse” insert “or deceased civil partner”;
 - (v) in sub-paragraph (a)—
 - (aa) after “spouse” (in each place) insert “or civil partner”;
 - (bb) after “marriage” insert “or, as the case may be, by the formation of a civil partnership”;
 - (cc) after “that previous spouse's” insert “or previous civil partner's”;
 - (vi) in sub-paragraph (b) after “spouse” (in each place) insert “or civil partner”.
- (5) In Schedule 1 (method of treating former spouse's contributions as those of the beneficiary so as to entitle him to a Category A retirement pension)—
 - (a) in the heading preceding it, after “former spouse's” insert “or former civil partner's”;
 - (b) in paragraph 1—
 - (i) after “the former spouse's” (in each place) insert “or former civil partner's”;
 - (ii) after “the marriage” (in each place) insert “or, as the case may be, the civil partnership”;
 - (c) in paragraph 2 after “marriage” (in each place) insert “or civil partnership”;
 - (d) in paragraph 3—
 - (i) after “in which the marriage took place” (in each place) insert “or the civil partnership was formed”;
 - (ii) for “in which the marriage terminated” (in each place) substitute “in which the marriage or civil partnership terminated”.

Social Security (Widow's Benefit, Retirement Pensions and Other Benefits)(Transitional) Regulations 1979

11.—(1) Amend the Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979(**52**) as follows.

(2) In regulation 12 (provision relating to increase of retirement pension where pensioner's deceased spouse had deferred retirement)(**53**)—

- (a) in the heading preceding it, after “deceased spouse” insert “or deceased civil partner”;
- (b) after “deceased spouse” (in each place) insert “or deceased civil partner”;
- (c) after “whose spouse dies on or after 6th April 1979” insert “or whose civil partner dies on or after 5th December 2005”;
- (d) for “that date” substitute “6th April 1979”.

(52) [S.I. 1979/643](#).

(53) Regulation 12 was amended by [S.I. 1989/1642](#).

Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983

12.—(1) Amend the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983⁽⁵⁴⁾ as follows.

- (2) In article 5 (increase of allowance in respect of spouse)⁽⁵⁵⁾—
 - (a) in the heading preceding it, after “spouse” add “or civil partner”;
 - (b) in paragraph (1), after “spouse” insert “or civil partner”;
 - (c) in paragraph (3), after “spouse” (in each place) insert “or civil partner”.
- (3) In article 9 (death benefit)—
 - (a) in paragraph (2), after “Workmen’s Compensation Act 1925” insert “and is to be read as including a surviving civil partner of the deceased”;
 - (b) in paragraph (4)—
 - (i) in sub-paragraph (a)—
 - (aa) in paragraph (ii), after “at her death,” insert “or”;
 - (bb) after paragraph (ii) insert the following paragraph—
 - “(iii) his or her surviving civil partner who was wholly dependant upon him or her and who was residing with him or her at the time of his or her death,”;
 - (cc) for “to that widow or, as the case may be, to that widower” substitute “to that widow, that widower or, as the case may be, that surviving civil partner”;
 - (ii) in sub-paragraph (b)—
 - (aa) for “widow or widower” substitute “widow, widower or surviving civil partner”;
 - (bb) after paragraph (i) insert the following paragraph—
 - “(ia) his or her surviving civil partner who was wholly dependant on the deceased at the time of the deceased’s death; or”;
 - (cc) for “between the widow or, as the case may be, the widower and that child or, if there is more than one child, between the widow or widower and those children” substitute “between the widow, widower or, as the case may be, the surviving civil partner and that child or, if there is more than one child, between the widow, widower or, as the case may be, the surviving civil partner and those children”;
 - (c) in sub-paragraph (c)—
 - (i) for “a widow or widower” substitute “a widow, widower or surviving civil partner”;
 - (ii) for “to that widow or, as the case may be, to that widower” substitute “to that widow, that widower or, as the case may be, to that surviving civil partner”;
 - (d) in sub-paragraph (d), for “widow or widower” substitute “widow, widower or surviving civil partner”.
- (4) In Schedule 2 (conditions relating to increase of allowance in respect of a spouse)⁽⁵⁶⁾—
 - (a) in the heading preceding it, after “spouse” add “or civil partner”;
 - (b) in paragraph 1, after “spouse” (in each place) insert “or civil partner”;
 - (c) in paragraph 2, after “spouse” (in each place) insert “or civil partner”.

⁽⁵⁴⁾ [S.I. 1983/136](#).

⁽⁵⁵⁾ The heading to article 5 was amended by [S.I. 1987/400](#), and the article amended by [S.I. 1983/504](#) and [S.I. 1987/400](#).

⁽⁵⁶⁾ The heading to Schedule 2 and Schedule 2 were amended by [S.I. 1987/400](#).

Income Support (General) Regulations 1987

13.—(1) Amend the Income Support (General) Regulations 1987⁽⁵⁷⁾ as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” substitute “or, if any of the preceding persons is one member of a couple, the other member of that couple”;

(b) for the definition of “couple” substitute the following definition—

““couple” means—

(a) a man and woman who are married to each other and are members of the same household;

(b) a man and woman who are not married to each other but are living together as husband and wife;

(c) two people of the same sex who are civil partners of each other and are members of the same household; or

(d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 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;”;

(c) in the definition of “partner”, in paragraph (a), for “a married or an unmarried couple” substitute “a couple”;

(d) in the definition of “war widower’s pension”⁽⁵⁸⁾—

(i) after “any widower’s” insert “or surviving civil partner’s”;

(ii) after “for a widower” insert “or surviving civil partner”.

(3) In regulation 21 (special cases), in paragraph (3), in the definition of “partner of a person subject to immigration control”⁽⁵⁹⁾, in sub-paragraph (iii)—

(a) for “his” substitute “the member’s”;

(b) for “her” substitute “the partner”.

(4) Amend regulation 54 (interpretation) as follows—

(a) in the definition of “liable relative”, for “or former spouse” substitute “, former spouse, civil partner or former civil partner”;

(b) in the definition of “payment”⁽⁶⁰⁾, in sub-paragraph (a)—

(i) at the end of paragraph (ii), insert “or”;

(ii) after paragraph (ii), as amended by sub-paragraph (i) above, insert the following paragraph—

“(iii) any proceedings for separation, dissolution or nullity in relation to a civil partnership;”.

⁽⁵⁷⁾ [S.I. 1987/1967](#).

⁽⁵⁸⁾ The definition of “war widower’s pension” was inserted by [S.I. 2002/841](#).

⁽⁵⁹⁾ The definition of “partner of a person subject to immigration control” was inserted by [S.I. 2000/636](#).

⁽⁶⁰⁾ The definition of “payment” was amended by [S.I. 1988/663](#) and [S.I. 2003/455](#).

Status: This is the original version (as it was originally made).

(5) In regulation 61 (interpretation), in the definition of “contribution”**(61)**, after “the holder’s spouse” insert “or civil partner”.

(6) In Schedule 1B (prescribed categories of person)**(62)**, in paragraph 16A (certain persons aged between 55 and 60 whose spouse has died)**(63)**—

- (a) in the heading preceding it, after “spouse” insert “or civil partner”;
- (b) in sub-paragraph (b), after “9th April 2006” insert “or whose civil partner died during the period beginning on 5th December 2005 and ending on 9th April 2006”.

(7) In Schedule 2 (applicable amounts), in paragraph 8A (bereavement premium)**(64)**, in sub-paragraph (1)(b), after “9th April 2001” insert “or of a civil partner who died on or after 5th December 2005”.

(8) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 16(c)**(65)**, for “widow or widower” substitute “widow, widower or surviving civil partner”;
 - (b) in paragraph 39**(66)**—
 - (i) in sub-paragraph (2)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
 - (ii) in sub-paragraph (3), after “estranged or divorced” insert “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”;
 - (c) in paragraph 54**(67)**, for “widows or widowers” substitute “widows, widowers or surviving civil partners”;
 - (d) in paragraph 55**(68)**, for “widows or widowers” substitute “widows, widowers or surviving civil partners”;
 - (e) in paragraph 56(1)**(69)**—
 - (i) in paragraph (a), for “widow or widower” substitute “widow, widower or surviving civil partner”;
 - (ii) in paragraph (b), for “widows or widowers” substitute “widows, widowers or surviving civil partners”.
- (9) In Schedule 10 (capital to be disregarded)—
- (a) in paragraph 4(b)**(70)**, after “estranged or divorced” insert “or with whom he formed a civil partnership that has been dissolved”;

(61) The definition of “contribution” was substituted by [S.I. 1996/1944](#), and amended by [S.I. 1998/563](#), [S.I. 1999/1935](#) and [S.I. 2001/2319](#).

(62) Schedule 1B was inserted by [S.I. 1996/206](#).

(63) Paragraph 16A was inserted by [S.I. 2000/2239](#) for the period from 9th April 2001 to 9th April 2006 only.

(64) Paragraph 8A was inserted by [S.I. 2000/2239](#) for the period from 9th April 2001 to 9th April 2006 only.

(65) Paragraph 16 was substituted by [S.I. 1995/2792](#), and sub-paragraph (c) was amended by [S.I. 1995/3282](#) and [S.I. 2002/841](#).

(66) Paragraph 39 was substituted by [S.I. 1991/1175](#) and amended by [S.I. 1992/1101](#), [S.I. 1993/963](#) and [S.I. 2000/1981](#).

(67) Paragraph 54 was inserted by [S.I. 1994/2139](#) and amended by [S.I. 2002/841](#).

(68) Paragraph 55 was inserted by [S.I. 1994/2139](#) and amended by [S.I. 2002/841](#).

(69) Paragraph 56 was inserted by [S.I. 1994/2139](#) and paragraph 56(1)(a) was amended by [S.I. 2002/841](#).

(70) Paragraph 4(b) was amended by [S.I. 1988/910](#).

- (b) in paragraph 22(**71**)—
 - (i) in sub-paragraph (2)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
 - (ii) in sub-paragraph (3), after “estranged or divorced” insert “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”;
- (c) in paragraph 25(**72**), after “estrangement or divorce from” insert “, or dissolution of his civil partnership with,”;
- (d) in paragraph 61(**73**), in sub-paragraphs (c) and (d), after “deceased spouse” insert “or deceased civil partner”;
- (e) in paragraph 65(**74**), after “deceased spouse” (in each place) insert “or deceased civil partner”.

Social Security (Claims and Payments) Regulations 1987

14.—(1) Amend the Social Security (Claims and Payments) Regulations 1987(**75**) as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “Contributions and Benefits Act” insert the following definition—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 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;”;

(b) omit the definitions of “married couple” and “unmarried couple”;

(c) in the definition of “partner”, for “a married or unmarried couple” substitute “a couple”.

(71) Paragraph 22 was substituted by [S.I. 1991/1175](#) and amended by [S.I. 1992/1101](#), [S.I. 1993/1249](#), [S.I. 2000/1981](#) and [S.I. 2004/1141](#).

(72) Paragraph 25 was inserted by [S.I. 1988/910](#) and amended by [S.I. 2003/511](#).

(73) Paragraph 61 was inserted by [S.I. 2001/22](#).

(74) Paragraph 65 was inserted by [S.I. 2001/3481](#).

(75) [S.I. 1987/1968](#).

(3) In regulation 4 (making a claim for benefit), in paragraphs (3)(76), (3B)(a)(77), (3C)(78) and (4), for “a married or unmarried couple” substitute “a couple”.

(4) In regulation 4D (making a claim for state pension credit)(79), in paragraphs (7) and (8) for “married or unmarried couple” substitute “couple”.

(5) In regulation 6 (date of claim), in paragraph (31)(80), in sub-paragraphs (a)(ii), (b) and (ii), after “spouse” insert “or civil partner”.

(6) In regulation 15 (advance notice of retirement and claim for and award of pension), in paragraph (6)(81), after “the spouse” (in each place) insert “or civil partner”.

(7) In regulation 17 (duration of awards), in paragraph (1A)(82) for “a married or unmarried couple” substitute “a couple”.

(8) In regulation 36 (payment to a partner as alternative payee), in paragraph (2)(a)(83), for “of a married or unmarried” substitute “member of a”.

Housing Benefit (General) Regulations 1987

15.—(1) Amend the Housing Benefit (General) Regulations 1987(84) as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” substitute “or if any of the preceding persons is one member of a couple, the other member of that couple”;

(b) after the definition of “co-ownership scheme” insert the following definition—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 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;”;

(c) omit the definitions of “married couple” and “unmarried couple”;

(d) in the definition of “partner”, in paragraph (a) for “a married or unmarried couple” substitute “a couple”.

(76) Paragraph (3) was amended by [S.I. 1996/2431](#).

(77) Paragraph (3B) was inserted by [S.I. 1996/1460](#) and amended by [S.I. 2000/1982](#).

(78) Paragraph (3C) was inserted by [S.I. 1986/2431](#) and amended by [S.I. 2000/636](#).

(79) Regulation 4D was inserted by [S.I. 2002/3019](#).

(80) Paragraph (31) was inserted by [S.I. 2004/2283](#).

(81) Paragraph (6) was substituted by [S.I. 1989/1642](#).

(82) Paragraph (1A) was substituted by [S.I. 1996/1460](#).

(83) Regulation 36 was renumbered as regulation 36(1) and paragraph (2) was inserted by [S.I. 2002/2660](#).

(84) [S.I. 1987/1971](#).

(3) In regulation 5 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), in paragraph (5)(b)(85) for “a married or unmarried couple” substitute “a couple”.

(4) In regulation 46 (interpretation)(86), in paragraph (1), in the definition of “contribution”(87), after “spouse” insert “or civil partner”.

(5) In regulation 63 (non-dependant deductions), in paragraphs (3)(88), (4) and (5) for “a married or unmarried couple” substitute “a couple”.

(6) In regulation 71 (who may claim), in paragraph (1)(89) for “a married or unmarried couple” substitute “a couple”.

(7) In Schedule 2 (applicable amounts), in paragraph 8A(1)(b)(90), after “on or after 9th April 2001” insert “or of a civil partner who died on or after 5th December 2005”.

(8) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 14(91), in sub-paragraph (c), for “widow or widower” substitute “widow, widower or surviving civil partner”;

(b) in paragraph 34(92)—

(i) in sub-paragraph (2)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;

(ii) in sub-paragraph (3), after “estranged or divorced” insert “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;

(iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;

(iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”;

(c) in paragraph 53(93), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;

(d) in paragraph 54(94), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;

(e) in paragraph 55(1)(95)—

(i) in paragraph (a), for “widow or widower” substitute “widow, widower or surviving civil partner”;

(ii) in paragraph (b), for “widows or widowers” substitute “widows, widowers or surviving civil partners”.

(9) In Schedule 5 (capital to be disregarded)—

(85) Paragraph (5)(b) was amended by [S.I. 1990/1549](#).

(86) Regulation 46 was amended by [S.I. 2000/1981](#).

(87) The definition of “contribution” was substituted by [S.I. 1996/1944](#), and amended by [S.I. 1998/563](#), [S.I. 1999/1935](#) and [S.I. 2001/2319](#).

(88) Paragraph (3) was amended by [S.I. 1993/317](#).

(89) Paragraph (1) was amended by [S.I. 2001/1605](#).

(90) Paragraph 8A was inserted by [S.I. 2000/2239](#) for the period 9th April 2001 to 9th April 2006 only.

(91) Paragraph 14 was substituted by [S.I. 1995/2792](#) and amended by [S.I. 1995/3282](#) and [S.I. 2002/841](#).

(92) Paragraph 34 was substituted by [S.I. 1991/1175](#) and amended by [S.I. 1992/1101](#), [S.I. 1993/963](#) and [S.I. 1993/1249](#).

(93) Paragraph 53 was inserted by [S.I. 1994/2137](#) and amended by [S.I. 2002/841](#).

(94) Paragraph 54 was inserted by [S.I. 1994/2137](#) and amended by [S.I. 2002/841](#).

(95) Paragraph 55 was inserted by [S.I. 1994/2137](#) and sub-paragraph (1) amended by [S.I. 2002/841](#).

Status: This is the original version (as it was originally made).

- (a) in paragraph 4(b), after “estranged or divorced” insert “or with whom he had formed a civil partnership that has been dissolved”;
- (b) in paragraph 23(96)—
 - (i) in sub-paragraph (2)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
 - (ii) in sub-paragraph (3), after “estranged or divorced” insert “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”;
- (c) in paragraph 24(1), after “or divorce from” insert “, or dissolution of his civil partnership with,”;
- (d) in paragraph 64(97), in sub-paragraphs (c) and (d) after “deceased spouse” insert “or deceased civil partner”;
- (e) in paragraph 67(98), after “deceased spouse” (in each place) insert “or deceased civil partner”.

16.—(1) Amend the Housing Benefit (General) Regulations 1987, as modified in their application to persons to whom regulation 2(1) of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003(99) applies, as follows.

(2) In regulation 25 (meaning of “income”), in paragraph (1)(m), for “by his spouse or former spouse or towards the maintenance of the claimant’s partner by his spouse or former spouse,” substitute “by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the claimant’s partner by his spouse, civil partner, former spouse or former civil partner,”.

(3) In Schedule 4A (amounts to be disregarded in the calculation of income other than earnings)(100)—

- (a) in paragraph 1(c), for “widow or widower” substitute “widow, widower or surviving civil partner”;
- (b) in paragraph 4, for “widows or widowers” substitute “widows, widowers or surviving civil partners”;
- (c) in paragraph 5, for “widows or widowers” substitute “widows, widowers or surviving civil partners”;
- (d) in paragraph 6(1)—
 - (i) in paragraph (a)(101), for “widow or widower” substitute “widow, widower or surviving civil partner”;

(96) Paragraph 23 was substituted by [S.I. 1991/1175](#) and amended by [S.I. 1992/1101](#), [S.I. 1993/1249](#) and [S.I. 2004/1141](#).

(97) Paragraph 64 was inserted by [S.I. 2001/22](#).

(98) Paragraph 67 was inserted by [S.I. 2001/3481](#).

(99) [S.I. 2003/325](#).

(100) Schedule 4A was inserted by [S.I. 2003/325](#) for the purposes only of regulation 21(3) and (4) of that S.I., and is identical to Schedule 4A to the Council Tax Benefit (General) Regulations 1992 – see paragraph 1(b) of Schedule 2 to [S.I. 2003/325](#).

(101) Sub-paragraph (1)(a) was amended by virtue of [S.I. 2003/2275](#).

- (ii) in paragraph (b), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;
 - (e) in paragraph 13, after “spouse” insert “or civil partner”;
 - (f) in paragraph 20(1), for “by the claimant’s spouse or former spouse, or the claimant’s partner’s spouse or former spouse” substitute “by the claimant’s spouse, civil partner, former spouse or former civil partner or the claimant’s partner’s spouse, civil partner, former spouse, or former civil partner”.
- (4) In Part 1 of Schedule 5ZA (capital to be disregarded)(102)—
- (a) in paragraph 4(b), after “estranged or divorced” insert “or with whom he had formed a civil partnership that has been dissolved”;
 - (b) in paragraph 6(1), after “from his former partner” insert “or the dissolution of a civil partnership with his former partner”;
 - (c) in paragraph 13, in sub-paragraphs (c) and (d), after “deceased spouse” insert “or deceased civil partner”;
 - (d) in paragraph 15, after “deceased spouse” (in each place) insert “or civil partner”;
 - (e) in paragraph 16—
 - (i) in sub-paragraph (2), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
 - (ii) in sub-paragraph (3), after “estranged or divorced” insert “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”.

Housing Benefit (Supply of Information) Regulations 1988

17. In regulation 1 of the Housing Benefit (Supply of Information) Regulations 1988(103) (citation, commencement and interpretation), in paragraph (2)—

- (a) after the definition of “claimant” insert the following definition—
 - ““couple” means—
 - (a) a man and woman who are married to each other and are members of the same household;
 - (b) a man and woman who are not married to each other but are living together as husband and wife;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

(102) Schedule 5ZA was inserted by [S.I. 2003/325](#) for the purposes only of regulation 21 (3) and (4) of that S.I., and is identical to Schedule 5ZA to the Council Tax Benefit (General) Regulations 1992 – see paragraph 1(c) of Schedule 2 to [S.I. 2003/325](#).

(103) [S.I. 1988/662](#).

and for the purposes of paragraph (d), 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;”;

- (b) in the definition of “partner”, in paragraph (a), for “a married or unmarried couple” substitute “a couple”.

Social Security (Payments on account, Overpayments and Recovery) Regulations 1988

18. In regulation 17 of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988⁽¹⁰⁴⁾ (recovery from couples)⁽¹⁰⁵⁾, for “a married or unmarried couple” (in each place) substitute “a couple”.

Social Security (Attendance Allowance) Regulations 1991

19. In regulation 2 of the Social Security (Attendance Allowance) Regulations 1991⁽¹⁰⁶⁾ (conditions as to residence and presence in Great Britain), in paragraph (2)(c), after “spouse,” insert “civil partner,”.

Social Security (Disability Living Allowance) Regulations 1991

20. In regulation 2 of the Social Security (Disability Living Allowance) Regulations 1991⁽¹⁰⁷⁾ (conditions as to residence and presence in Great Britain), in paragraph (2)(c), after “spouse,” insert “civil partner,”.

Council Tax Benefit (General) Regulations 1992

21.—(1) Amend the Council Tax Benefit (General) Regulations 1992⁽¹⁰⁸⁾ as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

- (a) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” substitute “or if any of the preceding persons is one member of a couple, the other member of that couple”;

- (b) after the definition of “council tax benefit” insert the following definition—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of sub-paragraph (d), 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

⁽¹⁰⁴⁾ S.I. 1988/664.

⁽¹⁰⁵⁾ Regulation 17 has been amended by S.I. 2003/492, S.I. 1996/1345, S.I. 1996/2571 and S.I. 2002/3019.

⁽¹⁰⁶⁾ S.I. 1991/2740.

⁽¹⁰⁷⁾ S.I. 1991/2890.

⁽¹⁰⁸⁾ S.I. 1992/1814.

- be regarded as living together as husband and wife were they instead two people of the opposite sex;”;
- (c) omit the definitions of “married couple” and “unmarried couple”;
 - (d) in the definition of “partner”, in sub-paragraph (a) for “a married or unmarried couple” substitute “a couple”.
- (3) In regulation 38 (interpretation)(**109**), in paragraph (1), in the definition of “contribution”(110), after “spouse” insert “or civil partner”.
- (4) In regulation 52 (non-dependant deductions)—
- (a) in paragraphs (3) and (4) for “a married or unmarried couple” substitute “a couple”;
 - (b) in paragraph (5)(b), after “spouses” insert “and civil partners”.
- (5) In regulation 54 (alternative maximum council tax benefit), in paragraph (3), after “spouses” insert “and civil partners”.
- (6) In regulation 55 (residents of a dwelling to whom section 131(6) of the Contributions and Benefits Act 1992 does not apply)—
- (a) in paragraph (a), after “spouse's” insert “or civil partner's”;
 - (b) in paragraph (b), for “a married or unmarried couple” substitute “a couple”.
- (7) In regulation 61 (who may claim), in paragraph (1)(**111**) for “a married or unmarried couple” substitute “a couple”.
- (8) In Schedule 1 (applicable amounts), in paragraph 8A(1)(b)(**112**), after “on or after 9th April 2001” insert “or of a civil partner who died on or after 5th December 2005”.
- (9) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 14(c)(**113**) for “widow or widower” substitute “widow, widower or surviving civil partner”;
 - (b) in paragraph 35—
 - (i) in sub-paragraph (2)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
 - (ii) in sub-paragraph (3), after “estranged or divorced” insert “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”;
 - (c) in paragraph 52(**114**), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;
 - (d) in paragraph 53(**115**), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;

(109) Regulation 38 was amended by S.I. 2000/1981.

(110) The definition of “contribution” was substituted by S.I. 1996/1944, and amended by S.I. 1998/563, S.I. 1999/1935 and S.I. 2001/2.

(111) Paragraph (1) was amended by S.I. 2001/1605.

(112) Paragraph 8A was inserted, for the period 9th April 2001 to 9th April 2006 only, by S.I. 2000/2239.

(113) Paragraph 14 was substituted by S.I. 1995/2792, and amended by S.I. 1995/3282 and S.I. 2002/841.

(114) Paragraph 52 was inserted by S.I. 1994/2137 and amended by S.I. 2002/841.

(115) Paragraph 53 was inserted by S.I. 1994/2137 and amended by S.I. 2002/841.

Status: This is the original version (as it was originally made).

- (e) in paragraph 54(1)(**116**)—
 - (i) in paragraph (a), for “widow or widower” substitute “widow, widower or surviving civil partner”;
 - (ii) in paragraph (b), for “widows or widowers” substitute “widows, widowers or surviving civil partners”.
- (10) In Schedule 5 (capital to be disregarded)—
 - (a) in paragraph 4(b), after “estranged or divorced” insert “or with whom he had formed a civil partnership that has been dissolved”;
 - (b) in paragraph 23—
 - (i) in sub-paragraph (2)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
 - (ii) in sub-paragraph (3), after “estranged or divorced” insert “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”;
 - (c) in paragraph 24(1), after “or divorce from” insert “, or dissolution of his civil partnership with,”;
 - (d) in paragraph 64(**117**), in sub-paragraphs (c) and (d) after “deceased spouse” insert “or deceased civil partner”;
 - (e) in paragraph 67(**118**), after “deceased spouse” (in each place) insert “or deceased civil partner”.

22.—(1) Amend the Council Tax Benefit (General) Regulations 1992, as modified in their application to persons to whom regulation 12(1) of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003(**119**) applies, as follows.

(2) In regulation 17 (meaning of “income”), in paragraph (1)(m), for “by his spouse or former spouse or towards the maintenance of the claimant’s partner by his spouse or former spouse,” substitute “by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the claimant’s partner by his spouse, civil partner, former spouse or former civil partner,”.

(3) In Schedule 4A (amounts to be disregarded in the calculation of income other than earnings)(**120**)—

- (a) in paragraph 1(c), for “widow or widower” substitute “widow, widower or surviving civil partner”;
- (b) in paragraph 4, for “widows or widowers” substitute “widows, widowers or surviving civil partners”;

(**116**) Paragraph 54 was inserted by [S.I. 1994/2137](#) and sub-paragraph (1) amended by [S.I. 2002/841](#).

(**117**) Paragraph 64 was inserted by [S.I. 2001/22](#).

(**118**) Paragraph 67 was inserted by [S.I. 2001/3481](#).

(**119**) [S.I. 2003/325](#).

(**120**) Schedule 4A was inserted by [S.I. 2003/325](#) for the purposes only of regulation 21(3) and (4) of that S.I.

- (c) in paragraph 5, for “widows or widowers” substitute “widows, widowers or surviving civil partners”;
 - (d) in paragraph 6(1)—
 - (i) in paragraph (a)(121), for “widow or widower” substitute “widow, widower or surviving civil partner”;
 - (ii) in paragraph (b), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;
 - (e) in paragraph 13 after “spouse” insert “or civil partner”;
 - (f) in paragraph 20(1), for “by the claimant’s spouse or former spouse, or the claimant’s partner’s spouse or former spouse” substitute “by the claimant’s spouse, civil partner, former spouse or former civil partner or the claimant’s partner’s spouse, civil partner, former spouse, or former civil partner”.
- (4) In Part 1 of Schedule 5ZA (capital to be disregarded)(122)—
- (a) in paragraph 4(b), after “estranged or divorced” insert “or with whom he had formed a civil partnership that has been dissolved”;
 - (b) in paragraph 6(1), after “from his former partner” insert “or the dissolution of a civil partnership with his former partner,”;
 - (c) in paragraph 13, in sub-paragraphs (c) and (d), after “deceased spouse” insert “or deceased civil partner”;
 - (d) in paragraph 15 after “deceased spouse” (in each place) insert “or civil partner”;
 - (e) in paragraph 16—
 - (i) in sub-paragraph (2), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
 - (ii) in sub-paragraph (3), after “estranged or divorced” insert “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”.

Social Security (Incapacity Benefit – Increases for Dependants) Regulations 1994

23.—(1) Amend the Social Security (Incapacity Benefit – Increases for Dependants) Regulations 1994(123) as follows.

- (2) In regulation 3 (allocation of contributions for a spouse)(124)—
 - (a) in the heading preceding it, after “spouse” add “or civil partner”;
 - (b) after “spouse” (in each place) insert “or civil partner”.
- (3) In regulation 9 (increase of incapacity benefit for adult dependants and persons having the care of children), in paragraph (1)(125)—

(121) Sub-paragraph (1)(a) was amended by virtue of [S.I. 2003/2275](#).

(122) Schedule 5ZA was inserted by [S.I. 2003/325](#) for the purposes only of regulation 21 (3) and (4) of that S.I.

(123) [S.I. 1994/2945](#).

(124) Regulation 3 was substituted by [S.I. 2003/937](#).

(125) Paragraph (1) was amended by [S.I. 2003/937](#).

- (a) in sub-paragraph (a), after “spouse” (in each place) insert “or civil partner”;
- (b) in sub-paragraph (b), after “a spouse” insert “or civil partner”.
- (4) In regulation 12 (contribution to maintenance of adult dependant), in paragraph (1)—
 - (a) in sub-paragraph (a)—
 - (i) after “his spouse” insert “or civil partner”;
 - (ii) after “that spouse's” insert “, civil partner's”.
 - (b) in sub-paragraph (b), after “the spouse” insert “, civil partner”.
- (5) In regulation 14 (disqualification for receipt of increases in cases of imprisonment and absence abroad), in paragraph (1), after “the spouse” insert “or civil partner”.

Social Security (Incapacity Benefit) Regulations 1994

24. In regulation 16 of the Social Security (Incapacity Benefit) Regulations 1994⁽¹²⁶⁾ (conditions relating to residence or presence)⁽¹²⁷⁾, in paragraph (4)(a), after “spouse,” insert “civil partner,”.

Social Security (Incapacity for Work) (General) Regulations 1995

25. In regulation 2 of the Social Security (Incapacity for Work) (General) Regulations 1995⁽¹²⁸⁾ (interpretation), in paragraph (1)—

- (a) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” substitute “or if any of the preceding persons is one member of a couple, the other member of that couple”;
- (b) after the definition of “close relative” insert the following definition—
 - ““couple” means—
 - (a) a man and woman who are married to each other and are members of the same household;
 - (b) a man and woman who are not married to each other but are living together as husband and wife;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 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;”;
- (c) in the definition of “relative”⁽¹²⁹⁾, for “a spouse or, in the case of an unmarried couple, the other member of that couple” substitute “the other member of a couple”.

⁽¹²⁶⁾ S.I. 1994/2946.

⁽¹²⁷⁾ Regulation 16 was inserted by S.I. 2000/3120.

⁽¹²⁸⁾ S.I. 1995/311.

⁽¹²⁹⁾ The definition of “relative” was inserted by S.I. 1996/3207.

Jobseeker's Allowance Regulations 1996

26.—(1) Amend the Jobseeker's Allowance Regulations 1996(**130**) as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (3)—

(a) in the definition of “close relative”(**131**), for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” substitute “or if any of the preceding persons is one member of a couple, the other member of that couple”;

(b) for the definition of “couple” substitute the following definition—

““couple” means—

(a) a man and woman who are married to each other and are members of the same household;

(b) a man and woman who are not married to each other but are living together as husband and wife;

(c) two people of the same sex who are civil partners of each other and are members of the same household; or

(d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 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;;”;

(c) in the definition of “partner”, in paragraph (a) for “a married or unmarried couple” substitute “a couple”;

(d) in the definition of “war widower's pension”(**132**), after “to a man as a widower” insert “or to a surviving civil partner”.

(3) In regulation 4 (interpretation of Parts 2, 4 and 5), in the definition of “close relative”(**133**)—

(a) for “a spouse or other member of an unmarried couple” substitute “a member of a couple”;

(b) for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” substitute “or if any of the preceding persons is one member of a couple, the other member of that couple”.

(4) In regulation 57 (interpretation of Part 4), in paragraph (2)(a)—

(a) after “of a married couple” insert “or of a civil partnership”;

(b) after “that couple” insert “or civil partnership”.

(5) In regulation 85 (special cases), in paragraph (4), in the definition of “partner of a person subject to immigration control”(**134**), in sub-paragraph (iii)—

(a) for “his” substitute “the member's”;

(b) for “her” substitute “the partner”.

(6) In regulation 117 (interpretation)—

(a) in the definition of “liable relative”, in sub-paragraph (a), for “or former spouse” substitute “, former spouse, civil partner or former civil partner”;

(**130**) [S.I. 1996/207](#).

(**131**) The definition of “close relative” was amended by [S.I. 1996/2538](#).

(**132**) The definition of “war widower's pension” was inserted by [S.I. 2002/841](#).

(**133**) The definition of “close relative” was amended by [S.I. 1996/2538](#).

(**134**) The definition of “partner of a person subject to immigration control” was inserted by [S.I. 2000/636](#).

Status: This is the original version (as it was originally made).

- (b) in the definition of “payment”, in sub-paragraph (a)—
 - (i) at the end of paragraph (ii), insert “or”;
 - (ii) after paragraph (ii), as amended by sub-paragraph (i) above, insert the following paragraph—
 - “(iii) any proceedings for separation, dissolution or nullity in relation to a civil partnership;”.
- (7) In regulation 130 (interpretation), in the definition of “contribution”**(135)**, after “holder’s spouse” insert “or civil partner”.
- (8) In regulation 140 (meaning of “person in hardship”), in paragraph (1)**(136)**—
 - (a) in sub-paragraph (c)—
 - (i) for “a married or unmarried couple” substitute “a couple”;
 - (ii) for paragraph (i) substitute the following paragraph—
 - “(i) at least one member of the couple is a woman who is pregnant; and”;
 - (b) in sub-paragraph (e), for “a married or unmarried couple” substitute “a couple”.
- (9) In regulation 146A (meaning of “couple in hardship”)**(137)**, in paragraph (1)(a), for “the woman member of the joint-claim couple is pregnant” substitute “at least one member of the joint-claim couple is a woman who is pregnant”.
- (10) In regulation 169 (recovery orders), in paragraph (1), after “claimant’s spouse”, insert “or civil partner”.
- (11) Amend Schedule 1 (applicable amounts) as follows—
 - (a) in paragraph 1, in sub-paragraph (3)(a)(iv) and (iva)**(138)** of column (1), after “married” insert “or civil partners”;
 - (b) in paragraph 9A(1)(b) (bereavement premium)**(139)** of Part 3 (premiums), after “9th April 2001” insert “or of a civil partner who died on or after 5th December 2005”.
- (12) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—
 - (a) in paragraph 41—
 - (i) in sub-paragraph (2)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
 - (ii) in sub-paragraph (3), after “estranged or divorced” insert “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”;
 - (b) in paragraph 53**(140)**, for “widows or widowers” substitute “widows, widowers or surviving civil partners”;

(135) The definition of “contribution” was amended by [S.I. 1998/563](#), [S.I. 1999/1935](#) and [S.I. 2001/2319](#).

(136) Paragraph (1) was amended by [S.I. 1996/1516](#), [S.I. 1999/2860](#), [S.I. 2000/239](#) and [S.I. 2000/1978](#).

(137) Regulation 146A was inserted by [S.I. 2000/1978](#).

(138) Sub-paragraph (3)(a)(iv) and (iva) was inserted by [S.I. 1996/1516](#).

(139) Paragraph 9A was inserted by [S.I. 2000/2239](#) for the period 9th April 2001 to 9th April 2006 only.

(140) Paragraph 53 was amended by [S.I. 2002/841](#).

- (c) in paragraph 54(141), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;
- (d) in paragraph 55(1)(142)—
 - (i) in paragraph (a), for “widow or widower” substitute “widow, widower or surviving civil partner”;
 - (ii) in paragraph (b), for “widows or widowers” substitute “widows, widowers or surviving civil partners”.
- (13) In Schedule 8 (capital to be disregarded)—
 - (a) in paragraph 4(b), after “estranged or divorced” insert “or with whom he formed a civil partnership that has been dissolved”;
 - (b) in paragraph 5(143), after “estrangement or divorce from” insert “or dissolution of a civil partnership with”;
 - (c) in paragraph 27—
 - (i) in sub-paragraph (2)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
 - (ii) in sub-paragraph (3), after “estranged or divorced” insert “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”;
 - (d) in paragraph 56(144), in sub-paragraphs (c) and (d), after “deceased spouse” insert “or deceased civil partner”;
 - (e) in paragraph 58(145), after “deceased spouse” (in each place) insert “or deceased civil partner”.

Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations 1996

27. In regulation 2 of the Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations 1996(146) (interpretation for the purposes of section 74A of the Act), in paragraph (b), after “spouse” insert “or civil partner”.

Social Security (Child Maintenance Bonus) Regulations 1996

28.—(1) Amend the Social Security (Child Maintenance Bonus) Regulations 1996(147) as follows.

- (2) In regulation 1 (citation, commencement and interpretation), in paragraph (2)—
 - (a) for the definition of “couple” substitute the following definition—

(141) Paragraph 54 was amended by [S.I. 2002/841](#).

(142) Paragraph 55(1) was amended by [S.I. 2002/841](#).

(143) Paragraph 5 was amended by [S.I. 2003/511](#).

(144) Paragraph 56 was inserted by [S.I. 2001/22](#).

(145) Paragraph 58 was inserted by [S.I. 2001/3481](#).

(146) [S.I. 1996/940](#).

(147) [S.I. 1996/3195](#).

Status: This is the original version (as it was originally made).

“couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 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;”;

- (b) in the definition of “partner”, in paragraph (a), for “a married or unmarried couple” substitute “a couple”.

(3) In regulation 7 (death of a person with care of a child)(**148**), in paragraph (2), for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” substitute “or if any of the preceding persons is one member of a couple, the other member of that couple”.

Rent Officers (Housing Benefit Functions) Order 1997

29. In the Rent Officers (Housing Benefit Functions) Order 1997(**149**), in Schedule 2 (size criteria), in paragraph 1(a), for “a married couple or an unmarried couple” substitute “a couple”.

Rent Officers (Housing Benefit Functions)(Scotland) Order 1997

30. In the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(**150**), in Schedule 2 (size criteria), in paragraph 1(a), for “a married couple or an unmarried couple” substitute “a couple”.

Social Security (Claims and Information) Regulations 1999

31. In regulation 17 of the Social Security (Claims and Information) Regulations 1999(**151**) (partners of claimants)(**152**), in paragraph (5)—

- (a) for “partner” substitute “partner”;
- (b) for “a married or unmarried couple” substitute “a couple”;
- (c) after “also a member” insert “, and “couple” has the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations 1996”(b)(**153**).

(**148**) Regulations 2 to 13 were revoked by [S.I.2000/3176](#) from, in relation to any particular case, the date on which section 23 of the Child Support, Pensions and Social Security Act 2000 ([c. 19](#)) comes into force in relation to that type of case.

(**149**) [S.I. 1997/1984](#).

(**150**) [S.I. 1997/1995](#).

(**151**) [S.I. 1999/3108](#).

(**152**) Regulation 17 was amended by [S.I. 2001/1189](#) and [S.I. 2002/2497](#).

(**153**) The definition of “couple” in regulation 1(3) of the Jobseeker’s Allowance Regulations 1996 ([S.I. 1996/207](#)) has been substituted by paragraph 26(2)(b) of this Schedule.

Social Fund Winter Fuel Payment Regulations 2000

32. In regulation 1 of the Social Fund Winter Fuel Payment Regulations 2000⁽¹⁵⁴⁾ (citation, commencement and interpretation), in paragraph (2)—

(a) before the definition of “free in-patient treatment” insert the following definition—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 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;”;

(b) in the definition of “partner”, in paragraph (a) for “a married or unmarried couple” substitute “a couple”.

Social Security (Breach of Community Order) Regulations 2001

33.—(1) Amend the Social Security (Breach of Community Order) Regulations 2001⁽¹⁵⁵⁾ as follows.

(2) In regulation 6 (meaning of “person in hardship”), in paragraph (1)—

(a) in sub-paragraph (c)—

- (i) for “a married or unmarried couple” substitute “a couple”;
- (ii) for paragraph (i) substitute the following paragraph—

“(i) at least one member of the couple is a woman who is pregnant; and”;

(b) in sub-paragraph (e), for “a married or unmarried couple” substitute “a couple”.

(3) In regulation 12 (meaning of “couple in hardship”), in paragraph (1), in sub-paragraph (a), for “the woman member of the joint-claim couple is pregnant” substitute “at least one member of the joint-claim couple is a woman who is pregnant”.

Social Security (Loss of Benefit) Regulations 2001

34.—(1) Amend the Social Security (Loss of Benefit) Regulations 2001⁽¹⁵⁶⁾ as follows.

(2) In regulation 5 (meaning of “person in hardship”), in paragraph (1)—

(a) in sub-paragraph (c)—

- (i) for “a married or unmarried couple” substitute “a couple”;
- (ii) for paragraph (i) substitute the following paragraph—

“(i) at least one member of the couple is a woman who is pregnant; and”;

⁽¹⁵⁴⁾S.I. 2000/729.

⁽¹⁵⁵⁾S.I. 2001/1395.

⁽¹⁵⁶⁾S.I. 2001/4022.

Status: This is the original version (as it was originally made).

(b) in sub-paragraph (e), for “a married or unmarried couple” substitute “a couple”.

(3) In regulation 11 (application of Part and meaning of “couple in hardship”), in paragraph (2), in sub-paragraph (a), for “the woman member of the joint-claim couple is pregnant” substitute “at least one member of the joint-claim couple is a woman who is pregnant”.

State Pension Credit Regulations 2002

35.—(1) Amend the State Pension Credit Regulations 2002(**157**) as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2)—

(i) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” substitute “or if any of the preceding persons is one member of a couple, the other member of that couple”;

(ii) after the definition of “close relative” insert the following definition—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 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;;”;

(b) in paragraph (3), for “a married or unmarried couple” substitute “a couple”.

(3) In regulation 15 (income for the purposes of the Act), in paragraph (5)(d), for “or former spouse” (in each place) substitute “, civil partner, former spouse or former civil partner”.

(4) In Schedule IV (amounts to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 1(c)(**158**), for “widow or widower” substitute “widow, widower or surviving civil partner”;

(b) in paragraph 4(**159**), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;

(c) in paragraph 5(**160**), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;

(d) in paragraph 6, in sub-paragraph (1)(**161**)—

(i) in paragraph (a), for “widow or widower” substitute “widow, widower or surviving civil partner”;

(**157**) [S.I. 2002/1792](#).

(**158**) Paragraph 1(c) was amended by [S.I. 2003/2274](#).

(**159**) Paragraph 4 was amended by [S.I. 2003/2274](#).

(**160**) Paragraph 5 was amended by [S.I. 2003/2274](#).

(**161**) Paragraph 6(1) was amended by [S.I. 2003/2274](#).

- (ii) in paragraph (b), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;
- (e) in paragraph 12, after “spouse” insert “or civil partner”.
- (5) In Schedule V (income from capital)—
 - (a) in paragraph 4(b), after “estranged or divorced” insert “or with whom he had formed a civil partnership that has been dissolved”;
 - (b) in paragraph 6(1), after “estrangement or divorce from” insert “, or dissolution of his civil partnership with,”;
 - (c) in paragraph 12, in sub-paragraphs (c) and (d) after “deceased spouse” insert “or deceased civil partner”;
 - (d) in paragraph 14, after “deceased spouse” (in each place) insert “or deceased civil partner”;
 - (e) in paragraph 15—
 - (i) in sub-paragraph (2), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
 - (ii) in sub-paragraph (3), after “estranged or divorced” insert “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”.
- (6) In Schedule VI (sums disregarded from claimant’s earnings), in paragraph 4A(1)(b)(**162**), for “married or unmarried couples” substitute “couples”.

Tax Credit (Appeals) (No. 2) Regulations 2002

- 36.**—(1) Amend the Tax Credits (Appeals) (No. 2) Regulations 2002(**163**) as follows.
- (2) In regulation 1 (citation, commencement, duration and interpretation), in paragraph (3)—
- (a) after the definition of “clerk to the appeal tribunal” insert the following definition—
 - ““couple” means—
 - (a) a man and woman who are married to each other and are members of the same household;
 - (b) a man and woman who are not married to each other but are living together as husband and wife;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,
- and for the purposes of paragraph (d), 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

(**162**) Paragraph 4A was inserted by [S.I. 2002/3197](#).

(**163**) [S.I. 2002/3196](#).

as living together as husband and wife were they instead two people of the opposite sex;”;

(b) in the definition of “partner”—

(i) omit “, where a person is a member of a married or an unmarried couple,”;

(ii) for “that” substitute “a”.

(3) In regulation 9 (composition of appeal tribunals), in paragraph (2)(b), for “a married or unmarried couple” substitute “a couple”.

Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003

37. In regulation 2 of the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003⁽¹⁶⁴⁾ (interpretation and application), in paragraph (1) after the definition of “claimant” insert the following definition—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 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;”.

Social Security (Working Neighbourhoods) Regulations 2004

38. In regulation 2 of the Social Security (Working Neighbourhoods) Regulations 2004⁽¹⁶⁵⁾ (interpretation and application), in paragraph (1) after the definition of “benefit recipient” insert the following definition—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 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;”.

⁽¹⁶⁴⁾S.I. 2003/1886.

⁽¹⁶⁵⁾S.I. 2004/959.

