

SCHEDULE 1

Article 3

Amendments of Acts

1. In section 62 of the Social Security Contributions and Benefits Act 1992(1) (graduated retirement benefit), after subsection (1)(ab) insert—

“(ac) for extending section 37 of that Act (increase of woman’s retirement pension by reference to her late husband’s graduated retirement benefit) to civil partners and their late civil partners who attain pensionable age before 6th April 2010 and for that section (except subsection (5)) so to apply as it applies to men and their late wives;”.

2. In section 129 of the Pension Schemes Act 1993(2) (overriding requirements), in subsection (3)(e)(i) after “widow, widower or surviving civil partner married” insert “or, as the case may be, formed a civil partnership”.

3. In subsection (2A)(c) of section 51 of the Pension Schemes (Northern Ireland) Act 1993(3) (payment of state scheme premiums on termination of certified status) for “widow or widower”, substitute “widow, widower or surviving civil partner”.

4. In section 166 of the Pensions Act 1995(4) (pensions on divorce, etc.)—

(a) after subsection (4), insert—

“(4A) Nothing in the provisions mentioned in subsection (5) applies to a court exercising its powers under Part 6 of Schedule 5 to the Civil Partnership Act 2004 (making of Part 1 orders having regard to pension benefits).”; and

(b) in subsection (5), for “subsection (4)” substitute “subsections (4) and (4A)”.

5. In section 80(4A) of the Care Standards Act 2000(5) (basic definitions)—

(a) in paragraphs (a), (b) and (c), after “spouse” insert “or civil partner”;

(b) after “his or her child,”, omit “and”; and

(c) after “as if they were husband and wife” insert “and references to “civil partner” include a former civil partner and a person who is living with the person as if they were civil partners”.

(1) 1992 c. 4. Section 62(1) is amended by sections 126(1) and 131(1) of, and paragraph 7 of Schedule 4 to, the Pensions Act 1995 (c. 26), section 297(4) and paragraphs 16 and 17(a) of Schedule 11 to, the Pensions Act 2004 (c. 35) and section 254(1) of, and paragraph 33 of Schedule 24 to, the Civil Partnership Act 2004 and was amended by S.I.2005/2053. Subsection (1)(ab) was inserted by section 254(1) of, and Schedule 24 to the Civil Partnership Act 2004.

(2) 1993 c. 48. Section 129 is amended by sections 122 and 177 of, and paragraph 31 of Schedule 3, and Part I of Schedule 7 to, the Pensions Act 1995, section 84(1) of, and paragraphs 28, and 39(1) and (2) of Schedule 12 to, the Welfare Reform and Pensions Act 1999 (c. 30), and sections 319(1) and 320 of, and paragraphs 9 and 21 of Schedule 12, and Part I of Schedule 13 to, the Pensions Act 2004 and by S.I. 2005/2053.

(3) 1993 c. 49; subsection (2A) was substituted by Article 138(1) of the Pensions (Northern Ireland) Order 1995 (S.I.1995/3213) (N.I.22) and amended by paragraph 7(2) of Schedule 2 to the Welfare Reform and Pensions Act 1999.

(4) 1995 c. 26. Section 166 is as amended by section 84(1) of, and paragraphs 43 and 62 of Schedule 12 to, the Welfare Reform and Pensions Act 1999.

(5) 2000 c. 14. Subsection (4A) was inserted by S.I. 2004/2070.