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STATUTORY INSTRUMENTS

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**2005 No. 3033**

**PENSIONS**

**The War Pensions (Mercantile Marine) (Amendment) Scheme 2005**

*Made* - - - - *26th October 2005*  
*Coming into force* - - *5th December 2005*

The Secretary of State, with the consent of the Treasury, in exercise of the powers conferred by sections 3, 4 and 7 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(1), and now vested in him(2) and of all other powers enabling him in that behalf, hereby makes the following Scheme:

**Citation commencement and interpretation**

1. This Scheme may be cited as the War Pensions (Mercantile Marine) (Amendment) Scheme 2005 and shall come into force on 5th December 2005.
2. “The principal Scheme” means the War Pensions (Mercantile Marine) Scheme 1964(3).

**Amendments to the principal Scheme**

3.—(1) Schedule 7 to the principal Scheme (commencing dates of awards of benefit) shall be amended as provided in this article.

(2) For paragraph 2(1)(c)(i) substitute—

“(i) for the sub-head (i) there were substituted—

“(i) the termination of the claimant’s marriage, judicial separation of the parties, termination of the claimant’s civil partnership, the date of a separation order relating to the claimant’s civil partnership or, as the case may be, the date the claimant ceased to live as a spouse or civil partner with another;” and”.

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- (1) 1939 c. 83. Sections, 3, 4 and 7 of the Act were amended by the Pensions (Mercantile Marine) Act 1942 (c. 26), sections 2, 3(2), 6 and Schedule, the Merchant Shipping Act 1995 (c. 21), section 314(2) and Schedule 13, paragraph 19(a) and the Pilotage Act 1987 (c. 21), section 32(4) and Schedule 2.
  - (2) The functions of the Minister of Pensions were transferred to the Minister of Pensions and National Insurance by virtue of the Transfer of Functions (Ministry of Pensions) Order 1953, S.I.1953/1198, article 2. The functions of the Minister of Pensions and National Insurance were transferred to the Minister of Social Security by virtue of the Ministry of Social Security Act 1966 (c. 20), section 2. The functions of the Minister of Social Security were transferred to the Secretary of State by virtue of the Secretary of State for Social Services Order 1968, S.I.1968/1699, article 2.
  - (3) 1964/2058, amended by S.I. 1987/585, 1988/639, 1989/540, 1993/692, 1997/811 and 2001/419.

(3) For paragraph 2(2) substitute—

“(2) In this paragraph—

(a) in relation to marriage “termination of marriage” and “judicial separation” have the meanings they bear in section 168 of the Pensions Act 1995;

(b) in relation to civil partners—

(i) the reference to the termination of a civil partnership is to the termination of the civil partnership by death, dissolution or annulment; and

(ii) the reference to separation order includes any legal separation obtained in a country or territory outside the British Islands and recognised in the United Kingdom,

and for those purposes a dissolution, annulment or separation order obtained in a country or territory outside the British Islands must, if the Secretary of State so determines, be treated as recognised in the United Kingdom even though no declaration as to its validity has been made in any court in the United Kingdom.”.

Signed by authority of the Secretary of State

25th October 2005

*Don Touhig*  
Parliamentary Under Secretary of State Ministry  
of Defence

We approve

26th October 2005

*Tom Watson*  
*Gillian Merron*  
Two of the Lord’s Commissioners of Her  
Majesty’s Treasury

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

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Scheme amends the War Pensions (Mercantile Marine) Scheme 1964 (“the principal Scheme”) in consequence of the introduction of civil partnerships by the Civil Partnership Act 2004 (2004 c. 33).

A regulatory impact assessment has not been prepared for this instrument, as it has no impact on the costs of business.