

## SCHEDULE 4

### CONSEQUENTIAL MODIFICATION OF THE SOCIAL SECURITY PENSIONS ACT 1975 AND THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992

#### Social Security Pensions Act 1975

1.—(1) Section 59 of the Social Security Pensions Act 1975<sup>(1)</sup> (increase of official pensions) is amended as follows.

(2) In subsection (5ZA)<sup>(2)</sup>—

(a) in the opening words, for the words “widow’s, widower’s” substitute “surviving spouse’s”; and

(b) in paragraph (c), for the words “widow’s, widower’s” substitute “surviving spouse’s”.

(3) In subsection (5ZB)<sup>(3)</sup>—

(a) for paragraph (a) substitute—

“(a) in the case of a pension payable to a woman in respect of the services—

(i) of her deceased male spouse; or

(ii) of her deceased female spouse in a relevant gender change case;

one half of the rate of the deceased spouse’s guaranteed minimum pension at the relevant time;”,

(b) in paragraph (b)—

(i) for “a widower’s” substitute “any other surviving spouse’s”; and

(ii) for “wife’s” substitute “spouse’s”.

(4) In subsection (5ZC)<sup>(4)</sup>—

(a) for paragraph (a) substitute—

“(a) does not apply to—

(i) a pension payable to a woman in respect of the services of her deceased male spouse;

(ii) a pension payable to a man in respect of the services of his deceased female spouse;

(iii) a pension payable to a woman in respect of the services of her deceased female spouse in a relevant gender change case; or

(iv) a pension payable to a man in respect of the services of his deceased male spouse in a relevant gender change case,

in respect of any service of the deceased spouse if that deceased spouse’s pension in respect of that service became payable before 24th July 1990;”, and

(b) in paragraph (b), before “surviving civil partner’s” insert “pension due to a surviving spouse who was married to someone of the same sex (other than a pension within paragraph (a)(iii) or (iv)) and a”.

(1) 1975 c.60.

(2) Subsection (5ZA) was inserted by the Pensions (Miscellaneous Provisions) Act 1990 (c.7), section 5(1), it was subsequently amended by the Pensions Act 2008 (c.30), section 137(1) to (7) and Schedule 11, Part 6 and in relation to England and Wales, S.I. 2014/560.

(3) Subsection (5ZB) was inserted by the Pensions Act 2008 (c.30), section 137(1) and (8), and, in relation to England and Wales, amended by S.I. 2014/560.

(4) Subsection (5ZC) was inserted by the Pensions Act 2008, section 137(1) and (8), and in relation to England and Wales, amended by S.I. 2014/560.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5) In subsection (7)(5)—

(a) after the definition of “lump sum” insert—

““relevant gender change case” means a case where—

- (a) the deceased spouse was a man or a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and
- (b) the marriage of the deceased spouse and the surviving spouse (that ends with the deceased spouse’s death) subsisted before the time when the certificate was issued;”;

(b) omit the definition of “widower’s pension”.

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**Commencement Information**

**II** Sch. 4 para. 1 in force at 16.12.2014, see [art. 1\(2\)](#)

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(5) Subsection (7) was amended by the Social Security Act 1979 (c.18), Schedule 3, paragraph 20, the Pension Schemes Act 1993 (c.48), Schedule 8, paragraph 9(1)(b) and the Pensions Miscellaneous Provisions Act 1990 (c.7), section 5(2) and by S.I. 2014/560.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 6(1A) inserted by [S.I. 2019/1514 reg. 10\(3\)\(b\)](#)