

SCHEDULE 1

Article 2

Consequential Amendments to Primary Legislation

**Metropolitan Public Carriage Act 1869**

1. In section 6 of the Metropolitan Public Carriage Act 1869(1) (grant of hackney carriage licences)—

(a) in subsection (9)(a)—

(i) for “widow” in both places it occurs, substitute “surviving spouse or surviving civil partner”, and

(ii) omit “and”, and

(b) omit subsection (9)(b).

**Pensions Commutation Act 1871**

2. In section 4 of the Pensions Commutation Act 1871(2) (power to Treasury to commute pensions), for subsection (2) substitute—

“(2) Where any officer in the naval or land forces of Her Majesty whose pension has been commuted under this Act subsequently marries or forms a civil partnership, the officer’s surviving spouse or surviving civil partner shall not be entitled to any pension, and a child of any such officer born after the date of the commutation of the pension shall not be entitled to compassionate allowance:”.

**Local Government (Emergency Provisions) Act 1916**

3. For section 2 of the Local Government (Emergency Provisions) Act 1916(3) (payments under superannuation schemes) substitute—

“If an officer or servant of a local authority dies whilst serving in or with His Majesty’s forces, or in consequence of wounds or disease received or contracted during such service which prevented that person from returning to the service of the local authority, the local authority shall have, and shall be deemed always to have had, power to make to that person’s surviving spouse, surviving civil partner or other dependants, such payments as could have been made to them under any superannuation scheme (whether established by statute or otherwise) in force in the district had that person been actually serving the local authority at the time of death.”.

**Population (Statistics) Act 1938**

4. For paragraph 1(d) of the Schedule to the Population (Statistics) Act 1938(4) (particulars which may be required to be provided to registration officer) substitute—

“(d) where the birth is of a child to whom section 1(3) of that Act applies by reason of any marriage or civil partnership between the child’s parents—

(i) the date of the marriage or formation of the civil partnership, and

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(1) 1869 c. 115; section 6 was substituted by the Greater London Authority Act 1999 (c. 29), Schedule 20, paragraph 5(1) and (3).

(2) 1871 c. 36; section 4(2) was amended by the 2004 Act, Schedule 26, paragraph 3(1); it was repealed in relation to certain persons by the Superannuation Act 1972 (c. 11), Schedule 8. There are other amendments to section 4 not relevant to this Order.

(3) 1916 c. 12.

(4) 1938 c. 12; the Schedule was substituted by the Schedule to the Population (Statistics) Act 1960 (c. 32), section 1(2); paragraph 1(c) to (e) was inserted in relation to England and Wales by the Welfare Reform Act 2009 (c. 24), Schedule 6, paragraph 20(1) (b) and (2). There are other amendments to the Schedule not relevant to this Order.

- (ii) whether before she married, or formed the civil partnership with, the child's other parent, the mother had been married to, or had formed a civil partnership with, any other person;”.

### **Marriage Act 1949**

5.—(1) The Marriage Act 1949(5) is amended as follows.

(2) In section 28(6) (declaration to accompany notice of marriage), in subsection (1)(c), for “or widow” substitute “, widow or surviving civil partner”.

(3) After section 42(3)(7) (cancellation of registration of building) insert—

“(3A) In a case where—

- (a) the registration of a building is cancelled under this section, and
- (b) the building is also registered under section 43A,

the Registrar General must also cancel the registration under section 43A.”.

(4) In section 49A(8) (which provides marriages of same sex couples may be void in the absence of the required consent), in subsection (2), after paragraph (b) insert—

- “(ba) section 26A(3) and under any regulations made under section 44C that require the consent to use of a building for the solemnization of marriages of same sex couples, in a case where section 26A and section 44C apply to the marriage;”.

### **Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951**

6. In the closing words of section 46(3) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(9) (payments to make up civil remuneration), for “his widow” substitute “that person's surviving spouse, surviving civil partner”.

### **Births and Deaths Registration Act 1953**

7. In the heading to section 10 of the Births and Deaths Registration Act 1953(10) (registration of father or of second female parent where parents neither married nor civil partners), before “civil partners” insert “married or”.

### **Registration of Births, Deaths and Marriages (Special Provisions) Act 1957**

8. In section 5(3) of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957(11) (registration of births of legitimated persons in the service departments registers), in paragraph (b), for “is” substitute “includes”.

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(5) 1949 c. 76.

(6) Subsection (1)(c) was amended by the Family Law Reform Act 1987 (c. 42), Schedule 2, paragraph 9. There are other amendments to section 28 not relevant to this Order.

(7) Section 42 was amended by the Marriage Acts Amendment Act 1958 (c. 29), section 1(1) and by the Act, Schedule 7, paragraphs 2 and 9.

(8) Section 49A was inserted by the Act, Schedule 7, paragraphs 2 and 15.

(9) 1951 c. 65; paragraph (a)(i) and (ii) of section 46(3) was substituted by the Superannuation Act 1972, Schedule 6, paragraph 30; paragraph (a)(iii) was amended by the Fire and Rescue Services Act 2004 (c. 21), Schedule 1, paragraph 12(1) and (2); paragraph (a) was amended, and paragraph (b) inserted, by the 2004 Act, Schedule 26, paragraph 25(1) and (3). There are other amendments to section 46 not relevant to this Order.

(10) 1953 c. 20; the heading to section 10 was substituted by the Family Law Reform Act 1987, section 24 and subsequently substituted by the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 5(1) and (2). There are other amendments to section 10 not relevant to this Order.

(11) 1957 c. 58; section 5(3) was inserted by the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 12. There are other amendments to section 5 not relevant to this Order.

### **Transport Act 1962**

**9.** In section 65(5) of the Transport Act 1962(**12**) (railway savings banks), for the words “is a man” to the end substitute “is a person who dies leaving a surviving spouse or surviving civil partner, that survivor for so long as that survivor does not subsequently marry, enter into a civil partnership or die.”.

### **Harbours Act 1964**

**10.** In section 18(2) of the Harbours Act 1964(**13**) (harbour reorganisation schemes), in paragraph (h), after “spouses” in both places it occurs, insert “, civil partners”.

### **Sharing of Church Buildings Act 1969**

**11.**—(1) Schedule 1 to the Sharing of Church Buildings Act 1969(**14**) (modifications of application of Marriage Act 1949 to shared church building to which sharing agreement relates) is amended as follows.

(2) In paragraph 3, after “building” insert “which is registered under section 41 of the Act, and”.

(3) After paragraph 3 insert—

“**3A.** Subject to the provision made by sections 44A to 44C of the Act and any regulations made under those sections, where a sharing Church withdraws from the sharing of a registered church building which is registered under section 43A of the Act, and which continues to be used by another Church other than the Church of England, the registration shall not be cancelled.”.

(4) In paragraph 4, after “section 43(1)” insert “or section 43B(1)”.

(5) In paragraph 5—

(a) for the words from “The proviso” to “which prescribes” substitute “Sections 43(1A) and 43B(3) of the Act, both of which prescribe”,

(b) after “paragraph 3” insert “or 3A”, and

(c) for the “said proviso” substitute “section 43(1A) or 43B(3)”.

### **Consumer Credit Act 1974**

**12.** In section 16C(4) of the Consumer Credit Act 1974(**15**) (exemption relating to investment properties), for paragraph (b) substitute—

“(b) a person whose relationship with that person has the characteristic of the relationship between two people who are married; or”.

### **Social Security Pensions Act 1975**

**13.** In section 59(5ZA)(**16**) of the Social Security Pensions Act 1975(**17**) (increase of official pensions)—

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(12) 1962 c. 46; there are amendments to section 65 not relevant to this Order.

(13) 1964 c. 40; section 18(2) was amended by the Transport Act 1981 (c. 56), Schedule 6. There are other amendments to section 18 not relevant to this Order.

(14) 1969 c. 38. There are amendments to Schedule 1 not relevant to this Order.

(15) 1974 c. 39; section 16C was inserted by S.I. 2008/2826; it has been repealed for specified purposes by S.I. 2013/1881 but will be repealed for all purposes on 1st April 2014.

(16) 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.

(17) 1975 c. 60.

- (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”.

### **Fatal Accidents Act 1976**

**14.** In section 1(5) of the Fatal Accidents Act 1976(**18**) (right of action for wrongful act causing death), for paragraph (b) substitute—

- “(b) an illegitimate person shall be treated as—
  - (i) the legitimate child of his mother and reputed father, or
  - (ii) in the case of a person who has a female parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, the legitimate child of his mother and that female parent.”.

### **Legitimacy Act 1976**

**15.**—(1) The Legitimacy Act 1976(**19**) is amended as follows.

(2) For section 1(2) (legitimacy of children of certain void marriages) substitute—

- “(2) This section only applies where—
  - (a) the father of the child was domiciled in England and Wales at the time of the birth, or if he died before the birth, was so domiciled immediately before his death, or
  - (b) if a woman is treated as the female parent of a child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, that female parent was domiciled in England and Wales at the time of the birth, or if she died before the birth, was so domiciled immediately before her death.”.

(3) In section 2 (subsequent legitimation of child), in the heading and in the section, for “parents” in both places it occurs, substitute “mother and father”.

(4) In section 2A(**20**)(subsequent legitimation of child)—

- (a) in the heading after “subsequent” insert “marriage or”,
- (b) in paragraph (b) for “not” substitute “neither married nor”,
- (c) in paragraph (c) after “subsequently” insert “marry or”,
- (d) in paragraph (d) after “date of” insert “the marriage or”, and
- (e) in the closing words—
  - (i) at the beginning insert “the marriage or”, and
  - (ii) after “date of” insert “the marriage or”.

(5) In section 3(**21**) (legitimation by extraneous law)—

- (a) in subsection (1) for “parents” substitute “mother and father”, and
- (b) in subsection (2)—
  - (i) in paragraph (b) for “not” substitute “neither married nor”,

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**(18)** 1976 c. 30; section 1 was substituted by the Administration of Justice Act 1982 (c. 53), section 3; subsection (5) was subsequently amended by the 2004 Act (c. 33), section 83(1) and (6). There are other amendments to section 1 not relevant to this Order.

**(19)** 1976 c. 31.

**(20)** Section 2A was inserted by the Human Fertilisation and Embryology Act 2008 (c. 22), Schedule 6, paragraph 16.

**(21)** Section 3(1) was numbered as such and subsection (2) was inserted by the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 17.

- (ii) in paragraph (c) after “subsequently” insert “marry or”,
- (iii) in paragraph (d)—
  - (aa) after “time of” insert “the marriage or”, and
  - (bb) before the second “civil partnership” insert “marriage or”, and
- (iv) in the closing words—
  - (aa) after “date of the” insert “marriage or”, and
  - (bb) after “subsequent” insert “marriage or”.

### **Rent Act 1977**

**16.** In paragraph 2(3) of Schedule 1 to the Rent Act 1977(**22**) (statutory tenants by succession), for the word “treated” to the end substitute “treated as the tenant’s spouse, or if that person is the same sex as the tenant, and falls within paragraph 2(2)(b) of this Schedule, as the tenant’s civil partner.”.

### **Transport Act 1978**

**17.** In section 21 of the Transport Act 1978(**23**) (travel concessions for transferred employees), for “widows” substitute “surviving spouses, surviving civil partners”.

### **Pneumoconiosis etc. (Workers’ Compensation) Act 1979**

**18.** In section 3 of the Pneumoconiosis etc. (Workers’ Compensation) Act 1979(**24**) (dependants) —

- (a) for subsection (2A) substitute—

“(2A) For the purposes of subsection (1)(c) two persons are in a qualifying relationship if they are living together as a married couple.”, and
- (b) omit subsection (2B).

### **Family Law Reform Act 1987**

**19.** In section 1(3) of the Family Law Reform Act 1987(**25**) (general principle of construction as to family relationships)—

- (a) in paragraph (ba)—
  - (i) before “a party to” insert “married to a woman or”, and
  - (ii) after “void” insert “marriage or”,
- (b) in paragraph (bb)(i), after “is” insert “married to or”, and
- (c) in paragraph (bb)(ii), after “was” insert “married to or”.

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(22) 1977 c. 42; paragraph 2 was substituted in relation to deaths occurring on or after 28th November 1980 by the Housing Act 1980 (c. 51), section 76; sub-paragraphs (2) and (3) were inserted by the Housing Act 1988 (c. 50), Schedule 4, paragraph 2 in cases where the original tenant died on or after 15th January 1989; sub-paragraph (2) was substituted and sub-paragraph (3) was amended by the 2004 Act, Schedule 8, paragraph 13. There are other amendments to Schedule 1 not relevant to this Order.

(23) 1978 c. 55; section 21 was amended by the London Regional Transport Act 1984 (c. 32), Schedule 6, paragraph 14 and by the Transport Act 2000 (c. 38), Schedule 31, Part 4 (not yet in force).

(24) 1979 c. 41; subsections (2A) and (2B) of section 3 were inserted by the Welfare Reform Act 2007 (c. 5), section 59(2). There are other amendments to section 3 not relevant to this Order.

(25) 1987 c. 42; paragraphs (ba) and (bb) of section 1(3) were inserted by the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 24(1) and (2). There are other amendments to section 1 not relevant to this Order.

## Housing Act 1988

**20.** In section 17(5) of the Housing Act 1988(**26**) (succession to assured tenancy), for the word “treated” to the end substitute “treated as the tenant’s spouse, or if that person is the same sex as the tenant, and falls within subsection (4)(b), as the tenant’s civil partner.”.

## Child Support Act 1991

**21.**—(1) The Child Support Act 1991(**27**) is amended as follows.

(2) In Schedule 1(**28**) (maintenance assessments), as that Schedule has effect otherwise than by virtue of section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act 2000(**29**), in Part 1 (calculation of child support maintenance), in paragraph 6 (protected income)—

(a) in sub-paragraph (5)(b)(**30**), for sub-paragraphs (i) to (iii) substitute—

“(i) is living together in the same household with another adult who is his or her spouse or civil partner, or

(ii) is living together in the same household with another adult as if they were a married couple,” and

(b) omit sub-paragraph (5A)(**31**).

(3) In Schedule 1 (maintenance calculations), as that Schedule has effect by virtue of section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act 2000, in Part 1 (calculation of weekly amount of child support maintenance), in paragraph 10C (references to various terms)—

(a) for sub-paragraph (5)(**32**) substitute—

“(5) In sub-paragraph (4)(a), “couple” means—

(a) two people who are married to, or civil partners of, each other and are members of the same household, or

(b) two people who are not married to, or civil partners of, each other but are living together as a married couple.” and

(b) omit sub-paragraph (6).

## Social Security Contributions and Benefits Act 1992

**22.**—(1) The Social Security Contributions and Benefits Act 1992(**33**) is amended as follows.

(2) For section 36(2)(**34**) (bereavement payment) substitute—

“(2) A bereavement payment shall not be payable to a person if that person and a person whom that person was not married to, or in a civil partnership with, were living together as a married couple at the time of the spouse’s or civil partner’s death.”.

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(26) 1988 c. 50; section 17(5) was amended by the 2004 Act, Schedule 8, paragraph 41(1) and (4) and by the Localism Act 2011 (c. 20), section 161(1) and (5). There are other amendments to section 17 not relevant to this Order.

(27) 1991 c. 48.

(28) Schedule 1 was substituted by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act 2000 (c. 19) only for specified purposes by S.I. 2000/2994 and 2003/192.

(29) 2000 c. 19.

(30) Sub-paragraph (5)(b) was substituted by the 2004 Act, Schedule 24, paragraph 4.

(31) Paragraph 6(5A) of Schedule 1 was inserted by the 2004 Act, Schedule 24, paragraph 5.

(32) Sub-paragraphs (5) and (6) of paragraph 10C were substituted by the 2004 Act, Schedule 24, paragraph 6.

(33) 1992 c. 4.

(34) Section 36 was substituted by the Welfare Reform and Pensions Act 1999 (c. 30), section 54(1); subsection (2) was substituted by the 2004 Act, Schedule 24, paragraph 16(1) and (3). There are other amendments to section 36 not relevant to this Order.

(3) In section 37(4)(**35**) (widowed mother's allowance), after paragraph (a) insert "or" and for paragraphs (b) and (c) substitute—

"(b) for any period during which she and a person whom she is not married to, or in a civil partnership with, are living together as a married couple."

(4) In section 38(3)(**36**) (widow's pension), after paragraph (b) insert "or" and for paragraphs (c) and (d) substitute—

"(c) for any period during which she and a person whom she is not married to, or in a civil partnership with, are living together as a married couple."

(5) In section 39A(5)(**37**) (widowed parent's allowance), after paragraph (a) insert "or" and for paragraphs (b) and (c) substitute—

"(b) for any period during which the surviving spouse or civil partner and a person whom she or he is not married to, or in a civil partnership with, are living together as a married couple."

(6) In section 39B(5)(**38**) (bereavement allowance where no dependent children), after paragraph (a) insert "or" and for paragraphs (b) and (c) substitute—

"(b) for any period during which the surviving spouse or civil partner and a person whom she or he is not married to, or in a civil partnership with, are living together as a married couple."

(7) In section 122 (interpretation of Parts 1 to 6 and supplementary provisions), omit subsection (1A)(**39**).

(8) In section 137(**40**) (interpretation of Part 7 and supplementary provisions)—

(a) in subsection (1), for the definition of "couple" substitute—

""couple" means—

(a) two people who are married to, or civil partners of, each other and are members of the same household; or

(b) two people who are not married to, or civil partners of, each other but are living together as a married couple otherwise than in prescribed circumstances;" and

(b) omit subsection (1A).

(9) In Schedule 7 (industrial injuries benefits)—

(a) in paragraph 4(3)(a)(**41**) (increase for beneficiary's dependent children and qualifying young persons), after sub-paragraph (i) insert "or" and for sub-paragraphs (ii) and (iii) substitute—

"(ii) two people who are not married to, or civil partners of, each other but are living together as a married couple, and", and

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(35) Section 37(4) was amended by the 2004 Act, Schedule 24, paragraph 18(1) and (3), and Schedule 30. There are other amendments to section 37 not relevant to this Order.

(36) Section 38(3) was amended by the 2004 Act, Schedule 24, paragraph 19(1) and (3), and Schedule 30.

(37) Section 39A was inserted by the Welfare Reform and Pensions Act 1999, section 55(2); subsection (5) was amended by the 2004 Act, Schedule 24, paragraph 20(1) to (3) and (7), and Schedule 30.

(38) Section 39B was inserted by the Welfare Reform and Pensions Act 1999, section 55(2); subsection (5) was amended by the 2004 Act, Schedule 24, paragraph 21(1), (2) and (6), and Schedule 30. There are other amendments to section 39B not relevant to this Order.

(39) Section 122(1A) was inserted by the 2004 Act, Schedule 24, paragraph 41(1) and (3).

(40) The definition of "couple" in section 137(1) and (1A) was inserted by the 2004 Act, Schedule 24, paragraph 46(1), (3) and (5). Section 137 has been repealed by the Welfare Reform Act 2012 (c. 5) for certain purposes. That repeal is not fully in force. There are other amendments to section 137 not relevant to this Order.

(41) Paragraph 4(3)(a) of Schedule 7 was substituted by the 2004 Act, Schedule 24, paragraph 52(1) and (2). There are other amendments to Schedule 7 not relevant to this Order.

- (b) in paragraph 15(3)(42) (widow's benefit (entitlement)), for the words from "husband and wife" to the end substitute "a married couple with a person whom she is not married to or in a civil partnership with."

### **Social Security Administration Act 1992**

**23.** In section 15A of the Social Security Administration Act 1992(43) (payment out of benefit of sums in respect of mortgage interest etc.)—

- (a) in subsection (4)(44), in paragraph (b) of the definition of "partner", for "husband and wife or as if they were civil partners" substitute "if they were a married couple", and
- (b) omit subsection (4B)(45).

### **Trade Union and Labour Relations (Consolidation) Act 1992**

**24.** In section 38(1) of the Trade Union and Labour Relations (Consolidation) Act 1992(46) (members' superannuation schemes: separate fund to be maintained), in paragraph (a), after "widows" insert ", widowers', surviving civil partners'".

### **Pension Schemes Act 1993**

**25.** In section 17 of the Pension Schemes Act 1993(47) (minimum pension for widows and widowers)—

- (a) in subsection (4A)(c)(i)(48), for paragraphs (a) and (b) (but not the "nor" following paragraph (b)) substitute "another person are living together as a married couple," and
- (b) omit subsection (9)(49).

### **Jobseekers Act 1995**

**26.—(1)** Section 35 of the Jobseekers Act 1995(50) (interpretation) is amended as follows.

(2) In subsection (1), for the definition of "couple" substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple otherwise than in prescribed circumstances;”.

(3) Omit subsection (1A).

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(42) Paragraph 15(3) of Schedule 7 was amended by the 2004 Act, Schedule 24, paragraph 52(1) and (5)(b).

(43) 1992 c. 5; section 15A was inserted by the Social Security (Mortgage Interest Payments) Act 1992 (c. 33), the Schedule, paragraph 1.

(44) The definition of "partner" in section 15A(4) was amended by the 2004 Act, Schedule 24, paragraph 57(1) and (2).

(45) Subsection (4B) was inserted by the 2004 Act, Schedule 24, paragraph 57(1) and (3). There are other amendments to section 15A not relevant to this Order.

(46) 1992 c. 52.

(47) 1993 c. 48; section 17(2) was amended by the Act, Schedule 4, paragraphs 18 and 20.

(48) Subsection (4A) was inserted by the Child Support, Pensions and Social Security Act 2000, Schedule 5, Part 1, paragraph 1(1); paragraph (c) was amended by S.I. 2005/2050.

(49) Subsection (9) was inserted by S.I. 2005/2050.

(50) 1995 c. 18; the definition of "couple" in section 35(1) and subsection (1A) was inserted by the 2004 Act, Schedule 24, paragraph 124(1), (2) and (5). There are other amendments to section 35 not relevant to this Order.



### **Pensions Act 1995**

**27.** In section 124(1) of the Pensions Act 1995(**51**) (interpretation of Part 1), omit the definition of “civil partnership status”.

### **State Pension Credit Act 2002**

**28.**—(1) Section 17 of the State Pension Credit Act 2002(**52**) (other interpretation provisions) is amended as follows.

(2) In subsection (1), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple otherwise than in prescribed circumstances;”.

(3) Omit subsection (1A).

### **Civil Partnership Act 2004**

**29.**—(1) The 2004 Act(**53**) is amended as follows.

(2) In section 212 (meaning of “overseas relationship”), after subsection (1) insert—

“(1A) But, for the purposes of the application of this Act to England and Wales, marriage is not an overseas relationship.”.

(3) In each of paragraphs 5 (declaration) and 11 (declaration) of Schedule 2 (civil partnerships of persons under 18: England and Wales), after “civil partner” insert “, widow or widower”.

### **Mental Capacity Act 2005**

**30.** In paragraph 185 of Schedule A1 to the Mental Capacity Act 2005(**54**) (interpretation), for sub-paragraphs (b) and (c) substitute—

“(b) where the relevant person and another person are not married to each other, nor in a civil partnership with each other, but are living together as if they were a married couple: that other person;”.

### **Family Law (Scotland) Act 2006**

**31.** In section 38(1) of the Family Law (Scotland) Act 2006(**55**) (validity of marriages), for “the Foreign Marriage Act 1892 (c. 23)” substitute “section 13(1) of, and Schedule 6 to, the Marriage (Same Sex Couples) Act 2013 and any Orders in Council made under that Schedule”.

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(51) 1995 c. 26; the definition of “civil partnership status” was inserted by S.I. 2005/2053. There are other amendments to section 124(1) not relevant to this Order.

(52) 2002 c. 16; the definition of “couple” in section 17(1) and (1A) was inserted by the 2004 Act (c. 33), Schedule 24, paragraphs 142(1) and (2) and 143. There are other amendments to section 17 not relevant to this Order.

(53) 2004 c. 33.

(54) 2005 c. 9; Schedule A1 was inserted by the Mental Health Act 2007 (c. 12), Schedule 7. There are amendments to Schedule A1 not relevant to this Order.

(55) 2006 asp. 2.

### **Welfare Reform Act 2007**

**32.**—(1) Paragraph 6 of Schedule 1 to the Welfare Reform Act 2007(**56**) (income-related allowance) is amended as follows.

(2) In sub-paragraph (5), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple otherwise than in prescribed circumstances;”.

(3) Omit sub-paragraph (6).

### **Statistics and Registration Service Act 2007**

**33.** In section 42(2) of the Statistics and Registration Service Act 2007(**57**) (information relating to births and deaths etc.), after paragraph (e) insert—

“(f) any other information received by the Registrar General in relation to any marriage or civil partnership.”.

### **Welfare Reform Act 2009**

**34.** In paragraph 2(2) of Schedule 6 to the Welfare Reform Act 2009(**58**), before “civil partners” insert “married or”.

### **Equality Act 2010**

**35.**—(1) The Equality Act 2010(**59**) is amended as follows.

(2) In section 67 (sex equality rule), for subsection (7) substitute—

“(7) If the effect of a relevant matter on a person (A) differs according to the effect it has on a person of the same sex as A, according to whether A is married, in a civil partnership, or for some other reason due to A’s family status, a comparison for the purposes of this section of the effect of that matter on persons of the opposite sex must be with a person of the opposite sex to A who is in the same position as A and in particular—

- (a) where A is married to someone of the opposite sex, A is to be compared to a person of the opposite sex to A (“B”) where B is married to someone of the opposite sex to B;
- (b) where A is married to someone of the same sex as A or is in a civil partnership, A is to be compared to B where B is married to someone of the same sex as B or is in a civil partnership.”.

(3) Omit section 80(7) (interpretation and exceptions).

### **Welfare Reform Act 2012**

**36.**—(1) Section 39 of the Welfare Reform Act 2012(**60**) (couples) is amended as follows.

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(56) 2007 c. 5; paragraph 6 of Schedule 1 was amended by the Welfare Reform Act 2009 (c. 24), sections 5(2), 9(3)(b) and 58(1) and Schedule 7, and repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012. That repeal has been brought into force for certain purposes, but has yet to be brought into force for the remaining purposes.

(57) 2007 c. 18. There are amendments to section 42 not relevant to this Order.

(58) 2009 c. 24.

(59) 2010 c. 15.

(60) 2012 c. 5.

- (2) For subsection (1) substitute—
  - “(1) In this Part “couple” means—
    - (a) two people who are married to, or civil partners of, each other and are members of the same household; or
    - (b) two people who are not married to, or civil partners of, each other but are living together as a married couple.”.
- (3) Omit subsection (2).
- (4) In subsection (3)—
  - (a) in paragraph (a), for “husband and wife” substitute “married”, and
  - (b) in paragraph (b), for “a man and woman are to be treated as living together as husband and wife” substitute “two people are to be treated as living together as a married couple”.