

## SCHEDULE 3

Consequential amendments to enactments etc. as a result of contrary provision made by Schedule 2

### PART 1

#### Enactments (general)

##### **Pensions (Increase) Act 1971**

1.—(1) The Pensions (Increase) Act 1971 is amended as follows.

(2) In section 3(7) (qualifying conditions), in paragraph (a), for “husband’s” substitute “male spouse’s”.

(3) In section 17(1) (interpretation), in the definition of “widow’s pension”—

(a) in the opening words after “payable” insert “to a woman”, and

(b) for “husband” in both places it occurs, substitute “male spouse”.

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

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

(2) In subsection (5ZB)—

(a) in paragraph (a) for “widow’s pension” substitute “pension payable to a woman in respect of the services of her deceased male spouse”, and

(b) in paragraph (b)—

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

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

(3) In subsection (5ZC)—

(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; or

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

in respect of any service of the deceased spouse if that deceased spouse’s pension in respect of that service became payable before 24 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 and a”.

(4) In subsection (7)(1), omit the definition of “widower’s pension”.

##### **Pensions Increase (Review) Orders 1979 to 1990**

3. In article 2 (interpretation) of each of—

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(1) The definition of “widower’s pension” in subsection (7) was inserted by the Pensions (Miscellaneous Provisions) Act 1990, section 5(2).

*Status: This is the original version (as it was originally made).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

- (a) the Pensions Increase (Review) Order 1979,
- (b) the Pensions Increase (Review) Order 1980,
- (c) the Pensions Increase (Review) Order 1981,
- (d) the Pensions Increase (Review) Order 1982,
- (e) the Pensions Increase (Review) Order 1983,
- (f) the Pensions Increase (Review) Order 1984,
- (g) the Pensions Increase (Review) Order 1985,
- (h) the Pensions Increase (Review) Order 1986,
- (i) the Pensions Increase (Review) Order 1987,
- (j) the Pensions Increase (Review) Order 1988,
- (k) the Pensions Increase (Review) Order 1989, and
- (l) the Pensions Increase (Review) Order 1990,

in the definition of “widow’s pension”, for “in respect” to the end substitute “to a woman in respect of the services of her deceased male spouse.”.

#### **Social Security Contributions and Benefits Act 1992**

4.—(1) Schedule 5 to the Social Security Contributions and Benefits Act 1992 (pension increase or lump sum where entitlement to retirement pension is deferred) is amended as follows.

(2) In paragraph 5(2)—

- (a) in paragraph (a), for “widow” substitute “woman whose deceased spouse was a man”,
- (b) in paragraph (b), for “widower” substitute “man whose deceased spouse was a woman”, and

(c) for paragraph (c) substitute—

“(c) where W is—

- (i) a woman whose deceased spouse was a woman,
- (ii) a man whose deceased spouse was a man, or
- (iii) a surviving civil partner,

an amount equal to the sum of the amounts set out in paragraph 6A(2) below.”.

(3) In paragraph 5A(1), for “widow” substitute “woman whose deceased spouse was a man”.

(4) In paragraph 6(1), for “widower” substitute “man whose deceased spouse was a woman”.

(5) In paragraph 6A(2)—

(a) for sub-paragraph (1) substitute—

“(1) This paragraph applies where W (referred to in paragraph 5 above) is—

- (a) a woman whose deceased spouse was a woman,
- (b) a man whose deceased spouse was a man, or
- (c) a surviving civil partner.”, and

(b) in sub-paragraph (2)(c), before “civil partner” insert “spouse or”.

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(2) Paragraph 6A was inserted by [S.I. 2005/2053](#) and was amended by the Pensions Act 2007, Schedule 1, paragraph 20 and Schedule 7, Part 3. It was repealed by the Pensions Act 2011 ([c. 19](#)) but that repeal is not fully in force.

### **Occupational Pension Schemes (Contracting-out) Regulations 1996**

5.—(1) The Occupational Pension Schemes (Contracting-out) Regulations 1996 are amended as follows.

(2) In regulation 55(1) (scheme rules about guaranteed minimum pensions)—

- (a) in sub-paragraph (b), for the words from “widow” to “appointed day” substitute “widow of the earner under the scheme in respect of the earner’s service before the principal appointed day, in a case where the earner is a man,”, and
- (b) in sub-paragraph (c), for the words from “widower” to “appointed day” substitute “widower or surviving civil partner of the earner under the scheme in respect of the earner’s service before the principal appointed day, or to any widow of the earner under the scheme in respect of that service in a case where the earner is a woman,”.

(3) In regulation 69B(3) (conversion of guaranteed minimum pensions into other benefits: survivors’ benefits)—

- (a) in sub-paragraph (c), for “widows” substitute “widows whose spouse was a man”, and
- (b) in sub-paragraph (d), for “widowers” substitute “widowers, widows whose spouse was a woman”.

### **Occupational Pension Schemes (Modification of Schemes) Regulations 2006**

6.—(1) The Occupational Pension Schemes (Modification of Schemes) Regulations 2006 are amended as follows.

(2) In regulation 3(i) (non-application of the subsisting rights provisions), for “widow or widower”, in both places it occurs, substitute “woman whose deceased spouse was a man, or a man whose deceased spouse was a woman”.

(3) In regulation 7(1) (modification of schemes: surviving civil partners), for “widow or widower”, in both places it occurs, substitute “woman whose deceased spouse was a man, or a man whose deceased spouse was a woman”.