
STATUTORY INSTRUMENTS

2020 No. 1143

**The Marriage and Civil Partnership
(Northern Ireland) (No. 2) Regulations 2020**

PART 7

Amendments of Legislation

Social Security Pensions Act 1975

36.—(1) Section 59 of the Social Security Pensions Act 1975⁽¹⁾ is amended in accordance with paragraphs (2) to (4).

(2) In subsection (5ZC), for paragraph (a) substitute—

“(a) does not apply to a pension payable to the survivor of a couple in respect of any service of the deceased member of the couple if—

- (i) the deceased member’s pension in respect of that service became payable before 24 July 1990,
- (ii) a marriage between the couple is solemnised at a time (whether or not before the deceased member’s pension in respect of that service became payable) when one of them is a man and the other is a woman and they are not civil partners, and
- (iii) at the deceased member’s death (and whether or not the couple are still not of the same sex), the couple are parties to that marriage or to the civil partnership resulting from conversion of that marriage;”.

(3) In subsection (5ZC)(b), for “(other than a pension within paragraph (a)(iii) or (iv))” substitute “(other than such a pension in respect of the services of the deceased spouse in a relevant gender change case)”.

(4) In subsection (7), after the definition of “beginning date” insert—

““conversion”, in relation to a marriage, means—

- (a) the conversion of that marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
- (b) the conversion of that marriage into a civil partnership under Part 4 or 5 of those Regulations;”.

(5) In consequence of paragraphs (2) and (3)—

⁽¹⁾ 1975 c. 60. Section 59(5ZC) was inserted by section 137 of the Pensions Act 2008 (c. 30) with effect from 13th March 2014 (see [S.I. 2014/463](#)). In section 59 so far as extending to England and Wales, subsection (5ZC)(a) was substituted and subsection (5ZC)(b) was amended by paragraph 2(3) of Schedule 3 to [S.I. 2014/560](#) (with effect from 13th March 2014), and subsection (5ZC)(a) and (b) were amended and in subsection (7) the definition of “relevant gender change case” was inserted by paragraph 8(3) and (4) of the Schedule to [S.I. 2014/3168](#) (with effect from 10th December 2014). In section 59 so far as extending to Scotland, subsection (5ZC)(a) was substituted and subsection (5ZC)(b) was amended and in subsection (7) the definition of “relevant gender change case” was inserted by [S.I. 2014/3229](#) (with effect from 16th December 2014).

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

- (a) in paragraph 2(3) of Schedule 3 to the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014⁽²⁾ omit paragraph (a), and
- (b) omit paragraph 8(3) of the Schedule to the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014⁽³⁾.

⁽²⁾ S.I. 2014/560.
⁽³⁾ S.I. 2014/3168.