

SCHEDULE 6

CONSEQUENTIAL MODIFICATIONS TO SECONDARY LEGISLATION

Occupational Pension Schemes (Contracting-out) Regulations 1996

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

(2) In regulation 1 (citation, commencement and interpretation), omit paragraph (1A)⁽²⁾.

(3) In regulation 26⁽³⁾ (reference scheme: circumstances in which widows', widowers' or surviving civil partners' pensions need not be payable)—

(a) in paragraph (1)(b), after paragraph (ii) insert “or” and for paragraphs (iii) and (iv) substitute—

“(iii) lives together as a married couple with another person whom he or she is not married to or in a civil partnership with,”

(b) in paragraph (1)(c), for paragraphs (i) and (ii) substitute “living together as a married couple with another person whom he or she is not married to or in a civil partnership with.”; and

(c) for paragraph (2) substitute—

“(2) The following provisions do not apply where the scheme member died before 5th December 2005—

(a) paragraph (1)(b)(i) so far as it relates to a marriage or remarriage involving two people of the same sex;

(b) paragraph (1)(b)(ii); and

(c) paragraph (1)(b)(iii) and (1)(c) so far as they relate to the living together of two people of the same sex.”.

(4) In regulation 57⁽⁴⁾ (circumstances in which widower's or surviving civil partner's guaranteed minimum pension is to be payable)—

(a) in the heading—

(i) after “Circumstances” insert “for the purposes of section 17(6) of the 1993 Act”; and

(ii) after “widower's” insert “, widow's”,

(b) in the opening words, after “widower's” insert “, widow's”; and

(c) in paragraphs (a), (b) and (c), after “widower” in each place it occurs, insert “, widow”.

(5) In regulation 58⁽⁵⁾ (period for which widower's or surviving civil partner's guaranteed minimum pension is to be payable)—

(a) in the heading—

(i) after “Period” insert “for the purposes of section 17(6) of the 1993 Act”; and

(ii) after “widower's” insert “, widow's”,

(b) in paragraph (1)(a) and (c), after “widower's” insert “, widow's”;

(c) in paragraph (2)(a), after “widower's” insert “or widow's”;

(1) [S.I. 1996/1172](#).

(2) Regulation 1(1A) was inserted by [S.I. 2005/2050](#) and amended by [S.I. 2014/107](#).

(3) Regulation 26 was substituted by [S.I. 2005/2050](#) and amended by [S.I. 2014/107](#).

(4) Regulation 57 was amended by [S.I. 2005/2050](#) and [S.I. 2014/107](#).

(5) Regulation 58 was amended by [S.I. 2005/2050](#) and [S.I. 2014/107](#).

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.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](#)

- (d) in paragraph (2)(b), after “widower” insert “or widow”;
- (e) in paragraph (2)(c)—
 - (i) after “widower” insert “, widow”; and
 - (ii) for paragraphs (i) and (ii) substitute “he or she and another person are living together as a married couple.”;
- (f) in paragraph (2)(d)—
 - (i) after “widower” insert “or widow”;
 - (ii) for “he attained” substitute “he or she attained”; and
 - (iii) for paragraphs (i) and (ii) substitute “he or she and another person whom he or she was not married to, or in a civil partnership with, were living together as a married couple; or”;
- (g) in paragraph (2)(e), for paragraphs (i) and (ii) substitute “he or she and another person whom he or she was not married to, or in a civil partnership with, were living together as a married couple.”; and
- (h) for paragraph (3) substitute—

“(3) The following provisions do not apply where a man became a widower before 5th December 2005—

 - (a) paragraph (2)(a) so far as it relates to a marriage or remarriage involving two people of the same sex;
 - (b) paragraph (2)(b); and
 - (c) paragraphs (2)(c) and (2)(d) so far as they relate to the living together of two people of the same sex.”.
- (6) In regulation 59(6) (statutory references to persons entitled to guaranteed minimum pensions: application to widowers and surviving civil partners)—
 - (a) in the heading, for “widowers” substitute “widowers, widows of female earners”; and
 - (b) for the words from “so entitled” to the end substitute—

“so entitled—

 - (a) by virtue of being a widower of an earner only in the case where the earner and the widower were both over pensionable age when the earner died;
 - (b) by virtue of being a widow of a female earner only in the case where the earner and the widow were both over pensionable age when the earner died; or
 - (c) by virtue of being the surviving civil partner of an earner only in the case where the earner and the surviving civil partner were both over pensionable age when the earner died.”.
- (7) In regulation 69B(7) (conversion of guaranteed minimum pensions into other benefits: survivors’ benefits)—
 - (a) in paragraph (2)(b)(ii), for “such a widower” substitute “in a case where section 17(6) of the 1993 Act applies, such a widower’s, widow’s”;
 - (b) in paragraph (3)(b)(i), for sub-paragraphs (aa) and (bb) (but not the “nor” following sub-paragraph (bb)) substitute “another person are living together as a married couple.”; and
 - (c) for paragraph (4) substitute—

(6) Regulation 59 was amended by the Pensions Act 1995 c.26 (paragraph 47 of Schedule 5), S.I. 2005/2050 and S.I. 2014/107.

(7) Regulation 69B was inserted by S.I. 2009/846 and amended by S.I. 2014/107.

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“(4) The following provisions do not apply where the earner died before 5th December 2005—

- (a) paragraph (3)(b)(i) so far as it relates to the living together of two people of the same sex;
- (b) paragraph (3)(b)(ii)(aa) so far as it relates to a marriage involving two people of the same sex; and
- (c) paragraph (3)(b)(ii)(bb).”.

Commencement Information

II Sch. 6 para. 12 in force at 16.12.2014, see [art. 1\(2\)](#)

Changes to legislation:

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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\(3\)\(b\)](#)