SCHEDULE 1

Regulation 2

AMENDMENTS OF THE ROYAL ULSTER CONSTABULARY PENSIONS REGULATIONS 1988

1. In regulation B9 (allocation)—

(a) in paragraph (2)(c)—

(i) after "marry or remarry" insert "or form a civil partnership or a subsequent civil partnership";

(ii) after "spouse by that marriage" insert "or civil partner by that civil partnership";

(b) in paragraph (3)—

(i) after "marry or remarry" insert "or form a civil partnership or a subsequent civil partnership";

(ii) after "spouse by that marriage" insert "or civil partner by that civil partnership";

(c) in paragraph (5)(b)—

(i) after "marry or remarry" insert "or form a civil partnership or a subsequent civil partnership";

(ii) after "spouse by that marriage" insert "or civil partner by that civil partnership";

(iii) after "intended marriage" insert "or the intended formation of his civil partnership";

(d) in paragraph (6)(b)—

(i) after "proposed marriage takes place" insert "or the proposed civil partnership is formed";

(ii) after "date of the marriage" insert "or of the formation of the civil partnership".

2. In regulation C5(1) (limitation on award to widow with reference to date of marriage and pension in case of post-retirement marriage), after the words "married to her husband" insert "or, as the case may be, had formed a civil partnership with her civil partner".

3. For regulation C9 (termination of widow's award on remarriage) substitute—

"**Termination of widow's or civil partner's pension on remarriage or other event**

C9.—(1) Where a widow entitled to a pension under this Part was widowed before 5th December 2005 or was widowed after that date but her husband had ceased to serve as a member by that date, and—

(a) remarries or has remarried,

(b) forms or has formed a civil partnership, or

(c) with a person to whom she is not married lives together as husband and wife,

she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage, or after the formation of her civil partnership or after her cohabitation begins.

(2) Where the surviving civil partner of a member who had ceased to serve as a member by 5th December 2005 is entitled to a pension under this Part and—

(a) marries or has married,

(b) forms or has formed a new civil partnership, or

(c) with a person who is not her civil partner lives together as if they were civil partners,

she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage, or after the formation of her civil partnership, or after her cohabitation begins.

(3) Where a widow who does not fall within paragraph (1) or a surviving civil partner who does not fall within paragraph (2) is entitled to a pension under this Part and—

(a) marries or has married,

(b) remarries or has remarried,

(c) forms or has formed a civil partnership or new civil partnership,

(d) with a person to whom she is not married lives together as husband and wife, or

(e) with a person who is not her civil partner lives together as if they were civil partners,

she shall not be entitled to receive any payment on account of the pension in respect of any period after her marriage or remarriage, or after the formation of her civil partnership, or after her cohabitation begins.

(4) But if, at any time after her marriage, remarriage, the formation of her civil partnership or the beginning of her cohabitation, a person in any of paragraphs (1) to (3) has again become a widow or her civil partner dies or that marriage or civil partnership has been dissolved or that cohabitation ceases, the Board may, in their discretion, bring the pension into payment.

Termination of widow's or civil partner's gratuity on remarriage or other event

C9A.—(1) Where a widow entitled to a gratuity under this Part was widowed before 5th December 2005 or was widowed after that date but her husband had ceased to serve as a member by that date, and—

(a) remarries or has remarried,

(b) forms or has formed a civil partnership, or

(c) with a person to whom she is not married lives together as husband and wife,

so much of the gratuity as has not been paid before her remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(2) Where the surviving civil partner of a member who had ceased to serve as a member by 5th December 2005 is entitled to a gratuity under this Part and—

(a) marries or has married,

(b) forms or has formed a new civil partnership, or

(c) with a person who is not her civil partner lives together as if they were civil partners,

so much of the gratuity as has not been paid before her marriage or remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(3) Where a widow who does not fall within paragraph (1) or a surviving civil partner who does not fall within paragraph (2) is entitled to a gratuity under this Part and—

(a) marries or has married,

(b) remarries or has remarried,

(c) forms or has formed a civil partnership or new civil partnership,

(d) with a person to whom she is not married lives together as husband and wife, or

(e) with a person who is not her civil partner lives together as if they were civil partners,

so much of the gratuity as has not been paid before her remarriage or the formation of her civil partnership or the beginning of her cohabitation shall not be payable thereafter.

(4) But if, at any time after her marriage, remarriage, the formation of her civil partnership or the beginning of her cohabitation, a person in any of paragraphs (1) to (3) has again become a widow or her civil partner dies or that marriage or civil partnership has been dissolved or that cohabitation ceases, the Board may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage or the formation of her civil partnership or the beginning of her cohabitation.”.

4. In regulation C10 (pension debit members) after “spouse” insert “or civil partner”.

5. In regulation D5 (child’s allowance or special gratuity — limitations)—

(a) in paragraph (1)(a) after “of a marriage which took place” insert “or of a civil partnership which was formed”;

(b) for paragraph (1)(b) substitute the following sub-paragraph—

“(b) by reason of his being a step-child—

(i) to the child of a spouse whose marriage to the relevant parent took place on or after the relevant date, or

(ii) to the child of a civil partner whose civil partnership with the relevant parent was formed on or after the relevant date;”;

(c) after paragraph (1) insert the following paragraph—

“(1A) The reference in paragraph (1)(a) to a child born of a civil partnership means a child who is a child of a member of a civil partnership and has been adopted by the other member of that civil partnership.”.

6. In regulation E1(1) (adult dependent relative’s special pension), after sub-paragraph (c) insert the following sub-paragraph—

“or

(d) where the member was a party to a civil partnership and the member’s civil partner was permanently disabled at the time the member died, to the surviving civil partner,”.

7. In regulation E4(4) (gratuity in lieu of widow’s pension) for “provisions of regulation C9 relating to the termination of a widow’s award on remarriage” substitute “provisions of regulations C9 and C9A relating to the termination of a widow’s or civil partner’s award on remarriage or the formation of a new civil partnership”.

8. In regulation G4 (election not to pay pension contributions)—

(a) in paragraph (5) for “Subject to paragraph (6)” substitute “Subject to paragraphs (6) to (8)”;

(b) after paragraph (6) insert the following paragraphs—

“(7) A notice under paragraph (5) cancelling an election given to the Board after 5th April 2006 shall be of no effect.

(8) Where, following a notice of cancellation under paragraph (5), an election under paragraph (1) would, but for this paragraph, cease to have effect as from a date after 5th April 2006, that election shall cease to have effect as from 5th April 2006.”.

9. In regulation G6 (payment by women members to enhance widowers' awards)—

(a) in paragraph (1) after "Subject to paragraph" insert "(1A)" and;

(b) after paragraph (1) insert the following paragraph—

"(1A) An election under this regulation which is made by virtue of the amendments to these Regulations by the Police Service of Northern Ireland Pensions (Amendment No. 2) Regulations 2006 may not secure the counting of pensionable service before 6th April 1988.";

(c) after paragraph (3)(d) insert—

"or

(e) in the case of a woman by whom contributions are payable under regulation G2 on or before the date on which the Police Service of Northern Ireland Pensions (Amendment No. 2) Regulations 2006 come into operation who elects to secure the counting of pensionable service after 5th April 1988 and before 17th May 1990 (not being service which is already the subject of an election to enhance her widower's or surviving civil partner's award), the date on which those Regulations come into operation, or

(f) in the case of a woman by whom contributions become payable under regulation G2 after the date on which the Police Service of Northern Ireland Pensions (Amendment No. 2) Regulation 2006 come into operation who elects to secure the counting of pensionable service after 5th April 1988 and before 17th May 1990 (not being service which is already the subject of an election to enhance her widower's or surviving civil partner's award), the date on which those contributions become payable.";

(d) in paragraph (4A) for "paragraph (3)(c) or (d)" substitute "paragraph (3)(c), (d), (e) or (f)";

(e) in paragraph (13)(a) for "paragraph (3)(c) or (d)" substitute "paragraph (3)(c), (d), (e) or (f)".

10. In regulation J1 (member with a guaranteed minimum for the purposes of the Social Security Pensions (Northern Ireland) Order 1975)—

(a) in paragraph (4) after "remarries or has remarried" insert "or forms a civil partnership";

(b) in paragraph (4)(b) after "as husband and wife" insert "or during which she lives with another woman as if they were civil partners";

(c) in paragraph (4A) after "remarries or has remarried" insert "or forms a civil partnership";

(d) in paragraph (4A)(b) after "as husband and wife" insert "or during which he lives with another man as if they were civil partners";

(e) after paragraph (4A) insert the following paragraph—

"(4B) In a case to which this regulation applies, where the member dies or has died on or after 5th December 2005 leaving a civil partner then, unless any pension to which he has been entitled has been forfeited under regulation K5(2), that surviving civil partner shall be entitled to a pension of a weekly amount equal to one-half of that part of the member's guaranteed minimum which is attributable to earnings factors for the tax year, 1988-89 and subsequent tax years increased in accordance with regulation E9 (increase by reference to the Pensions (Increase) Acts) but that entitlement shall cease if he marries, remarries or has married or remarried or forms a civil partnership before attaining the age of 65 years and no payment shall be made on account of the pension—

(a) in respect of any period for which the amount of any pension payable to him under Part C exceeds the pension which, disregarding this sub-paragraph, would be payable hereunder, or

(b) in respect of any period before he attains the age of 65 years during which he and another person to whom he is not married and with whom he has not formed a civil partnership are living together as husband and wife or as if they were civil partners.";

(f) after paragraph (5A) insert the following paragraph—

"(5B) Where a surviving civil partner is entitled to a pension under paragraph (4B) then, in respect of any period in respect of which a payment is made on account of that pension, no payment shall be made on account of any pension payable to him under Part C.".

11. In regulation L2(5) (payment and duration of awards)—

(a) after "remarries" insert "or enters into a civil partnership";

(b) after "remarriage" insert "or civil partnership".

12. In regulation N4 (death grants where pension credit member dies before pension credit payments payable), after "spouse", in each place where it appears, insert "or civil partner".

13. In Schedule A (glossary of expressions)—

(a) in the definition of "child", after "spouse" insert "or civil partner";

(b) for the definition of "husband" substitute—

""husband", except in regulations C9, C9A and J1, includes wife and civil partner;";

(c) at the appropriate place insert—

""step-child" includes a person who is the child of the civil partner of the member concerned, but is not the child of that member;";

(d) for the definition of "widow" substitute—

""widow", except in regulation J1, includes widower and, except in regulations C9, C9A and J1, includes surviving civil partner;";

(e) for the definition of "wife" substitute—

""wife", except in regulations C9, C9A and J1, includes husband and civil partner.".

14. In Schedule C (widows' awards)—

(a) in paragraph 1(2A) of Part I, for "man" substitute "widower or to the surviving civil partner of a female member";

(b) after paragraph 1(2A) of Part I insert the following sub-paragraphs—

"(2B) But where a pension becomes payable to the surviving civil partner of a female member and as a consequence of an election under regulation G6—

(a) account would, but for this sub-paragraph, be taken of pensionable service before 6th April 1988, then account shall be taken only of service after 5th April 1988;

(b) sub-paragraph (1)(b) would, but for this sub-paragraph, have effect with the substitution for "5th April 1978" of a date before 6th April 1988, then that sub-paragraph shall have effect with the substitution for "5th April 1978" of "5th April 1988.";

(2C) Where a pension becomes payable under regulation C1 to the surviving civil partner of a male member—

(a) the pension or notional pension referred to in sub-paragraph (1)(a) shall be taken to be that which would be payable if no account were taken of any pensionable service before 6th April 1988, and

(b) sub-paragraph (1)(b) has effect with the substitution for "5th April 1978" of "5th April 1988".";

(c) in paragraph 3 of Part I, after the words "a man" insert "or a surviving civil partner of a woman";

(d) in paragraph 1(1A) of Part III, for "man" substitute "widower or to the surviving civil partner of a female member";

(e) after paragraph 1(1A) of Part III insert the following sub-paragraphs—

"(1B) But where a pension becomes payable under regulation C4 to the surviving civil partner of a female member and as a consequence of an election under regulation G6 account would, but for this sub-paragraph, be taken of pensionable service before 6th April 1988, then account shall be taken only of service after 5th April 1988.

(1C) Where a pension becomes payable under regulation C4 to the surviving civil partner of a male member, the amount of the deceased's deferred pension shall for the purposes of sub-paragraph (1) be taken to be what it would be if no account were taken of any pensionable service after 5th April 1988.";

(f) in paragraph 3(4) of Part III, after the words "a man" insert "or a surviving civil partner of a woman";

(g) in paragraph 4 of Part IV, for "man" substitute "widower or to the surviving civil partner of a female member";

(h) after paragraph 4 of Part IV insert the following paragraphs—

"5. But where a pension becomes payable under regulation C5(3) to the surviving civil partner of a female member and as a consequence of an election under regulation G6, paragraphs 2(a)(ii) and 3 would, but for this sub-paragraph, have effect with the substitution for "5th April 1978" of a date before 6th April 1988, then those paragraphs shall have effect with the substitution for "5th April 1978" of "5th April 1988".

6. Where a pension becomes payable under regulation C5(3) to the surviving civil partner of a male member, paragraphs 2(a)(ii) and 3 have effect with the substitution for "5th April 1978" of "5th April 1988".";

(i) in paragraph 1 of Part V, for the words from "where the pension" to the end substitute the following sub-paragraphs—

"(a) where the pension is payable to a widower or to the surviving civil partner of a female member this paragraph has effect with the substitution for "5th April 1978" of "16th May 1990" or, as the case may be, the day before the date from which service before 17th May 1990 counts, subject to paragraph 1A, in consequence of an election under regulation G6, and

(b) where the pension is payable to the surviving civil partner of a male member this paragraph has effect with the substitution for "5th April 1978" of "5th April 1988".";

(j) after paragraph 1 of Part V, insert the following paragraph—

"(1A) Where a widow's requisite pension is payable to the surviving civil partner of a female member and, as a consequence of an election under regulation G6, paragraph 1 would, but for this paragraph, have effect with the substitution for "5th April 1978" of a date before 6th April 1988, then that paragraph shall have effect with the substitution for "5th April 1978" of "5th April 1988".".

15. In Schedule E (awards on death — additional provisions)—

(a) in paragraph 2(a)—

(i) after “married woman” insert “or a woman in a civil partnership”;

(ii) after “widower” insert “or surviving civil partner”;

(b) in paragraph 2(b) after “married woman” insert “or a woman in a civil partnership”.