



Pensions Act 2008

2008 CHAPTER 30

PART 5

MISCELLANEOUS

State and official pensions

138 War pensions: effect of later marriage or civil partnership

(1) Section 168 of the Pensions Act 1995 (c. 26) (war pensions for widows: effect of remarriage) is amended as follows.

(2) For subsection (1) substitute—

“(1) In determining whether a pension is payable to a person as a widow, widower or surviving civil partner under any of the enactments mentioned in subsection (3) in respect of any period beginning on or after the commencement date, no account may be taken of the fact that the person has married or formed a civil partnership with another person if, before the beginning of that period—

- (a) the marriage or civil partnership has been terminated,
- (b) the parties to it have been judicially separated, or
- (c) in the case of a civil partnership, a separation order has been made in respect of the parties.

(1A) The commencement date is—

- (a) for the purpose of determining whether a pension is payable to a person as a widow or widower, 19 July 1995;
- (b) for the purpose of determining whether a pension is payable to a person as a surviving civil partner, 5 December 2005.”

(3) In subsection (2), in paragraph (a)—

- (a) after “a marriage” insert “ or civil partnership ”;
- (b) for “the termination of the marriage” substitute “ its termination ”.

Changes to legislation: *Pensions Act 2008, Section 138 is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) In that subsection, after “divorce” insert “, dissolution”.
- (5) In subsection (3)(a), for “The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983” substitute “The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006”.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1A) inserted by [2023 c. 44 s. 1\(2\)](#)
- s. 5(1C) inserted by [2023 c. 44 s. 1\(3\)](#)
- s. 13(3)(ec) inserted by [2023 c. 20 Sch. para. 56](#)
- s. 13A inserted by [2023 c. 44 s. 1\(4\)](#)
- s. 24(1)(c) inserted by [2015 c. 8 Sch. 2 para. 43\(2\)\(d\)](#)
- s. 143(6)(7) inserted by [2023 c. 44 s. 1\(5\)\(b\)](#)