

Status: Point in time view as at 06/04/2016.

Changes to legislation: There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, PART 5. (See end of Document for details)

SCHEDULES

SCHEDULE 4 **E+W**

EFFECT OF EXTENSION OF MARRIAGE: FURTHER PROVISION

PART 5 **E+W**

STATE PENSIONS

Category B retirement pension for married person

^{F1}11

Textual Amendments

- F1** Sch. 4 para. 11 omitted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by virtue of [Pensions Act 2014 \(c. 19\)](#), s. 56(4), **Sch. 12 para. 77** (with Sch. 12 para. 87(1)(2))

Category B retirement pension for widows and widowers

^{F2}12

Textual Amendments

- F2** [Sch. 4 para. 12](#) omitted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by virtue of [Pensions Act 2014 \(c. 19\)](#), s. 56(4), **Sch. 12 para. 77** (with Sch. 12 para. 87(1)(2))

Category B retirement pension for widowers

^{F3}13

Textual Amendments

- F3** [Sch. 4 para. 13](#) omitted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by virtue of [Pensions Act 2014 \(c. 19\)](#), s. 56(4), **Sch. 12 para. 77** (with Sch. 12 para. 87(1)(2))

Graduated retirement benefit

- 14 (1) Section 62 of the Social Security Contributions and Benefits Act 1992 (graduated retirement benefit) is amended as follows.

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- (2) Subsection (1): after paragraph (ac) insert—
- “(ad) for extending section 37 of that Act (increase of woman's retirement pension by reference to her late husband's graduated retirement benefit) to—
- (i) men and their late husbands, and
- (ii) women and their late wives,
- and for that section (except subsection (5)) so to apply as it applies to women and their late husbands;
- (ae) for extending section 37 of that Act (increase of woman's retirement pension by reference to her late husband's graduated retirement benefit) to—
- (i) men and their late husbands, and
- (ii) women and their late wives,
- who attained pensionable age before 6th April 2010 and for that section (except subsection (5)) so to apply as it applies to men and their late wives;”.
- (3) After subsection (2) insert—
- “(3) In relevant gender change cases, women and their late wives are to be treated for the purposes of sections 36 and 37 of the National Insurance Act 1965 in the same way as women and their late husbands.
- (4) For that purpose “relevant gender change case”, in relation to a woman (“the pensioner”) and her late wife, means a case where—
- (a) the late wife was, at the time of her death, a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) the marriage of the pensioner and her late wife subsisted before the time when the certificate was issued.”

Commencement Information

- I1** Sch. 4 para. 14 in force at 31.10.2013 for specified purposes by S.I. 2013/2789, art. 2(b)
- I2** Sch. 4 para. 14 in force at 13.3.2014 for specified purposes by S.I. 2014/93, art. 3(j)(ii)
- I3** Sch. 4 para. 14 in force at 10.12.2014 in so far as not already in force by S.I. 2014/3169, art. 2

Adult dependency increases

- 15 (1) In a case where a full gender recognition certificate is issued to a person under the Gender Recognition Act 2004—
- (a) section 83 of the 1992 Act (pension increase (wife)) does not cease to apply by virtue of the change of gender; and
- (b) in the continued application of section 83 in such a case, references to a pension payable to a man, or references to his wife, are to be construed accordingly.
- (2) In a case where a full gender recognition certificate is issued to a person under the Gender Recognition Act 2004—

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- (a) section 84 of the 1992 Act (pension increase (husband)) does not cease to apply by virtue of the change of gender; and
 - (b) in the continued application of section 84 in such a case, references to a pension payable to a woman, or references to her husband, are to be construed accordingly.
- (3) In this paragraph “the 1992 Act” means the Social Security Contributions and Benefits Act 1992.

Commencement Information

I4 Sch. 4 para. 15 in force at 10.12.2014 by S.I. 2014/3169, art. 2

Converted civil partnerships

^{F4}16

Textual Amendments

F4 Sch. 4 para. 16 omitted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by virtue of Pensions Act 2014 (c. 19), s. 56(4), Sch. 12 para. 77 (with Sch. 12 para. 87(1)(2))

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