

## SCHEDULE 1

Article 2

### Consequential amendments to subordinate legislation

## PART 1

### Enactments: general

#### **Marriage (Authorised Persons) Regulations 1952**

1. In regulation 2 of the Marriage (Authorised Persons) Regulations 1952(1) (interpretation), in the definition of “trustees or governing body”—

- (a) for “70” substitute “70 or 70A”, and
- (b) for “that section” substitute “those sections”.

#### **Service Departments Registers Order 1959**

2.—(1) The Service Departments Registers Order 1959(2) is amended as follows.

(2) Article 1(3) (application of order) is renumbered as article 1(1).

(3) In article 1(1)(a), for “solemnised” substitute “entered into”.

(4) After article 1(1) insert—

“(2) In this Order, “marriages” includes marriages which result from—

- (a) the conversion of a civil partnership under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section; and
- (b) the changing of a civil partnership formed under Part 3 of the Civil Partnership Act 2004 into a marriage under—
  - (i) the Marriage (Scotland) Act 1977(4);
  - (ii) the Marriage and Civil Partnership (Scotland) Act 2014; or
  - (iii) any relevant order.

(3) For the purposes of paragraph (2) “relevant order” means any order made under section 104 of the Scotland Act 1998 in consequence of the Marriage and Civil Partnership (Scotland) Act 2014 which provides for the change of a civil partnership in a country or territory outside the United Kingdom by—

- (a) a member of Her Majesty’s forces (within the meaning of the Armed Forces Act 2006(5)) serving in the country or territory in which it is proposed they change their civil partnership;
- (b) a civilian subject to service discipline within the meaning of the Armed Forces Act 2006 who is employed in that country or territory;
- (c) a child of a person falling within paragraph (a) or (b) and whose home is with that person in that country or territory (including a person who is or has been treated

---

(1) [S.I. 1952/1869](#); regulation 2 was amended by [S.I. 2014/107](#). The functions of the Admiralty under these Regulations were transferred to the Secretary of State by virtue of section 3(2) of the Defence (Transfer of Functions) Act 1964 (c. 15).

(2) [S.I. 1959/406](#).

(3) Article 1 was amended by [S.I.1988/1295](#) and [S.I. 2005/3186](#).

(4) 1977 c. 15.

(5) 2006 c. 52.

*Status: This is the original version (as it was originally made).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

as the child of a person (“P”) in relation to a marriage or civil partnership to which P is or was a party).”.

(5) In article 3(6) (qualified informants)—

(a) in paragraph (2)(b), omit “or”,

(b) after paragraph (2)(c) insert—

“(d) a person who has solemnised a marriage to which this Order applies under the Overseas Marriage (Armed Forces) Order 2014(7),

(e) a person who has carried out a conversion of a civil partnership into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section, or

(f) a person who has carried out a change of a civil partnership into a marriage,”,

(c) in paragraph (4)(c)(i), omit “or”,

(d) for paragraph (4)(c)(ii) substitute—

“(ii) where the marriage is solemnised, the priest or other person conducting the ceremony;”,

(e) after paragraph (4)(c)(ii) insert—

“(iii) the person who has carried out a conversion of a civil partnership under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section; or

(iv) the person who has carried out a change of a civil partnership into a marriage;”, and

(f) after paragraph (6) insert—

“(7) For the purposes of this article a reference to a change of a civil partnership into a marriage is to be read in accordance with article 1(2)(b) and (3).”.

### **Registration of Births, Deaths and Marriages Regulations 1968**

**3.** In regulation 11 of the Registration of Births, Deaths and Marriages Regulations 1968(8) (statistical returns), after “marriages” insert “(including marriages resulting from the conversion of a civil partnership under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section)”.

### **Social Security (Credits) Regulations 1975**

**4.—(1)** The Social Security (Credits) Regulations 1975(9) are amended as follows.

(2) In regulation 8C(2)(10) (credits on termination of bereavement benefits) for “a person of the opposite sex as husband and wife” substitute “another person as a married couple”.

(3) In paragraph 3 of the Schedule(11) (persons who may qualify as carers for a child under the age of 12)—

(a) omit sub-paragraphs (a) and (b), and

---

(6) Article 3 was amended by [S.I. 2005/3186](#) and [S.I. 2007/908](#).

(7) [S.I. 2014/1108](#).

(8) [S.I. 1968/2049](#).

(9) [S.I. 1975/556](#).

(10) Regulation 8C was inserted by [S.I. 2000/1483](#) and paragraph (2) was amended by [S.I. 2005/2877](#). There are other amendments to regulation 8C not relevant to this Order.

(11) The Schedule was inserted by [S.I. 2011/709](#).

- (b) after “consisting of” insert “two people who are not married to or civil partners of each other but are living together as a married couple.”.

### **Social Security (Widow’s Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979**

5. In regulation 7(10) of the Social Security (Widow’s Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979(12) (modifications for widowed mother’s allowance, widow’s pension and category A and B retirement pensions)—

- (a) after “former spouse” in each place it occurs insert “or former civil partner”,
- (b) after “said spouse” insert “or civil partner”,
- (c) after “former spouse’s” insert “or former civil partner’s”, and
- (d) after “whichever is the earlier” insert “(or, in the case of a civil partnership, the year 1975/76)”.

### **Registration of Marriages Regulations 1986**

6. In regulation 11(2) of the Registration of Marriages Regulations 1986(13) (manner of registration)—

- (a) in sub-paragraph (ea)—
  - (i) after “two parties” insert “of the same sex”, and
  - (ii) omit “, if the parties specifically request and”, and
- (b) after sub-paragraph (ea) insert—
  - “(eb) if the marriage is between a man and a woman who have previously been through a form of civil partnership with each other (not being a civil partnership which is known to be void) and neither of them has since formed a civil partnership with, or married, a third party, then notwithstanding sub-paragraphs (ca) and (da), if the parties specifically request and—
    - (i) if the previous civil partnership has been terminated by final order of dissolution, he shall enter the words, “Previously formed a civil partnership at...on...Civil partnership dissolved on...”, inserting particulars of the place and date of previous civil partnership and the date of dissolution, or
    - (ii) if the previous civil partnership was annulled, he shall enter the words, “Previously formed a civil partnership at...on...Civil partnership annulled on...”, inserting the particulars of the place and date of the previous civil partnership and the date of its annulment;”.

### **Registration of Births and Deaths Regulations 1987**

7. In regulation 9(7)(b) of the Registration of Births and Deaths Regulations 1987(14) (entry of particulars on registration), after “child” insert “(and where the marriage results from the conversion of a civil partnership under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section, the name to be entered is that used for the conversion, if different)”.

---

(12) S.I. 1979/643; regulation 7 was amended by S.I. 1981/1627 and by S.I. 2009/2206.

(13) S.I. 1986/1442; regulation 11(2)(ea) was inserted by S.I. 2005/3177. There are other amendments to regulation 11 not relevant to this Order.

(14) S.I. 1987/2088; regulation 9(7) was substituted by S.I. 2014/107. There are other amendments to regulation 9 not relevant to this Order.

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

### **Standards Committees (Wales) Regulations 2001**

**8.—(1)** In the Standards Committees (Wales) Regulations 2001(**15**), in regulation 2 (interpretation), in the definition of “lay panel member”, after “spouse” insert “or civil partner”.

(2) In the Welsh text, in the Standards Committees (Wales) Regulations 2001, in regulation 2 (dehongli), in the definition of “aelod panel lleyg” (“*lay panel member*”), after “briod” insert “neu’n bartner sifil”.

### **Special Guardianship (Wales) Regulations 2005**

**9.—(1)** In each of paragraph 3(c) and paragraph 4(e) of the Schedule to the Special Guardianship (Wales) Regulations 2005(**16**) (reports - matters prescribed for the purposes of section 14A(8)(b) of the Children Act 1989), after “civil partnership” in the second place it occurs insert “(or in relation to a marriage resulting from the conversion of a civil partnership under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section, the date and place of the civil partnership which was originally entered into by the couple)”.

(2) In the Welsh text, in each of paragraph 3(c) and paragraph 4(d) of the Schedule to the Special Guardianship (Wales) Regulations 2005 (adroddiadau – materion a ragnodwyd at ddibenion adran 14A(8)(b) o Ddeddf Plant 1989), after “bartneriaeth sifil” insert “(neu o ran priodas sy’n deillio o drosiartneriaeth sifil o dan adran 9 o Ddeddf Priodas (Cyplau o’r Un Rhyw) 2013 a rheoliadau a wnaed o dan yr adran honno, ddyddiad a lle’r bartneriaeth sifil yr ymrwymwyd iddi’n wreiddiol gan y cwpl)”.

### **Civil Partnership (Registration Provisions) Regulations 2005**

**10.—(1)** Regulation 9 of the Civil Partnership (Registration Provisions) Regulations 2005(**17**) (contents of civil partnership document) is amended as follows.

(2) In paragraph (2)(i), for the closing words substitute—

“it shall enter across both columns of space 6, “Previously married at...on...Marriage dissolved on...”, inserting the particulars of the place and date of the previous marriage and the date of dissolution, however, in the case of a previous marriage between a man and a woman, it shall only enter this if the parties expressly request, and if they do not, shall enter “Previous marriage dissolved” for each person;”.

(3) In paragraph (2)(k), for the closing words substitute—

“it shall enter across both columns of space 6, “Previously married at...on...Marriage annulled on...”, inserting the particulars of the place and date of the previous marriage and the date of annulment, however, in the case of a previous marriage between a man and a woman, it shall only enter this if the parties expressly request, and if they do not, shall enter “Previous marriage annulled” for each person;”.

---

(15) S.I. 2001/2283 (W. 172); to which there are amendments not relevant to this Order.

(16) S.I. 2005/1513 (W. 117).

(17) S.I. 2005/3176.

## PART 2

## Enactments etc.: public service pension schemes

**Public service pension schemes: general**

**11.**—(1) The public service pension schemes referred to in the second column of the table at sub-paragraph (2) are amended in accordance with columns 3 and 4 of that table.

(2) The table referred to in sub-paragraph (1) is as set out below.

<i>Entry</i>	<i>Pension Scheme</i>	<i>First set of amendments</i>	<i>Second set of amendments</i>
1	The Firefighters' Pension Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992 as it has effect in England( <b>18</b> ).	In paragraph 1 of Part 3 of Schedule 1 (marriage of a same sex couple), for "In" at the beginning of sub-paragraph (1) substitute "Subject to paragraph 3, in".	After paragraph 2 (living together as a same sex couple) insert the provision made by sub-paragraph (3) with the number "1" substituted by the number "3" and with the words "these Regulations" substituted by "this Scheme".
2	The Firefighters' Pension (Wales) Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992 as it has effect in Wales( <b>19</b> ).	In paragraph 1 of Part 3 of Schedule 1 (marriage of a same sex couple), for "In" at the beginning of sub-paragraph (1) substitute "Subject to paragraph 3, in".	After paragraph 2 (living together as a same sex couple) insert the provision made by sub-paragraph (3) with the number "1" substituted by the number "3" and with the words "these Regulations" substituted by "this Scheme".
3	The Local Government Pension Scheme Regulations 1997( <b>20</b> ).	In regulation 42B (marriage of a same sex couple), for "In" at the beginning of paragraph (1) substitute "Subject to regulation 42D, in".	After regulation 42C (living together as a same sex couple) insert the provision made by sub-paragraph (3) with the number "1" substituted by the number "42D".
4	The Teachers' Pension Regulations 2010( <b>21</b> ).	In regulation 2A (marriage of a same sex couple), for "In" at the beginning of paragraph (1) substitute "Subject to regulation 2C, in".	After regulation 2B (living together as a same sex couple) insert the provision made by sub-paragraph (4) with the number "1" substituted by the number "2C".
5	The Royal Mail Statutory Pension Scheme( <b>22</b> ).	In rule 2A (marriage of a same sex couple), for "In" at	After Rule 2B (living together as a same sex couple) insert the provision made by sub-

(18) The Scheme is in Schedule 2 to [S.I. 1992/129](#). Paragraphs 1 and 2 were inserted into Part 3 of Schedule 1 to the Scheme by [S.I. 2014/560](#). There are other amendments to Schedule 1 to the Scheme not relevant to this Order. The name of the Scheme was changed to the Firefighters' Pension Scheme by [S.I. 2004/2306](#). By virtue of [S.I. 2006/3432](#), subject to certain savings, the Scheme has no effect in relation to any person who takes up employment with an English fire and rescue authority on or after 6th April 2006.

(19) The Scheme is in Schedule 2 to [S.I. 1992/129](#). Paragraphs 1 and 2 were inserted into Part 3 of Schedule 1 to the Scheme by [S.I. 2014/560](#). There are other amendments to Schedule 1 to the Scheme not relevant to this Order. The name of the Scheme was changed to the Firefighters' Pension (Wales) Scheme by [S.I. 2004/2918 \(W. 257\)](#). By virtue of [S.I. 2007/1072 \(W. 110\)](#), subject to certain savings, the Scheme has no effect in relation to any person who takes up employment with a Welsh fire and rescue authority on or after 6th April 2006.

(20) [S.I. 1997/1612](#); these Regulations were revoked with savings by [S.I. 2008/238](#) and continue to have effect in respect of deferred and pensioner members of the scheme constituted by them. Regulations 42B and 42C were inserted by [S.I. 2014/560](#).

(21) [S.I. 2010/990](#). Regulations 2A and 2B were inserted by [S.I. 2014/560](#).

(22) The scheme rules are in Schedule 1 to [S.I. 2012/687](#). Rules 2A and 2B were inserted by [S.I. 2014/560](#).

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

<i>Entry</i>	<i>Pension Scheme</i>	<i>First set of amendments</i>	<i>Second set of amendments</i>
		the beginning of paragraph (1) substitute “Subject to Rule 2C, in”.	paragraph (4) with the number “1” substituted by the number “2C” and with the words “these Regulations” in both places they occur substituted by “this Scheme”.

(3) The provision referred to in the fourth column of the table at sub-paragraph (2) in relation to entries 1 to 3 of the table is—

**“Continuation of marriage where Scheme member acquires new legal gender**

1. Where—

- (a) a deceased Scheme member was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004<sup>(23)</sup>, and
- (b) at the time of the member’s death, she was married to a woman and that marriage subsisted before the time when the certificate was issued,

the Scheme member’s widow is to be treated for the purposes of these Regulations as if the certificate had not been issued.”.

(4) The provision referred to in the fourth column of the table at sub-paragraph (2) in relation to entries 4 and 5 of the table is—

**“Continuation of marriage where Scheme member acquires new legal gender**

1.—(1) Where—

- (a) a deceased Scheme member was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of the member’s death, she was married to a woman and that marriage subsisted before the time when the certificate was issued,

the Scheme member’s widow is to be treated for the purpose of these Regulations as if the certificate had not been issued.

(2) Where—

- (a) a deceased Scheme member was a man by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of the member’s death, he was married to a man and that marriage subsisted before the time when the certificate was issued,

the Scheme member’s widower is to be treated for the purpose of these Regulations as if the certificate had not been issued.”.

**12.—(1)** In each of the enactments set out at sub-paragraph (4), any reference to a “widow” includes a woman who is the surviving spouse of a woman to whom sub-paragraph (3) applies.

(2) In each of the enactments set out at sub-paragraph (4)(c) to (g), any reference to a “husband” includes a woman to whom sub-paragraph (3) applies.

(3) This sub-paragraph applies to a deceased woman who—

---

(23) 2004 c. 7.

- (a) was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
  - (b) at the time of her death was married to a woman and that marriage subsisted before the time when the certificate was issued.
- (4) The enactments referred to in sub-paragraphs (1) and (2) are—
- (a) the War Pensions (Coastguards) Scheme 1944<sup>(24)</sup>,
  - (b) the British Transport Reorganisation (Pensions of Employees) (No. 2) Order 1962<sup>(25)</sup>,
  - (c) the Harbour Reorganisation (Compensation to Employees) Regulations 1967<sup>(26)</sup>,
  - (d) the British Transport (Compensation to Employees) Regulations 1970<sup>(27)</sup>,
  - (e) the London Transport (Compensation to Employees) Regulations 1970<sup>(28)</sup>,
  - (f) the Transport Holding Company (Compensation to Employees) Regulations 1972<sup>(29)</sup>, and
  - (g) the Vehicle and Driving Licences (Compensation to Officers) Regulations 1977<sup>(30)</sup>.

### **Police Pensions Regulations 1987**

**13.**—(1) The Police Pensions Regulations 1987<sup>(31)</sup> are amended as follows.

(2) In regulation J1 (policeman with a guaranteed minimum for the purposes of the Social Security Pensions Act 1975) after paragraph (4B)<sup>(32)</sup> insert—

“(4C) Where—

- (a) the regular policeman who has died was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of her death the regular policeman was married to a woman and that marriage subsisted before the time when the certificate was issued,

the widow of the regular policeman is to be treated for the purposes of this Regulation as if the certificate had not been issued.”

(3) In Schedule C (widows’ awards)—

(a) in paragraph 1 of Part 1 (widow’s ordinary pension), after sub-paragraph (2B)<sup>(33)</sup> insert—

“(2BA) Where—

- (a) a female police officer who has died was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of her death the female police officer was married to a woman and that marriage subsisted before the time when the certificate was issued,

the widow of the female police officer is to be treated for the purposes of this Part as if the certificate had not been issued.”

(b) in paragraph 1 of Part III (widow’s accrued pension), after sub-paragraph (1B)<sup>(34)</sup> insert—

---

<sup>(24)</sup> S.I. 1944/500; to which there are amendments not relevant to this Order.

<sup>(25)</sup> S.I. 1962/2715.

<sup>(26)</sup> S.I. 1967/1889.

<sup>(27)</sup> S.I. 1970/187.

<sup>(28)</sup> S.I. 1970/2019.

<sup>(29)</sup> S.I. 1972/632.

<sup>(30)</sup> S.I. 1977/1316; to which there are amendments not relevant to this Order.

<sup>(31)</sup> S.I. 1987/257.

<sup>(32)</sup> Paragraph (4B) was inserted in relation to England and Wales by S.I. 2006/740 and amended by S.I. 2014/79.

<sup>(33)</sup> Paragraph 1(2B) was inserted in relation to England and Wales by S.I. 2006/740 and amended by S.I. 2014/79.

<sup>(34)</sup> Paragraph 1(1B) was inserted in relation to England and Wales by S.I. 2006/740 and amended by S.I. 2014/79.



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

“(1BA) Where—

- (a) a female police officer who has died was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of her death the female police officer was married to a woman and the marriage subsisted before the time when the certificate was issued,

the widow of the female police officer is to be treated for the purposes of this Part as if the certificate had not been issued.”.

- (c) In Part IV (widow’s pension in case of post-retirement marriage) after paragraph 5(35) insert—

“5A. Where—

- (a) a female police officer who has died was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of her death the female police officer was married to a woman and that marriage subsisted before the time when the certificate was issued,

the widow of the female police officer is to be treated for the purposes of this Part as if the certificate had not been issued.”.

- (d) In Part V (widow’s requisite benefit pension), after paragraph 1A(36) insert—

“1B. Where—

- (a) a female police officer who has died was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of her death the female police officer was married to a woman and that marriage subsisted before the time when the certificate was issued,

the widow of the female police officer is to be treated for the purpose of this Part as if the certificate had not been issued.”.

### **National Health Service Pension Scheme Regulations 1995**

**14.** In regulation A4 of the National Health Service Pension Scheme Regulations 1995(37) (civil partnerships and marriage of same sex couples), after paragraph (5) insert—

“(6) Where—

- (a) a deceased member of this Section of the scheme was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of the member’s death, she was married to a woman and that marriage subsisted before the time when the certificate was issued,

the member’s widow is to be treated for the purposes of Parts G and K of these Regulations as if the certificate had not been issued.”.

---

(35) Paragraph 5 was inserted in relation to England and Wales by [S.I. 2006/740](#) and amended by [S.I. 2014/79](#).

(36) Paragraph 1A was inserted in relation to England and Wales by [S.I. 2006/740](#) and amended by [S.I. 2014/79](#).

(37) [S.I. 1995/300](#). Regulation A4 was inserted by [S.I. 2014/78](#).



## Armed Forces Pension Scheme Order 2005

15. In rule E.1 of Part E of Schedule 1 to the Armed Forces Pension Scheme Order 2005(38) (surviving spouses' and civil partners' pensions), after paragraph (4) insert—

“(5) Where a deceased active, deferred or pensioner member was—

- (a) a man or a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
- (b) at the time of the deceased member's death, the deceased member was married, and that marriage subsisted before the time when the certificate was issued,

the surviving spouse of the deceased member is to be treated for the purpose of these Rules as if the certificate had not been issued.”.

## Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010

16.—(1) Part E of Schedule 1 to the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(39) (death benefits) is amended as follows.

(2) For rule E.1(3)(c) (surviving spouse or civil partner's pensions) substitute—

“(c) the member was—

- (i) a man and was married to a woman whom he leaves a widow; or
- (ii) a woman who falls within rule E.1(15) and was married to a woman whom she leaves a widow.”.

(3) In rule E.1(5)(c)(ii) (surviving spouse or civil partner's pensions), at the beginning insert “(except for a member who falls within rule E.1(15))”.

(4) After rule E.1(14) (surviving spouse or civil partner's pensions) insert—

“(15) A deceased woman falls within this rule if—

- (a) she was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and
- (b) at the time of her death she was married to a woman and that marriage subsisted before the time when the certificate was issued.”.

(5) For rule E.6(1)(d) (widows' pensions: service ended before 31st March 1973) substitute—

“(d) the member was—

- (i) a man and was married to a woman whom he leaves a widow; or
- (ii) a woman who falls within rule E.6(8) and was married to a woman whom she leaves a widow.”.

(6) After rule E.6(7) (widows' pensions: service ended before 31st March 1973) insert—

“(8) A deceased woman falls within this rule if—

- (a) she was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and

---

(38) [S.I. 2005/438](#). Part E of Schedule 1 was amended by [S.I. 2014/107](#) and [S.I. 2014/560](#). There are other amendments to [S.I. 2005/438](#) which are not relevant to this Order.

(39) Order in Council made pursuant to section 3 of the [Naval and Marine Pay and Pensions Act 1865 \(28 and 29 Vict c. 73\)](#). This Order in Council and its amending orders are not statutory instruments. Schedule 1 was substituted in its entirety by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 and subsequently amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2012 and by [S.I. 2014/107](#) and [S.I. 2014/560](#). Copies can be obtained from [www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations](http://www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations). Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB.

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

- (b) at the time of her death she was married to a woman and that marriage subsisted before the time when that certificate was issued.”.

17.—(1) Schedule 2(40) to the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010 (Naval and Marines Attributable Benefits Scheme) is amended as follows.

(2) In Part A, in rule A.1 (interpretation), after the definition of “relevant disabling condition” insert—

““relevant gender change case” means a case where—

- (a) a deceased woman was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and
- (b) at the time of her death the deceased woman was married to a woman and that marriage subsisted before the time when the certificate was issued;”.

(3) In Part C, in rule C.2 (conditions relating to the deceased) for paragraphs (a) and (b) substitute—

“(a) the deceased person was in service on or after 31st March 1973 and at the time of the deceased person’s death—

- (i) was a man married to a woman whom he leaves a widow; or
- (ii) was a woman married to a woman in a relevant gender change case whom she leaves a widow;

(b) the deceased person was in service on or after 6th April 1978 and at the time of the deceased person’s death—

- (i) was a man married to a woman whom he married after discharge and whom he leaves a widow; or
- (ii) was a woman married to a woman in a relevant gender change case whom she married after discharge and whom she leaves a widow;”.

(4) In Part D, in rule D.1(3) (entitlement to a child’s compensation)—

(a) for sub-paragraph (a) substitute—

“(a) the deceased person was in service on or after 31st March 1973 and at the time of the deceased person’s death—

- (i) was a man married to a woman whom he leaves a widow; or
- (ii) was a woman married to a woman in a relevant gender change case whom she leaves a widow;”, and

(b) for sub-paragraph (c) substitute—

“(c) the deceased person was in service on or after 1st October 1987 and at the time of the deceased person’s death was either—

- (i) married to a person of the same sex (except in a case where sub-paragraph (a)(ii) applies to the deceased person); or
- (ii) was in a civil partnership with a person,

whom the deceased person leaves as a surviving spouse or surviving civil partner;”.

---

(40) Schedule 2 to the Order was amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 and the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2012 and by [S.I. 2014/107](#) and [S.I. 2014/560](#).

## **Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010**

**18.**—(1) Part E of Schedule 1 to the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010(41) (death benefits) is amended as follows.

(2) For rule E.1(3)(c) (surviving spouse or civil partner’s pensions) substitute—

“(c) the member was—

- (i) a man and was married to a woman whom he leaves a widow; or
- (ii) a woman who falls within rule E.1(15) and was married to a woman whom she leaves a widow.”.

(3) In rule E.1(5)(c)(ii) (surviving spouse or civil partner’s pensions), at the beginning insert “(except for a member who falls within rule E.1(15))”.

(4) After rule E.1(14) (surviving spouse or civil partner’s pensions) insert—

“(15) A deceased woman falls within this rule if—

- (a) she was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and
- (b) at the time of her death she was married to a woman and that marriage subsisted before the time when the certificate was issued.”.

(5) For rule E.6(1)(d) (widows’ pensions: service ended before 31st March 1973) substitute—

“(d) the member was—

- (i) a man and was married to a woman whom he leaves a widow; or
- (ii) a woman who falls within rule E.6(8) and was married to a woman whom she leaves a widow.”.

(6) After rule E.6(7) (widows’ pensions: service ended before 31st March 1973) insert—

“(8) A deceased woman falls within this rule if—

- (a) she was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and
- (b) at the time of her death she was married to a woman and that marriage subsisted before the time when that certificate was issued.”.

**19.**—(1) Schedule 2(42) to the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010 (Army Attributable Benefits Scheme) is amended as follows.

(2) In Part A, in rule A.1 (interpretation), after the definition of “relevant disabling condition”, insert—

““relevant gender change case” means a case where—

- (a) a deceased woman was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and

---

(41) Royal Warrant made under section 2 of the [Pensions and Yeomanry Pay Act 1884 \(47 and 48 Vict c. 55\)](#) and prerogative powers. This Warrant and the warrants which amend it are not statutory instruments. Schedule 1 was substituted in its entirety by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2010 and was subsequently amended by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2012 and by [S.I. 2014/107](#) and [S.I. 2014/560](#). Copies can be obtained from [www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations](http://www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations). Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB.

(42) Schedule 2 was amended by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2010 and by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2012 and by [S.I. 2014/107](#) and [S.I. 2014/560](#).

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

- (b) at the time of her death the deceased woman was married to a woman and that marriage subsisted before the time when the certificate was issued;”.
- (3) In Part C, in rule C.2 (conditions relating to the deceased) for paragraphs (a) and (b) substitute—
- “(a) the deceased person was in service on or after 31st March 1973 and at the time of the deceased person’s death—
- (i) was a man married to a woman whom he leaves a widow; or
  - (ii) was a woman married to a woman in a relevant gender change case whom she leaves a widow;
- (b) the deceased person was in service on or after 6th April 1978 and at the time of the deceased person’s death—
- (i) was a man married to a woman whom he married after discharge and whom he leaves a widow; or
  - (ii) was a woman married to a woman in a relevant gender change case whom she married after discharge and whom she leaves a widow;”.

(4) In Part D, in rule D.1(3) (entitlement to a child’s compensation)—

(a) for sub-paragraph (a) substitute—

“(a) the deceased person was in service on or after 31st March 1973 and at the time of the deceased person’s death—

    - (i) was a man married to a woman whom he leaves a widow; or
    - (ii) was a woman married to a woman in a relevant gender change case whom she leaves a widow;”, and

(b) for sub-paragraph (c) substitute—

“(c) the deceased person was in service on or after 1st October 1987 and at the time of the deceased person’s death was either—

    - (i) married to a person of the same sex (except in a case where sub-paragraph (a)(ii) applies to the deceased person); or
    - (ii) was in a civil partnership with a person,

whom the deceased person leaves as a surviving spouse or surviving civil partner;”.

## **Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010**

**20.**—(1) Part E of Schedule 1 to the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(43) (death benefits) is amended as follows.

(2) For rule E.1(3)(c) (surviving spouse or civil partner’s pensions) substitute—

- “(c) the member was—
- (i) a man and was married to a woman whom he leaves a widow; or

---

(43) Queen’s Order made under section 2(1) of the [Air Force \(Constitution\) Act 1917 \(7 and 8 Geo 5 c. 51\)](#). This Order and its amending orders are not statutory instruments. Schedule 1 was substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 and subsequently amended by the Air Force Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2012 and by [S.I. 2014/107](#) and [S.I. 2014/560](#). Copies can be obtained from [www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations](http://www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations). Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB.

- (ii) a woman who falls within rule E.1(15) and was married to a woman whom she leaves a widow.”.
- (3) In rule E.1(5)(c)(ii) (surviving spouse or civil partner’s pensions), at the beginning insert “(except for a member who falls within rule E.1(15))”.
- (4) After rule E.1(14) (surviving spouse or civil partner’s pensions) insert—
  - “(15) A deceased woman falls within this rule if—
    - (a) she was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and
    - (b) at the time of her death she was married to a woman and that marriage subsisted before the time when the certificate was issued.”.
- (5) For rule E.6(1)(d) (widows’ pensions: service ended before 31st March 1973) substitute—
  - “(d) the member was—
    - (i) a man and was married to a woman whom he leaves a widow; or
    - (ii) a woman who falls within rule E.6(8) and was married to a woman whom she leaves a widow.”.
- (6) After rule E.6(7) (widows’ pensions: service ended before 31st March 1973) insert—
  - “(8) A deceased woman falls within this rule if—
    - (a) she was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and
    - (b) at the time of her death she was married to a woman and that marriage subsisted before the time when that certificate was issued.”.

**21.**—(1) Schedule 2(**44**) to the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010 (Royal Air Force Attributable Benefits Scheme) is amended as follows.

(2) In Part A, in rule A.1 (interpretation), after the definition of “relevant disabling condition” insert—

““relevant gender change case” means a case where—

- (a) a deceased woman was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and
- (b) at the time of her death the deceased woman was married to a woman and that marriage subsisted before the time when the certificate was issued;”.

(3) In Part C, in rule C.2 (conditions relating to the deceased), for paragraphs (a) and (b) substitute—

- “(a) the deceased person was in service on or after 31st March 1973 and at the time of the deceased person’s death—
  - (i) was a man married to a woman whom he leaves a widow; or
  - (ii) was a woman married to a woman in a relevant gender change case whom she leaves a widow;
- (b) the deceased person was in service on or after 6th April 1978 and at the time of the deceased person’s death—

---

**(44)** Schedule 2 was amended by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 and the Air Force Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2012 and by [S.I. 2014/107](#) and [S.I. 2014/560](#).

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

- (i) was a man married to a woman whom he married after discharge and whom he leaves a widow; or
  - (ii) was a woman married to woman in a relevant gender change case whom she married after discharge and whom she leaves a widow;”.
- (4) In Part D, in rule D.1(3) (entitlement to a child’s compensation)—
- (a) for sub-paragraph (a) substitute—
    - “(a) the deceased person was in service on or after 31st March 1973 and at the time of the deceased person’s death—
      - (i) was a man married to a woman whom he leaves a widow; or
      - (ii) was a woman married to a woman in a relevant gender change case whom she leaves a widow;”, and
  - (b) for sub-paragraph (c) substitute—
    - “(c) the deceased person was in service on or after 1st October 1987 and at the time of the deceased person’s death was either—
      - (i) married to a person of the same sex (except in a case where sub-paragraph (a)(ii) applies to the deceased person); or
      - (ii) was in a civil partnership with a person,whom the deceased person leaves as a surviving spouse or surviving civil partner;”.

### **Reserve Forces Non Regular Permanent Staff (Pension and Attributable Benefits Schemes) Regulations 2011**

**22.**—(1) The Reserve Forces Non Regular Permanent Staff (Pension and Attributable Benefits Schemes) Regulations 2011<sup>(45)</sup> are amended as follows.

- (2) In Schedule 1, in Part D (death benefits)—
  - (a) for rule D.3(4)(b) substitute—
    - “(b) the member was—
      - (i) a man and was married to a woman whom he leaves a widow; or
      - (ii) a woman married to a woman in a relevant gender change case whom she leaves a widow.”, and
  - (b) after rule D.3(7) insert—
    - “(8) In this rule, “relevant gender change case” means a case where—
      - (a) a deceased woman was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and
      - (b) at the time of her death the deceased woman was married to a woman and that marriage subsisted before the time when the certificate was issued.”.
- (3) In Schedule 2, in Part C (death benefits), for rules C.2(4) and (5) substitute—
  - “(4) Condition B is that the deceased person—
    - (a) was—
      - (i) a man; or

---

<sup>(45)</sup> These regulations are not statutory instruments. Copies can be found at [www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations](http://www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations). Hard copies can be obtained from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB. These regulations were amended by [S.I. 2014/107](#).

- (ii) a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004;
  - (b) was in service on or after 31st March 1973;
  - (c) was married to a woman and that marriage—
    - (i) took place before the deceased person ceased service; and
    - (ii) in the case of a deceased person falling within sub-paragraph (a)(ii), subsisted before the time when the certificate was issued; and
  - (d) died leaving her a widow.
- (5) Condition C is that the deceased person—
- (a) was—
    - (i) a man; or
    - (ii) a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004;
  - (b) was in service on or after 6th April 1978;
  - (c) married a woman—
    - (i) after leaving service; and
    - (ii) in the case of a deceased person falling within sub-paragraph (a)(ii), the marriage subsisted before the time when the certificate was issued; and
  - (d) died leaving her a widow.”.