

SCHEDULE

Consequential Amendments to Acts of Parliament

Social Security Pensions Act 1975

8.—(1) Section 59 of the Social Security Pensions Act 1975**(1)** (increase of official pensions) is amended as follows.

(2) In subsection (5ZB)**(2)**, for paragraph (a) substitute—

“(a) in the case of a pension payable to a woman in respect of the services—

(i) of her deceased male spouse; or

(ii) of her deceased female spouse in a relevant gender change case;

one half of the rate of the deceased spouse’s guaranteed minimum pension at the relevant time;”.

(3) In subsection (5ZC)**(3)**—

(a) in paragraph (a)(i) omit “or”,

(b) in paragraph (a)(ii) for “spouse,” substitute “spouse;”,

(c) after paragraph (a)(ii) insert—

“(iii) a pension payable to a woman in respect of the services of her deceased female spouse in a relevant gender change case; or

(iv) a pension payable to a man in respect of the services of his deceased male spouse in a relevant gender change case;”, and

(d) in paragraph (b), after “sex” insert “(other than a pension within paragraph (a)(iii) or (iv))”.

(4) In subsection (7)**(4)**, after the definition of “lump sum” insert—

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

(a) the deceased spouse was a man or a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004**(5)**; and

(b) the marriage of the deceased spouse and the surviving spouse (that ends with the deceased spouse’s death) subsisted before the time when the certificate was issued.”.

(1) 1975 c. 60.

(2) Subsection (5ZB) was inserted by the Pensions Act 2008 (c. 30), section 137(1) and (8), and, in relation to England and Wales, was amended by S.I. 2014/560.

(3) Subsection (5ZC) was inserted by the Pensions Act 2008, section 137(1) and (8), and, in relation to England and Wales, was amended by S.I. 2014/560.

(4) Subsection 7 was amended by the Social Security Act 1979 (c. 18), Schedule 3, paragraph 20, the Pension Schemes Act 1993c. 48), Schedule 8, paragraph 9(1)(b) and the Pensions (Miscellaneous Provisions) Act 1990 (c. 7), section 5(2) and in relation to England and Wales by S.I. 2014/560. There are other amendments to section 59 not relevant to this Order.

(5) 2004 c. 7.