
STATUTORY INSTRUMENTS

2015 No. 1677

**The Occupational Pension Schemes (Schemes that
were Contracted-out) (No.2) Regulations 2015**

PART 4

**ADDITIONAL REQUIREMENTS IN RELATION
TO GUARANTEED MINIMUM PENSIONS**

Period for the purposes of section 17(6) of the 1993 Act for which widower's, widow's or surviving civil partner's guaranteed minimum pension is payable

22.—(1) Where a pension is payable by virtue of regulation 21(1)(a), the scheme is to make provision for the pension to be payable for the remainder of the widower's, widow's or surviving civil partner's life.

(2) Subject to paragraph (4), where a pension is payable by virtue of regulation 21(1)(b) but not by virtue of regulation 21(1)(a) or (c), the scheme is to make provision for the pension to be payable for the period during which the circumstances described in regulation 21(1)(b) continue to exist.

(3) Subject to paragraph (4), where a pension is payable by virtue of regulation 21(1)(c), but not by virtue of regulation 21(1)(a), the scheme is to make provision for the pension to be payable for the remainder of the widower's, widow's or surviving civil partner's life.

[^{F1}(3A) Where a pension is payable by virtue of regulation 21(1)(d) but not by virtue of regulation 21(1)(a), (b), (c) or (e), the scheme is to make provision for the pension to be payable for the period during which the circumstances described in regulation 21(1)(d) continue to exist.

(3B) Subject to paragraph (4A), where a pension is payable by virtue of regulation 21(1)(e) but not by virtue of regulation 21(1)(a), (b), (c) or (d), the scheme is to make provision for the pension to be payable for the remainder of the widower's, widow's or surviving civil partner's life.]

[^{F2}(4) Subject to paragraph (5), there is excluded from the periods prescribed by paragraphs (2) and (3) any period—

(a) after the time of any—

(i) marriage; or

(ii) formation of a civil partnership,

by the widower, widow or surviving civil partner whilst under pensionable age and which takes place after the earner's death; or

(b) during which the widower, widow or surviving civil partner is under pensionable age and he or she and another person are living together [^{F3}as if they were a married couple or civil partners]; or

(c) after the widower, widow or surviving civil partner has attained pensionable age if, immediately before he or she attained that age, he or she and another person were living together [^{F4}as if they were a married couple or civil partners].

(4A) Subject to paragraph (5), there is excluded from the period prescribed by paragraph (3B) any period—

- (a) after the time of any—
 - (i) marriage; or
 - (ii) formation of a civil partnership,
 - by the widower, widow or surviving civil partner which takes place after the earner's death; or
- (b) during which the widower, widow or surviving civil partner and another person are living together [^{F5}as if they were a married couple or civil partners].

(5) The following provisions do not apply where a man became a widower before 5th December 2005—

- (a) paragraphs 4(a)(i) and (4A)(a)(i) so far as they relate to a marriage involving two people of the same sex;
- (b) paragraphs 4(a)(ii) and (4A)(a)(ii); and
- (c) paragraphs (4)(b), (4)(c) and (4A)(b) so far as they relate to the living together of two people of the same sex.]

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| F1 | Reg. 22(3A)-(3B) inserted (6.4.2017) by The Occupational Pension Schemes and Social Security (Schemes that were Contracted-out and Graduated Retirement Benefit) (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/354) , regs. 1(2), 4(7)(a) |
| F2 | Reg. 22(4)-(5) substituted for reg. 22(4)(5) (6.4.2017) by The Occupational Pension Schemes and Social Security (Schemes that were Contracted-out and Graduated Retirement Benefit) (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/354) , regs. 1(2), 4(7)(b) |
| F3 | Words in reg. 22(4)(b) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458) , reg. 1(2), Sch. 3 para. 101(a) |
| F4 | Words in reg. 22(4)(c) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458) , reg. 1(2), Sch. 3 para. 101(a) |
| F5 | Words in reg. 22(4A)(b) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458) , reg. 1(2), Sch. 3 para. 101(a) |

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015, Section 22.