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STATUTORY INSTRUMENTS

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**2019 No. 1514**

**The Marriage (Same-sex Couples) and Civil Partnership  
(Opposite-sex Couples) (Northern Ireland) Regulations 2019**

**PART 7**

**Amendments: Pensions and Social Security: Secondary Legislation**

**Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975**

**75.** In regulation 3 of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(1) (provision where woman ceases to be entitled to widowed mother's allowance otherwise than by reason of remarriage, formation of a civil partnership, or cohabitation with a man as his wife)—

- (a) in paragraph (1), in the words before sub-paragraph (a), for “a man as his wife,” substitute “another person as if spouses of each other,” and
- (b) in paragraph (7)(b), for “a man as his wife” substitute “another person as if spouses of each other”.

**Social Security (Credits) Regulations (Northern Ireland) 1975**

**76.—(1)** The Social Security (Credits) Regulations (Northern Ireland) 1975(2) are amended as follows.

(2) In regulation 8C(2), for “a person of the opposite sex as husband and wife” substitute “another person as if spouses of each other”.

(3) In paragraph 3 of the Schedule, for the words from “consisting” to the end substitute “consisting of two people who are not married to or civil partners of each other but are living together as if spouses of each other.”.

**Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977**

**77.** In paragraph 2C of Schedule 2 to the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(3), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or

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(1) *S.R. (N.I.) 1975/19*. In regulation 3(1), the words before sub-paragraph (a) were amended by paragraph 1 of Schedule 3 to *S.R. (N.I.) 2005/356*.  
(2) *S.R. (N.I.) 1975/113*. Regulation 8C was inserted by regulation 3(7) of *S.R. (N.I.) 2001/108* and was amended by paragraph 4(4) of Schedule 3 to *S.R. (N.I.) 2005/536*. The Schedule was inserted by *S.R. (N.I.) 2011/107*.  
(3) *S.R. (N.I.) 1977/74*. Paragraph 2C of Schedule 2 was inserted by *S.R. (N.I.) 1984/382*, and the definition of “couple” was inserted by paragraph 6 of Schedule 3 to *S.R. (N.I.) 2005/536*.

- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

#### **Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978**

**78.** In regulation 3 in Schedule 3 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(4) (which sets out regulations 2 and 3 of the Social Security (Graduated Retirement Benefit) Regulations (Northern Ireland) 1978(5) as continued in force with modifications), after “former spouse” insert “or former civil partner”.

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

**79.** In the Social Security (Widow’s Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations (Northern Ireland) 1979(6), in regulation 7(10) (person whose former spouse was a pre-1975 contributor)—

- (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)”.

#### **Income Support (General) Regulations (Northern Ireland) 1987**

**80.** In regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(7), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

#### **Social Security (Claims and Payments) Regulations (Northern Ireland) 1987**

**81.** In regulation 2 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(8), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

(4) S.R. (N.I.) 1978/105. In Schedule 3, the saved regulation 3 was amended by regulation 2(5) of S.R. (N.I.) 2005/541.

(5) S.R. (N.I.) 1978/78.

(6) S.R. (N.I.) 1979/244. Regulation 7(10) was amended by S.R. (N.I.) 1981/375.

(7) S.R. (N.I.) 1987/459. In regulation 2(1), the definition of “couple” was substituted by paragraph 12 of Schedule 3 to S.R. (N.I.) 2005/536.

(8) S.R. (N.I.) 1987/465. In regulation 2, the definition of “couple” was inserted by paragraph 15 of Schedule 3 to S.R. (N.I.) 2005/536.

## Judicial Pensions (Requisite Benefits) Order (Northern Ireland) 1988

**82.**—(1) The Judicial Pensions (Requisite Benefits) Order (Northern Ireland) 1988<sup>(9)</sup> is amended as follows.

(2) In article 4, for “his widow” substitute “that person’s surviving spouse or surviving civil partner”.

(3) In article 7—

- (a) in the heading, for “Widow’s” substitute “Surviving spouse’s or surviving civil partner’s”,
- (b) in paragraph (1), for “his widow” substitute “that person’s surviving spouse or surviving civil partner”, and
- (c) in paragraph (2), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.

(4) In article 9—

- (a) for the heading substitute “Guaranteed minimum pension for surviving spouse or surviving civil partner”,
- (b) in paragraph (1)—
  - (i) for “his widow” substitute “that person’s surviving spouse or surviving civil partner”, and
  - (ii) for “her” substitute “that survivor’s”, and
- (c) in paragraph (3)(b), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.

(5) Omit article 10.

(6) In article 11(3), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.

(7) For article 12(1) substitute—

“(1) Where, on the date when an office-holder (“O”) ceases to hold office, O is neither married nor in a civil partnership, O may be required to undertake, in return for payment to O of a lump sum under or by virtue of whichever of the enactments mentioned in paragraph (2) is applicable to O, that O will, on the first time afterwards O enters into a relevant relationship, pay a contribution in respect of benefits that may become payable to O’s surviving spouse or surviving civil partner by virtue of articles 7 and 9; and for this purpose O enters into a relevant relationship if O marries or enters into civil partnership.”.

(8) In article 12(3)—

- (a) for “the office-holder’s” substitute “O’s”,
- (b) for “his” substitute “O’s prior to 6th April 1997”<sup>(10)</sup>,
- (c) in sub-paragraph (a), for each of “him” and “he” substitute “O”,
- (d) in sub-paragraph (b)(i), for “he was a married man” substitute “O was married or in a civil partnership”, and
- (e) in sub-paragraph (b)(ii), for “his contracted before he” substitute “O’s contracted, or a civil partnership of O’s entered into, before O”.

(9) In article 13 —

- (a) in the heading, after “marriage” insert “or entry into a civil partnership”, and
- (b) for the words after “Where” substitute “an office-holder (“O”) marries or enters into a civil partnership after O has ceased to hold office, and not more than six months before

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<sup>(9)</sup> [S.R. \(N.I.\) 1988/294](#). Article 10 was amended by Schedule 6 to [S.I. 2005/3325](#).

<sup>(10)</sup> 6th April 1997 was appointed as the Principal Appointed Day for the purposes of Part 4 of the Pensions (Northern Ireland) Order 1995 by article 2 of [S.R. \(N.I.\) 1996/91](#).

O's death, any pension paid to O's surviving spouse or surviving civil partner by virtue of this Order is to be limited to the guaranteed minimum pension due to that person.”.

### **Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992**

**83.** In regulation 1(2) of the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(**11**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992**

**84.—**(1) In regulation 3(9) of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992(**12**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

(2) In regulation 8(5)(c)(ii) of those Regulations (deductibility of contributions towards certain superannuation benefits), for “widow” substitute “surviving spouse”.

### **Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995**

**85.** In regulation 2(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**13**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Social Security (Additional Pension) (Contributions Paid in Error) Regulations (Northern Ireland) 1996**

**86.** In regulations 2(3) and 3(2) of the Social Security (Additional Pension) (Contributions Paid in Error) Regulations (Northern Ireland) 1996(**14**), after “spouse” insert “or civil partner”.

(11) [S.R. \(N.I.\) 1992/341](#). In regulation 1(2), the definition of “couple” was substituted by paragraph 2 of Schedule 4 to [S.R. \(N.I.\) 2005/536](#).

(12) [S.R. \(N.I.\) 1992/390](#). Regulation 3(9) was inserted by [S.R. \(N.I.\) 2008/409](#).

(13) [S.R. \(N.I.\) 1995/41](#). In regulation 2(1), the definition of “couple” was inserted by paragraph 22 of Schedule 3 to [S.R. \(N.I.\) 2005/536](#).

(14) [S.R. \(N.I.\) 1996/188](#).

### **Jobseeker's Allowance Regulations (Northern Ireland) 1996**

**87.** In regulation 1(2) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(15), for the definition of "couple" substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other.”.

### **Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996**

**88.**—(1) The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(16) are amended as follows.

(2) Omit regulation 1(1A) (meaning of living together as civil partners).

(3) In regulation 26(1)—

(a) in sub-paragraph (b), for paragraphs (iii) and (iv) substitute—

“or

(iii) lives together with another person as if spouses of each other,”, and

(b) in sub-paragraph (c), for the words from “death” to the end substitute “death living together with another person, whom he or she is not married to or in a civil partnership with, as if they were spouses of each other.”.

(4) For regulation 26(2) substitute—

“(2) The following provisions do not apply where the scheme member died before 5th December 2005—

- (i) paragraph (1)(b)(i) so far as it relates to a marriage or remarriage involving two people of the same sex,
- (ii) paragraph (1)(b)(ii), and
- (iii) paragraph (1)(b)(iii), and paragraph (1)(c), so far as they relate to the living together of two people of the same sex.”.

### **Social Security (Computation of Earnings) Regulations (Northern Ireland) 1996**

**89.** In regulation 2(1) of the Social Security (Computation of Earnings) Regulations (Northern Ireland) 1996(17), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

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(15) S.R. (N.I.) 1996/198. In regulation 1(2), the definition of “couple” was substituted by S.R. (N.I.) 2005/536.

(16) S.R. (N.I.) 1996/493. Regulation 1(1A) was inserted, and regulation 26 substituted, by Schedule 2 to S.R. (N.I.) 2005/433.

(17) S.R. (N.I.) 1996/520. In regulation 2(1), the definition of “couple” was substituted by article 17 of S.I. 2005/2919.

**Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996**

**90.** In the Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996(**18**), in paragraph 6 of Schedule 2, after “widower’s” insert “or surviving civil partner’s”.

**Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996**

**91.** In regulation 1(2) of the Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996(**19**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

**Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997**

**92.** In the Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997(**20**), in regulation 7(d), for “husband or wife” substitute “spouse or civil partner”.

**Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1997**

**93.**—(1) The Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1997(**21**) are amended as follows.

(2) Omit regulation 1(1A)(**22**).

(3) In regulation 11(**23**)—

(a) in paragraph (4)(b), for paragraphs (iii) to (v) substitute—

“(iii) lives together with another person as if they were spouses of each other (and does so without being married to, or the civil partner of, that other person), or

(v) at the time of the beneficiary’s death is living together with another person as if they were spouses of each other (and is not at that time married to, or the civil partner of, that other person).” and

(b) for paragraph (7) substitute—

“(7) The following provisions do not apply where the beneficiary died before 5th December 2005—

- (a) paragraph (4)(b)(i) so far as it relates to a marriage or remarriage involving two people of the same sex;
- (b) paragraph (4)(b)(ii), and
- (c) paragraphs (iii) and (v) of paragraph (4)(b) so far as they relate to the living together of two people of the same sex.”.

(18) S.R. (N.I.) 1996/618. Paragraph 6 of Schedule 2 was substituted by S.R. (N.I.) 1997/160 and amended by S.R. (N.I.) 2016/158.

(19) S.R. (N.I.) 1996/622. In regulation 1(2), the definition of “couple” was substituted by S.R. (N.I.) 2005/536.

(20) S.R. (N.I.) 1997/94. Regulation 7(d) was inserted by S.R. (N.I.) 1997/162.

(21) S.R. (N.I.) 1997/159.

(22) Regulation 1(1A) was inserted by S.R. (N.I.) 2005/433.

(23) Relevant amendments were made in regulation 11 by S.R. (N.I.) 2005/433.

### **Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999**

94. In regulation 1(2) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(24), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000**

95. In regulation 1(2) of the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000(25), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001**

96. In regulation 1(2) of the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(26), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001**

97. In regulation 1(2) of the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(27), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

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(24) S.R. (N.I.) 1999/162. In regulation 1(2), the definition of “couple” was inserted by regulation 7 of S.R. (N.I.) 2005/539.

(25) S.R. (N.I.) 2000/91. In regulation 1(2), the definition of “couple” was inserted by paragraph 26 of Schedule 3 to S.R. (N.I.) 2005/536.

(26) S.R. (N.I.) 2001/18. In regulation 1(2), the definition of “couple” was substituted by paragraph 7 of Schedule 4 to S.R. (N.I.) 2005/536.

(27) S.R. (N.I.) 2001/213. In regulation 1(2), the definition of “couple” was inserted by regulation 8 of S.R. (N.I.) 2005/539.

**Tax Credit (Appeals) Regulations (Northern Ireland) 2002**

**98.** In regulation 1(3) of the Tax Credits (Appeals) Regulations (Northern Ireland) 2002(**28**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

**State Pension Credit Regulations (Northern Ireland) 2003**

**99.** In regulation 1(2) of the State Pension Credit Regulations (Northern Ireland) 2003(**29**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

**Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003**

**100.** In regulation 1(2) of the Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003(**30**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

**Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004**

**101.**—(1) The Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004(**31**) are amended as follows.

(2) In regulation 2—

- (a) in the definition of “couple”, for “means a married couple or unmarried couple as specified under” substitute “has the meaning given by”, and
- (b) in the definition of “partner” omit “married or an unmarried”.

(3) In Schedule 1, in Table A, in the paragraph 8A treated as inserted in Schedule 8 to the 1987 Regulations, omit “married or unmarried”.

(28) *S.R. (N.I.) 2002/403*. In regulation 1(3), the definition of “couple” was inserted by paragraph 39 of Schedule 3 to *S.R. (N.I.) 2005/536*.

(29) *S.R. (N.I.) 2003/28*. In regulation 1(2), the definition of “couple” was inserted by paragraph 30 of Schedule 3 to *S.R. (N.I.) 2005/536*.

(30) *S.R. (N.I.) 2003/405*. In regulation 1(2), the definition of “couple” was inserted by paragraph 31 of Schedule 3 to *S.R. (N.I.) 2005/536*.

(31) *S.R. (N.I.) 2004/91*.



### **Financial Assistance Scheme Regulations 2005**

**102.** In regulation 2(1) of the Financial Assistance Scheme Regulations 2005(**32**), for the definition of “partner” substitute—

““partner” means a person who was not married to, or in a civil partnership with, the qualifying member but who was living with that member as if that person and the qualifying member were a married couple or civil partners;”.

### **Pension Protection Fund (Compensation) Regulations (Northern Ireland) 2005**

**103.** In regulation 1(2) of the Pension Protection Fund (Compensation) Regulations (Northern Ireland) 2005(**33**), in the definition of “relevant partner”—

- (a) for “— (a)” substitute “but”, and
- (b) for the words from “are husband and wife” to the end substitute “were spouses of each other;”.

### **Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005**

**104.** In regulation 2(1) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(**34**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006**

**105.** In Schedule 6 to the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006(**35**), in item 26, in the third column, after “who has not” insert “married or”.

### **Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 2006**

**106.**—(1) The Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 2006(**36**) are amended as follows.

- (2) In regulation 3 (modifications to which subsisting rights provisions do not apply)—
  - (a) omit the “or” at the end of paragraph (h),
  - (b) in paragraph (i), in each of sub-paragraphs (i) and (ii), for “widow or widower” substitute “surviving opposite sex spouse”, and
  - (c) after paragraph (i) insert—

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(32) [S.I. 2005/1986](#). In regulation 2(1), the definition of “partner” was inserted (with UK extent) by [S.I. 2009/1851](#), and substituted (so far as extending to England and Wales) by paragraph 36 of Schedule 1 to [S.I. 2014/107](#) and (so far as extending to Scotland) by paragraph 25 of Schedule 6 to [S.I. 2014/3229](#), and amended (with UK extent) by [S.I. 2019/1458](#).

(33) [S.R. \(N.I.\) 2005/149](#). In regulation 1(2), the definition of “relevant partner” was inserted by [S.R. \(N.I.\) 2005/357](#) and substituted by [S.R. \(N.I.\) 2006/155](#).

(34) [S.R. \(N.I.\) 2005/506](#).

(35) [S.I. 2006/606](#). Item 26 in Schedule 6 was amended by [S.I. 2014/107](#) (in relation to England and Wales), [S.I. 2014/3229](#) (in relation to Scotland), and [S.I. 2019/1458](#).

(36) [S.R. \(N.I.\) 2006/149](#).

“, or

- (j) which provides in relation to all or part of a member’s subsisting rights that after the member’s death—
  - (i) a surviving same sex spouse is treated in the same way as a surviving opposite sex spouse, and
  - (ii) the rights of any other survivor of the member are determined as if the surviving same sex spouse were a surviving opposite sex spouse.”.

(3) In regulation 7(1) (modifications which trustees may make), for “widow or widower”, in both places it occurs, substitute “surviving opposite sex spouse”.

(4) After regulation 7 insert—

**“Modification of schemes: surviving same sex spouses**

**7ZA.** The trustees of a trust scheme may by resolution modify the scheme in relation to all or part of a member’s subsisting rights so that after the member’s death—

- (a) a surviving same sex spouse is treated in the same way as a surviving opposite sex spouse, and
- (b) the rights of any other survivor are determined as if the surviving same sex spouse were a surviving opposite sex spouse.”.

**Pension Protection Fund (General and Miscellaneous Amendments) Regulations (Northern Ireland) 2006**

**107.** In the Pension Protection Fund (General and Miscellaneous Amendments) Regulations (Northern Ireland) 2006(**37**), in the definition of “relevant partner” in regulation 1(2)—

- (a) for “— (a)” substitute “but”, and
- (b) for the words from “husband and wife” to the end substitute “spouses of each other;”.

**Housing Benefit regulations of 2006**

**108.** In regulation 2(1) of the Housing Benefit Regulations (Northern Ireland) 2006(**38**), and in regulation 2(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**39**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

**Rate Relief regulations of 2007**

**109.**—(1) In the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007(**40**), omit regulation 52(4) and (5) (competence and compellability of spouses as witnesses).

(37) S.R. (N.I.) 2006/155.

(38) S.R. (N.I.) 2006/405.

(39) S.R. (N.I.) 2006/406.

(40) S.R. (N.I.) 2007/203.

(2) In the Rate Relief (General) Regulations (Northern Ireland) 2007(41), omit regulation 53(4) and (5) (competence and compellability of spouses as witnesses).

(3) The amendments made by paragraphs (1) and (2) apply only in relation to offences committed on or after 13th January 2020.

### **Employment and Support Allowance Regulations (Northern Ireland) 2008**

**110.** In regulation 2(1) of the Employment and Support Allowance Regulations (Northern Ireland) 2008(42), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other.”.

### **Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc.) Regulations (Northern Ireland) 2011**

**111.** In regulation 1(2) of the Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc.) Regulations (Northern Ireland) 2011(43), in the definition of “relevant partner”, for the words from “and who was living” to the end substitute “but who was living with the transferee as if spouses of each other”.

### **State Pension Regulations (Northern Ireland) 2015**

**112.** For regulation 30(4) of the State Pension Regulations (Northern Ireland) 2015(44) substitute—

“(4) In this regulation “couple” means—

- (a) two people who are married to, or civil partners of, each other and are neither—
  - (i) separated under a court order, nor
  - (ii) separated in circumstances in which the separation is likely to be permanent,or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other.”.

### **Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016**

**113.—**(1) The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016(45) are amended as follows.

(2) In regulation 12(1)—

- (a) in the words before sub-paragraph (a), for “a pension to be payable to a widower or surviving civil partner” substitute “such a pension to be payable”, and
- (b) in sub-paragraphs (a) to (e), after “widower”, in each place it occurs, insert “, widow”.

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(41) S.R. (N.I.) 2007/204.

(42) S.R. (N.I.) 2008/280.

(43) S.R. (N.I.) 2011/113.

(44) S.R. (N.I.) 2015/315. Regulation 30 was substituted by S.R. (N.I.) 2016/100.

(45) S.R. (N.I.) 2016/107. Relevant amendments were made by S.R. (N.I.) 2017/57.

- (3) In regulation 13—
- (a) in the heading, after “widower’s” insert “, widow’s”,
  - (b) in paragraphs (1), (3) and (3B), after “widower’s” insert “, widow’s”,
  - (c) in paragraph (4)(a), after “widower” insert “, widow”,
  - (d) in paragraph (4), for sub-paragraphs (b) to (d) substitute—
    - “(b) during which the surviving spouse or civil partner is under pensionable age and he or she and another person are living together as if spouses of each other; or
    - (c) after the surviving spouse or civil partner has attained pensionable age if, immediately before he or she attained that age, he or she and another person were living together as if spouses of each other.”
  - (e) in paragraph (4A)(a), after “widower” insert “, widow”, and
  - (f) in paragraph (4A), for sub-paragraph (b) substitute—
    - “(b) during which the surviving spouse or civil partner and another person are living together as if spouses of each other.”, and
  - (g) in paragraph (5)—
    - (i) before sub-paragraph (a) insert—
      - “(za) paragraphs (4)(a)(i) and (4A)(a)(i) so far as they relate to a marriage involving two people of the same sex,” and
      - (ii) in sub-paragraph (a) omit “(b)(ii), (c)(ii) and (d)(ii), and”,
      - (iii) in sub-paragraph (b), for “and (b)(ii).” substitute “, and”, and
      - (iv) after sub-paragraph (b) insert—
        - “(c) paragraphs (4)(b) and (c) and (4A)(b) so far as they relate to the living together of two people of the same sex.”.
- (4) In regulation 19—
- (a) in paragraph (2)(b)(ii), after “widower’s” insert “, widow’s”,
  - (b) in paragraph (3)(b)(i), for the words after “surviving civil partner” substitute “and another person are living together as if spouses of each other, nor”,
  - (c) in paragraph (3)(c), after “for widows” insert “whose spouse was a man”,
  - (d) in paragraph (3)(d)—
    - (i) after “widowers” insert “, widows whose spouse was a woman”, and
    - (ii) after “widower’s” insert “, widow’s”, and
  - (e) in paragraph (4)—
    - (i) at the beginning insert “For the purposes of paragraph (3)(b),”, and
    - (ii) for sub-paragraph (a) (including the “and” at the end) substitute—
      - “(a) paragraph (3)(b)(i) so far as it relates to the living together of two people of the same sex;
      - (aa) paragraph (3)(b)(ii)(aa) so far as it relates to a marriage involving two people of the same sex, and”.

### **Welfare Supplementary Payment Regulations (Northern Ireland) 2016**

**114.** In the Welfare Supplementary Payment Regulations (Northern Ireland) 2016(46), in regulation 3(1), in the definition of “couple”—

- (a) in paragraph (a), for “a man and a woman who are married to” substitute “two people who are married to, or civil partners of,”,
- (b) for paragraph (b) substitute—
  - “(b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”,
- (c) omit paragraphs (c) and (d), but not the “or” at the end, and
- (d) omit the words after paragraph (e).

### **Jobseeker’s Allowance Regulations (Northern Ireland) 2016**

**115.** In the Jobseeker’s Allowance Regulations (Northern Ireland) 2016(47), omit regulation 3(4) (interpretation of definition of “couple” in the Jobseekers (Northern Ireland) Order 1995).

### **Employment and Support Allowance Regulations (Northern Ireland) 2016**

**116.** In regulation 2 of the Employment and Support Allowance Regulations (Northern Ireland) 2016(48), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Discretionary Support Regulations (Northern Ireland) 2016**

**117.** In the Discretionary Support Regulations (Northern Ireland) 2016(49), in regulation 3(1), in the definition of “couple”—

- (a) in paragraph (a), for “a man and a woman who are married to” substitute “, two people who are married to, or civil partners of,”,
- (b) for paragraph (b) substitute—
  - “(b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”,
- (c) omit paragraphs (c) and (d), but not the “or” at the end, and
- (d) omit the words after paragraph (e).

### **Rate Relief Regulations (Northern Ireland) 2017**

**118.** In regulation 2(1) of the Rate Relief Regulations (Northern Ireland) 2017(50), for the definition of “couple” substitute—

““couple” means—

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(46) S.R. (N.I.) 2016/178.  
(47) S.R. (N.I.) 2016/218.  
(48) S.R. (N.I.) 2016/219.  
(49) S.R. (N.I.) 2016/270.  
(50) S.R. (N.I.) 2017/184.

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.