
STATUTORY INSTRUMENTS

2019 No. 1514

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

PART 8

Public Service Pension Schemes

Police

119.—(1) The Royal Ulster Constabulary Pensions Regulations 1988⁽¹⁾ are amended as follows.

(2) In regulation A11(2)⁽²⁾ (meaning of “disablement”) omit “or the widower of a member”.

(3) In regulation G6⁽³⁾ (payments by women members to enhance widowers’ awards)—

(a) after paragraph (1A)⁽⁴⁾ insert—

“(1B) An election under this regulation which is made by virtue of the amendments to these Regulations by the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 may secure the counting of pensionable service before 6th April 1988 irrespective of whether an election to which paragraph (1A) applies was previously made.”,

(b) in paragraph (3), after sub-paragraph (f)⁽⁵⁾ insert—

“, or

(g) in the case of a woman by whom contributions are payable under regulation G2 on or before 13th January 2020 who elects to secure the counting of pensionable service after 5th April 1988 and before 17th May 1990 (not being service which is already the subject of an election to enhance her surviving spouse’s or surviving civil partner’s award), 13th January 2020, or

(h) in the case of a woman who was or is entitled to make an election under paragraph (1) to which sub-paragraphs (e) to (g) apply, who elects to secure the counting of pensionable service before 6th April 1988 (not being service which is already the subject of an election to enhance her surviving spouse’s or surviving civil partner’s award), 13th January 2020.”,

(c) in paragraph (4A)⁽⁶⁾, for “or (f)” substitute “, (f), (g) or (h)”, and

(d) in paragraph (13)(a)⁽⁷⁾, for “or (f)” substitute “, (f), (g) or (h)”.

(1) [S.R. \(N.I.\) 1988/374](#).

(2) Regulation A11(2) was amended by Part 2 of Schedule 2 to [S.R. \(N.I.\) 2006/268](#).

(3) Regulation G6 was inserted by regulation 6 of [S.R. \(N.I.\) 1996/4](#).

(4) In regulation G6, paragraph (1A) was inserted by paragraph 9(b) of Schedule 1 to [S.R. \(N.I.\) 2006/152](#).

(5) In regulation G6(3), sub-paragraphs (c) and (d) were inserted by paragraph 8(3) of Schedule 1 to [S.R. \(N.I.\) 123](#) and sub-paragraphs (e) and (f) were inserted by paragraph 9(c) of Schedule 1 to [S.R. \(N.I.\) 2006/152](#).

(6) In regulation G6, paragraph (4A) was inserted by paragraph 8(4) of Schedule 1 to [S.R. \(N.I.\) 2006/123](#) and amended by paragraph 9(d) of Schedule 1 to [S.R. \(N.I.\) 2006/152](#) and paragraph 24(l) of Schedule 1 to [S.R. \(N.I.\) 2010/348](#).

(7) In regulation G6, paragraph (13) was amended by paragraph 8(7) of Schedule 1 to [S.R. \(N.I.\) 2006/123](#) and paragraph 9(e) of Schedule 1 to [S.R. \(N.I.\) 2006/152](#).

(4) In regulation J1(8) (member with a guaranteed minimum for the purposes of the Social Security Pensions (Northern Ireland) Order 1975)—

- (a) in paragraph (4)—
 - (i) in the words before sub-paragraph (a), omit “that entitlement shall cease if she remarries or has remarried or forms a civil partnership before attaining the age of 60 years and”, and
 - (ii) omit sub-paragraph (b), and the “or” preceding it,
- (b) in paragraph (4A)—
 - (i) in the words before sub-paragraph (a), omit “that entitlement shall cease if he remarries or has remarried or forms a civil partnership before attaining the age of 65 years and”, and
 - (ii) omit sub-paragraph (b), and the “or” preceding it,
- (c) in paragraph (4B)—
 - (i) in the words before sub-paragraph (a)—
 - (aa) after “leaving” insert “a surviving spouse who is the same sex as the member or”,
 - (bb) before “surviving civil partner” insert “surviving spouse or”, and
 - (cc) omit “that entitlement shall cease if he marries, remarries or has married or remarried or forms a civil partnership before attaining the age of 65 years and”, and
 - (ii) omit sub-paragraph (b), and the “or” preceding it,
- (d) in paragraph (5B), before “surviving civil partner” insert “surviving spouse or”, and
- (e) after paragraph (7) insert—

“(8) Regulations 6(1) and (2) and 7(1) to (3) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (effect of, and interpretation of existing legislation in consequence of, extension of marriage to same-sex couples) do not apply to provisions of this regulation other than the provisions substituted by regulation 119(4) of those Regulations.”.

(5) In Schedule C (widow’s awards)—

- (a) in paragraph 1 of Part 1, in sub-paragraph (2A)(9), for “a widower” substitute “the surviving spouse”,
- (b) in paragraph 1 of Part 1, omit sub-paragraphs (2B) and (2C)(10),
- (c) in paragraph 3(11) of Part 1, for “a man or a surviving civil partner of a woman” substitute “a surviving spouse or a surviving civil partner”,
- (d) in paragraph 1 of Part 3, in sub-paragraph (1A)(12), for “a widower” substitute “the surviving spouse”,
- (e) in paragraph 1 of Part 3, omit sub-paragraphs (1B) and (1C)(13),

(8) In regulation J1, relevant amendments were made by regulation 4(2) of S.R. (N.I.) 1990/411 and paragraph 10 of Schedule 1 to S.R. (N.I.) 2006/152.

(9) Paragraph 1(2A) of Part 1 was inserted by regulation 14 of S.R. (N.I.) 1993/327 and a relevant amendment was made by paragraph 14 of Schedule 1 to S.R. (N.I.) 2006/152.

(10) Paragraph 1(2B) and (2C) of Part 1 were inserted by paragraph 14 of Schedule 1 to S.R. (N.I.) 2006/152.

(11) Paragraph 3 of Part 1 was amended by regulation 15 of S.R. (N.I.) 1993/327 and paragraph 14 of Schedule 1 to S.R. (N.I.) 2006/152.

(12) Paragraph 1(1A) of Part 3 was inserted by regulation 15 of S.R. (N.I.) 1993/327 and amended by regulation 9 of S.R. (N.I.) 1996/4 and paragraph 14 of S.R. (N.I.) 2006/152.

(13) Paragraph 1(1B) and (1C) of Part 3 were inserted by paragraph 14 of S.R. (N.I.) 2006/152.

- (f) in paragraph 3 of Part 3, in sub-paragraph (4)(14), for “man or a surviving civil partner of a woman” substitute “surviving spouse or a surviving civil partner”,
- (g) in paragraph 4(15) of Part 4, for “a widower” substitute “the surviving spouse”,
- (h) omit paragraphs 5 and 6(16) of Part 4,
- (i) in paragraph 1(17) of Part 5—
 - (i) in sub-paragraph (a)—
 - (aa) for “a widower” substitute “the surviving spouse”, and
 - (bb) omit “, subject to paragraph 1A,”, and
 - (ii) omit sub-paragraph (b), and the “and” preceding it, and
- (j) omit paragraph 1A(18) of Part 5.

120.—(1) The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006(19) are amended as follows.

(2) In regulation 6(4), for “widower” substitute “surviving spouse”.

(3) In regulation 12—

- (a) in paragraph (1B)(a)(iii)(20) omit the words after “free to marry each other”,
- (b) in paragraph (7), for “to (12)” substitute “to (10)”,
- (c) in paragraph (9), for “paragraphs (10), (11) and (12)” substitute “paragraph (10)”,
- (d) in paragraph (10), for “a widower” substitute “the surviving spouse”, and
- (e) omit paragraphs (11) and (12).

(4) The amendment made by paragraph (3)(a) applies only where the police officer dies on or after 13th January 2020.

(5) In regulation 19(1), for sub-paragraphs (c) and (d) substitute—

“or

- (c) where the police officer was a woman who was married or in a civil partnership, and where her spouse or civil partner was permanently disabled at the time the police officer died, to her surviving spouse or surviving civil partner,”.

(6) In paragraph 2(a) of Schedule 5, for “widower” substitute “surviving spouse”.

Local Government

121.—(1) In the Local Government Pension Scheme (Amendment and Transitional Provision) Regulations (Northern Ireland) 2014(21), regulation 17 (survivor benefits) is amended as follows.

(2) In paragraph (5)—

(14) Paragraph 3(4) of Part 3 was inserted by regulation 15 of [S.R. \(N.I.\) 1993/327](#) and amended by paragraph 14 of [S.R. \(N.I.\) 2006/152](#).

(15) Paragraph 4 of Part 4 was inserted by regulation 16 of [S.R. \(N.I.\) 1993/327](#) and amended by regulation 10 of [S.R. \(N.I.\) 1996/4](#) and paragraph 14 of Schedule 1 to [S.R. \(N.I.\) 2006/152](#).

(16) Paragraphs 5 and 6 of Part 4 were inserted by paragraph 14 of Schedule 1 to [S.R. \(N.I.\) 2006/152](#).

(17) Paragraph 1 of Part 5 was amended by regulation 17 of [S.R. \(N.I.\) 1993/327](#), regulation 11 of [S.R. \(N.I.\) 1996/4](#) and paragraph 14 of Schedule 1 to [S.R. 2006/152](#).

(18) Paragraph 1A of Part 5 was inserted by paragraph 14 of Schedule 1 to [S.R. \(N.I.\) 2006/152](#).

(19) [S.R. \(N.I.\) 2006/268](#).

(20) Regulation 12(1B) was inserted by [S.R. \(N.I.\) 2012/82](#). Amendments have been made to regulation 12(1B) which do not affect sub-paragraph (a)(iii).

(21) [S.R. \(N.I.\) 2014/189](#). Regulation 17 was amended by [S.R. \(N.I.\) 2016/128](#) and [S.R. \(N.I.\) 2019/206](#).

- (a) the words from “the definition of “eligible child”” to the end become sub-paragraph (a), and
- (b) after that sub-paragraph insert—
 - “(b) subject to sub-paragraph (d), any calculation of the survivor benefit payable under the former regulations to a person who is the surviving same-sex civil partner of a member or who is the surviving spouse of a same sex marriage with a member is to be on the basis that the survivor is a widow, irrespective of the sex of the member;
 - (c) any calculation of the survivor pension payable under the former regulations to a person who is a surviving opposite-sex civil partner of a member is to be on the basis that the survivor is a widow or widower, depending on their sex;
 - (d) in respect of a calculation under sub-paragraph (b) where the member left under a scheme to which the 2000 Regulations or the 2002 Regulations apply and died before 1st April 2015, any reference to contracted out membership is to be read as including contracted in membership.”.
- (3) In paragraph (7)—
 - (a) omit sub-paragraph (a),
 - (b) in sub-paragraph (b)—
 - (i) before “survivor” insert “male”, and
 - (ii) omit the “and” at the end, and
 - (c) after sub-paragraph (c) insert—
 - “; and
 - (d) the male survivor of a female—
 - (i) deferred member, or
 - (ii) pensioner member,
 where the survivor was in an opposite-sex civil partnership with the member which was formed after the member’s active membership ceased.”.
- (4) For paragraphs (8) and (9) substitute—
 - “(8) Any calculation of any survivor pension payable under the former regulations is only to take account of membership accrued by that member after 5th April 1978 where—
 - (a) a member enters into a same-sex civil partnership or same-sex marriage after leaving active membership and dies;
 - (b) a male deferred member or pensioner member marries and dies leaving a female survivor; or
 - (c) a male deferred member or pensioner member enters into an opposite-sex civil partnership and dies leaving a female survivor.
 - (9) Despite paragraph (5)(b), for the purposes of paragraphs (6) and (8), membership includes—
 - (a) relevant additional membership that would have counted as membership for the purposes of regulations 44 and 44A of the 2002 Regulations (reduction of some surviving spouses’ and civil partners’ pensions);
 - (b) membership that would have counted under regulation F3, F4 or F5 (spouse pensions in certain cases) of the 2000 Regulations by virtue of regulation F6 (post-retirement marriages) of those Regulations; and

- (c) any membership purchased under regulation 14A of the Benefit Regulations (elections to pay additional contributions: survivor benefits).
- (10) In this regulation—
 - “opposite-sex civil partnership” means a civil partnership formed between two persons who are not of the same sex;
 - “same-sex civil partnership” means a civil partnership formed between two persons who are of the same sex;
 - “surviving opposite-sex civil partner of a member” means a person who, at the time of a member’s death, was in a civil partnership with the member and was of the opposite sex to the member;
 - “surviving same-sex civil partner of a member” means a person who, at the time of a member’s death, was in a civil partnership with the member and was of the same sex as the member;
 - “surviving spouse of a same-sex marriage with a member” means a person who, at the time of a member’s death, was married to the member and was of the same sex as the member.”.

Civil Service

122.—(1) The Principal Civil Service Pension Scheme (Northern Ireland) 1981, made on 20th November 1981⁽²²⁾, is amended as follows.

(2) In Section 1 (the 2002 Section), after rule E1.A insert—

“Marriage of a same-sex couple

E.1B.—(1) In this Section of the Scheme—

- (a) a reference to civil partnership is to be read as including a reference to marriage of a same-sex couple,
- (b) a reference to civil partners is to be read as including a reference to a married same-sex couple,
- (c) a reference to a civil partner is to be read as including a reference to a person who is married to a person of the same sex, and
- (d) a reference to a surviving civil partner is to be read as including a reference to a survivor of a marriage of a same-sex couple.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) Regulation 7(1) to (3) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 do not apply to the interpretation of this Section of the Scheme.

(5) Regulation 6(1) and (2) of those Regulations have effect subject to paragraphs (1) to (4).”.

⁽²²⁾ The Scheme was most recently amended by the Principal Civil Service Pension Scheme (Amendment No.3) Scheme (Northern Ireland) 2014 made on 11th July 2014. The Scheme rules (updated October 2015) are available at: <https://www.finance-ni.gov.uk/articles/scheme-rules>.

(3) In Section 2 (the 1972 Section), in Section 4 (widows' and dependants' benefits), in Part 8 (civil partnership), after rule 4.79 insert—

4.79A. For the purposes of rule 4.79 it does not matter whether the civil servant or the civil servant's surviving civil partner is a man or a woman but a surviving civil partner is only entitled to pension and other benefits payable under the rules of this scheme as they apply to them as either a widow or widower (and not as both).

4.79B. Where rule 4.79 requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

4.79C. For the purposes of rules 4.79, 4.79A and 4.79B it does not matter how a reference is expressed.”.

(4) In Section 2 (the 1972 Section), in Section 4 (widows' and dependants' benefits), after Part 8 insert—

“Part 9: Marriage of a same-sex couple

4.84. In this scheme—

- (i) a reference to civil partnership is to be read as including a reference to marriage of a same-sex couple,
- (ii) a reference to civil partners is to be read as including a reference to a married same-sex couple,
- (iii) a reference to a civil partner is to be read as including a reference to a person who is married to a person of the same sex, and
- (iv) a reference to a surviving civil partner is to be read as including a reference to a survivor of a marriage of a same-sex couple.

4.85. Where rule 4.84 requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

4.86. For the purposes of rules 4.84 and 4.85 it does not matter how a reference is expressed.

4.87. Regulation 7(1) to (3) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 do not apply to the interpretation of this scheme.

4.88. Regulation 6(1) and (2) of those Regulations have effect subject to rules 4.84 to 4.87.”.

(5) In Section 3 (the 2007 Section), after rule F.1 insert—

“F.1A Marriage of a same-sex couple

(1) In this Section—

- (a) a reference to civil partnership is to be read as including a reference to marriage of a same-sex couple,
- (b) a reference to civil partners is to be read as including a reference to a married same-sex couple,
- (c) a reference to a civil partner is to be read as including a reference to a person who is married to a person of the same sex, and
- (d) a reference to a surviving civil partner is to be read as including a reference to a survivor of a marriage of a same-sex couple.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) Regulation 7(1) to (3) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 do not apply to the interpretation of this Section of the Scheme.

(5) Regulation 6(1) and (2) of those Regulations have effect subject to paragraphs (1) to (4).”.

Other public service pension schemes

123.—(1) In this regulation “relevant scheme” means a pension scheme established by one or more instruments made under Northern Ireland legislation by a Department or other public authority and relating to service connected with any of the following public services—

- (a) firefighting, or fire and rescue services, in Northern Ireland;
- (b) health services, or personal social services, in Northern Ireland;
- (c) teaching in Northern Ireland.

(2) Regulations 6(1) and (2) and 7(1) to (3) do not apply to existing provisions of a relevant scheme.

(3) The existing provisions of a relevant scheme are to apply (despite anything to the contrary in those provisions and so far as they do not otherwise do so)—

- (a) in relation to a man who is the surviving civil partner of a female member as they apply in relation to the widower of a female member, and
- (b) in relation to—
 - (i) any other surviving civil partner of a member,
 - (ii) the widower of a male member, or
 - (iii) the widow of a female member,as they apply in relation to the widow of a male member, and
- (c) without taking account of any full gender recognition certificate issued under the Gender Recognition Act 2004 to a member, or a member’s spouse or civil partner, at a time during their marriage or civil partnership.

(4) Power to make or amend a relevant scheme includes power to modify the application of, or disapply, either or both of paragraphs (2) and (3) in relation to the scheme or any provision of the scheme.

(5) In this regulation “existing provisions” means provisions made before 13th January 2020.